



SUMMARY OF 2018 PUBLIC ACTS

Connecticut General Assembly

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NOTICE TO USERS

This publication, *Summary of 2018 Public Acts*, summarizes all public acts passed during the Connecticut General Assembly's January 2018 Special Session and the 2018 Regular Session. Special acts are not summarized.

Use of this Book

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The office strongly discourages using the summaries as a substitute for the public acts. The summaries are meant to be handy reference tools, not substitutes for the text. The public acts are available in public libraries and can be purchased from the secretary of the state. They are also available online from the Connecticut General Assembly's Website (<http://www.cga.ct.gov>).

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.

2018 VETOED ACTS

1. PA 18-35, An Act Prohibiting The Executive Branch From Making Rescissions Or Other Reductions To The Education Cost Sharing Grant During The Fiscal Year (Education Committee)
2. PA 18-80, An Act Extending The Manufacturing Apprenticeship Tax Credit To Pass-Through Entities (Commerce Committee)
3. PA 18-89, An Act Concerning Classroom Safety and Disruptive Behavior (Education Committee)
4. PA 18-119, An Act Concerning Election Day Registration Locations (Government Administration and Elections Committee)
5. PA 18-140, An Act Establishing The State Oversight Council On Children and Families (Committee on Children)
6. PA 18-156, An Act Concerning An Animal Abuse Registry (Judiciary Committee)
7. PA 18-157, An Act Concerning State Contract Assistance Provided To Certain Municipalities (Finance, Revenue and Bonding 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.

PA 17-1, January 2018 Special Session—HB 7601
Emergency Certification

AN ACT CONCERNING ADJUSTMENTS TO THE STATE BUDGET REGARDING THE MEDICARE SAVINGS PROGRAM AND ELIGIBILITY THEREFOR

SUMMARY: This act delays, from January 1, 2018 to July 1, 2018, the Medicare Savings Program (MSP) income eligibility decrease required under the FY 18-19 budget act, thus restoring prior MSP income limits through the end of FY 18.

The act also makes various changes to FY 18 General Fund appropriations, resulting in a net decrease of \$16,210,090. It also eliminates a requirement that the Comptroller, after the accounts for FY 18 are closed, credit \$17,800,000 of unappropriated surplus funds for FY 18 to the General Fund for FY 19 (§ 7).

EFFECTIVE DATE: Upon passage, except for the MSP eligibility decrease, which is effective July 1, 2018.

§§ 1-4 — CHANGES IN FY 18 BUDGET

The act reduces the FY 18 General Fund appropriation for Teachers’ Retirement Contributions by \$19,396,000 and increases the appropriation for Medicaid by \$20,500,000.

It also requires General Fund lapses for FY 18 for (1) reductions to other expenses (\$10,000,000); (2) reductions to state managers and consultants (\$6,000,000); and (3) reductions to reflect savings associated with consolidation of human resource functions into the Department of Administrative Services (\$1,314,090). In order to achieve these savings, the act requires the Office of Policy and Management (OPM) secretary to reduce FY 18 allotments to:

1. executive branch agencies’ other expenses accounts to achieve \$10,000,000 in savings, provided funding for any program funded through such accounts cannot be reduced by more than 10%;
2. executive branch agencies’ personal services and other expenses accounts to reduce state manager and consultant expenses by \$6,000,000; and
3. any budgeted agency’s personal services account to achieve \$1,314,090 in savings associated with consolidation of human resource functions into the Department of Administrative Services.

§§ 5 & 6 — MSP INCOME ELIGIBILITY

The act delays the MSP income eligibility decrease required under PA 17-2, June Special Session, until July 1, 2018, as shown in Table 1. Under prior law, the decreased income limits took effect January 1, 2018; however, in practice, the Department of Social Services delayed their implementation.

Table 1: MSP Income Limits Under the Act

<i>MSP Program Tier</i>	<i>Income Limits Until July 1, 2018</i>		<i>Income Limits Beginning July 1, 2018</i>	
	<i>Income Limit (% FPL)</i>	<i>Annual Income Limit* (Individual)</i>	<i>Income Limit (% FPL)</i>	<i>Annual Income Limit* (Individual)</i>
Qualified Medicare Beneficiary Program (QMB)	Less than 211%	\$25,615	Less than 100%	\$12,140
Specified Low-Income Medicare Beneficiary Program (SLMB)	211% to 231%	\$28,043	100% to 120%	\$14,568
Qualifying Individual (QI)	231% to 246%	\$29,864	120% to 135%	\$16,389

*Income limit calculations are based on 2018 federal poverty level (FPL) values. FPL values change annually

Under federal law, MSP generally consists of three separate program tiers (Qualified Medicare Beneficiary (QMB), Specified Low-Income Medicare Beneficiary (SLMB), and Qualifying Individual (QI)), with applicants at the lowest income levels qualifying for the most benefits. To qualify, individuals must be enrolled in Medicare Part A. Program participants get financial assistance from the state's Medicaid program with their Medicare cost sharing, including premiums and deductibles.

PA 18-1—HB 5592

Emergency Certification

AN ACT WAIVING ANY PENALTIES IMPOSED ON A BOARD OF EDUCATION FOR MAKING REDUCTIONS TO ITS BUDGETED APPROPRIATION FOR EDUCATION AS A RESULT OF CUTS TO ITS EDUCATION COST-SHARING GRANT FOR FISCAL YEAR 2018

SUMMARY: For FY 18, this act sets conditions under which the State Board of Education (SBE) must waive the statutory penalty imposed on municipalities that violate the law prohibiting a town from reducing its budgeted amount for education. The requirement that municipalities budget at least the same amount for education, with some exceptions, that they did in the previous year is referred to as the minimum budget requirement (MBR).

The act applies to any town that budgeted less for education after its FY 18 education equalization aid (i.e., education cost sharing (ECS)) was reduced due to reductions in allotments or withholdings in state assistance authorized by the FY 18-19 budget act (PA 17-2, June Special Session (JSS)).

The act prohibits the FY 18 ECS reductions and withholdings from affecting a town's FY 19 MBR determination.

EFFECTIVE DATE: Upon passage

§ 1 — MBR PENALTY WAIVER

The law prohibits a town from budgeting less for education than it did in the previous FY unless it can demonstrate specific changes within its school district (such as reduced student enrollment).

For FY 18, the act waives the potential forfeiture of some ECS funds for violating the MBR if a town meets the following requirements:

1. the town's FY 18 ECS grant was reduced due to (a) reductions in allotments (i.e., to achieve unallocated budgeted lapses and targeted savings in the General Fund) authorized in PA 17-2, JSS, §§ 13 and 14, or (b) withholdings or reductions in state assistance to help pay for rental rebate assistance (CGS § 12-170f(d), as amended by PA 17-4, JSS, § 25) and
2. the town subsequently reduced its FY 18 budgeted appropriation for education in an amount up to the reduction in its ECS grant.

The act prohibits SBE from (1) determining that such a town failed to meet the MBR and (2) requiring the town to forfeit its ECS grant in an amount equal to two times the reduction, which otherwise is the statutory penalty.

§§ 2 & 3 — FY 19 MBR DETERMINATION

By law, the previous year's ECS aid amount and whether that amount has increased or decreased are considered when determining a town's MBR. Under the act, a town cannot use the reduced aid amount for FY 18 (i.e., the amount after the reductions in allotments and withholdings or reduction in state assistance) when determining its MBR for FY 19.

The act also requires that the FY 18 reductions in ECS allotments and withholdings not be counted when determining a town's FY 19 ECS aid increase or decrease.

PA 18-81—SB 543

Emergency Certification

AN ACT CONCERNING REVISIONS TO THE STATE BUDGET FOR FISCAL YEAR 2019 AND DEFICIENCY APPROPRIATIONS FOR FISCAL YEAR 2018

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§§ 8 & 9 — DEPARTMENT OF SOCIAL SERVICES (DSS) FUNDS CARRIED FORWARD

Carries forward certain unspent DSS funds to FY 19

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Requires the amount appropriated for the state subsidy for retired teachers' health insurance to be paid in two installments

§§ 12 & 70 — CONSERVATION AND LOAD MANAGEMENT (CLM) FUNDS

Requires PURA to authorize disbursements to implement provisions in the FYs 18-19 budget act that transfer \$63.5 million for each year from the CLM funds to the General Fund and decreases the amount transferred for FY 19 by \$10 million

§ 13 — MEDICARE SAVINGS PROGRAM (MSP)

Eliminates a decrease to MSP income limits that, under prior law, would have gone into effect July 1, 2018

§ 14 — PASSPORT TO THE PARKS ACCOUNT EXPENDITURES

Requires DEEP to provide funds from the Passport to the Parks Account to conservation entities in each fiscal year

§§ 15 & 18 — RESERVED AMOUNTS FROM LINE ITEM APPROPRIATIONS

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§ 16 — COMMUNITY COLLEGE FRINGE BENEFITS

Requires the Comptroller to fund the fringe benefit costs of non-General Fund supported community college system employees

§ 17 — YOUTH VIOLENCE INITIATIVE GRANTS

Specifies towns to which the Judicial Department must provide grants in FY 19

§ 19 — FUNDS EARMARKED FOR HURRICANE MARIA ASSISTANCE

Earmarks \$1.5 million in specified appropriations to assist state residents who were displaced by Hurricane Maria

§§ 20-22 — VOLATILITY CAP, BUDGET RESERVE FUND (BRF), AND BOND COVENANT REQUIREMENTS

Requires the volatility cap threshold to be adjusted annually for personal income growth and allows the legislature to amend the threshold under certain circumstances by a supermajority vote; shortens the length of the bond covenant requirement; requires a portion of the income tax revenue diverted to the BRF in FY 18 to be used to pay certain liabilities

§§ 23 & 24 — MOTOR VEHICLE PROPERTY TAX GRANTS

Lists the motor vehicle property tax grant amounts towns and districts will receive in FY 19; changes the grant formula beginning in FY 20; eliminates supplemental grants after FY 18

§ 25 — DEPARTMENT OF HOUSING (DOH) HOMELESS SERVICES GRANTS

Provides grants to specified entities from DOH's FY 19 Housing/Homeless Services appropriation

§ 26 — DSS HISPANIC PROGRAMS

Directs \$127,000 of the FY 19 funds appropriated to DSS to the Spanish Community of Wallingford, Inc.

§§ 27-32 — REVENUE ESTIMATES

Modifies previously adopted revenue estimates for FY 19

§ 33 — PROBATE COURT ADMINISTRATION FUND

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§ 34 — RENTERS' REBATE PROGRAM

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§ 35 — CONNECTICUT TELEVISION NETWORK (CT-N) FUNDING

Increases, from \$1.6 million to \$2.6 million, the amount of funding reserved for CT-N from the gross receipts tax on cable television and other companies

§ 36 — CLAIMS COMMISSIONER CARRYFORWARD

Carries forward unspent funds appropriated to the Department of Administrative Services (DAS) for the claims commissioner and makes them available in FY 19 for the same purpose

§ 37 — REMAINING FY 19 EDUCATION COST SHARING (ECS) AID TO MUNICIPALITIES THAT RECEIVED STUDENTS DISPLACED BY HURRICANE MARIA

Requires that any remaining funds from FY 19 ECS grants be distributed to municipalities whose school districts received students displaced by Hurricane Maria

§§ 38-43 — CITIZENS' ELECTION PROGRAM (CEP) GRANTS

Freezes CEP grants at the 2014 and 2016 amounts for statewide office and legislative candidates, respectively

§§ 44-47 — FY 18 DEFICIENCY APPROPRIATIONS AND REDUCTIONS

Appropriates funds to cover deficiencies in certain agencies and programs in FY 18 and reduces other FY 18 appropriations by the same amount

§ 48 — HUSKY A MEDICAID ELIGIBILITY

Expands Medicaid eligibility for HUSKY A parents and caretakers by raising the income limit from 133% to 150% of the federal poverty level (FPL)

§ 49 — RETIRED STATE EMPLOYEE HEALTH SERVICE CARRYFORWARD

Carries forward \$21.5 million of the FY 18 appropriation to State Comptroller-Fringe Benefits for the Retired State Employees Health Service Cost

§ 50 — COMMUNITY INVESTMENT ACCOUNT

Requires that any reduction in, or transfer from, the funds of the Community Investment Account be applied proportionately to each funded program in FY 19

§ 51 — EXECUTIVE BRANCH REQUIRED SAVINGS FOR FY 19

Requires the OPM secretary to achieve \$7 million in FY 19 General Fund savings through hiring reductions and privatization, while being consistent with the 2017 SEBAC agreement

§ 52 — PER-STUDENT GRANT FOR REGIONAL VOCATIONAL AGRICULTURAL (VO-AG) CENTERS

Increases the state per-student grant for vo-ag centers

§ 53 — AGRICULTURAL SUSTAINABILITY ACCOUNT

Requires \$1 million appropriated to the Department of Agriculture for Dairy Farmer-Agriculture Sustainability for FY 19 to be transferred to the agricultural sustainability account by July 15, 2018

§ 54 — VOLUNTOWN FIRE TRUCK PURCHASE

Requires the DAS commissioner to provide \$250,000 from the facilities surplus property account to Voluntown to purchase a fire truck

§ 55 — HOSPITAL SUPPLEMENTAL MEDICAID PAYMENTS

Requires the aggregate amount of funds in the hospital supplemental pools to total \$166.5 million for FY 20

§ 56 — PANEL TO STUDY RECOMMENDATIONS FROM THE COMMISSION ON FISCAL STABILITY AND ECONOMIC GROWTH

Establishes a seven-member panel to study proposals from the Commission on Fiscal Stability and Economic Growth and make recommendations to the Finance, Revenue and Bonding Committee by January 1, 2019

§ 57 — EFFICIENCY IMPROVEMENTS IN REVENUE COLLECTION AND STATE AGENCY EXPENSE MANAGEMENT

Requires the OPM secretary to issue an RFP for a national consultant to study and make recommendations on improving revenue collection efficiencies and managing state agency expenses

§ 58 — TEACHERS' RETIREMENT SYSTEM (TRS) REFORM STUDY PANEL

Creates a study panel that reports to the Appropriations Committee on proposed TRS reforms

§ 59 — MUNICIPAL VOLUNTEER SERVICES

Prohibits municipal collective bargaining agreements that bar volunteers from providing maintenance services

§§ 60 & 61 — TOBACCO SETTLEMENT FUND (TSF) DISBURSEMENTS

Limits the annual disbursements from the TSF

§§ 62 & 63 — SALES AND USE TAX ON VESSELS, VESSEL MOTORS, AND TRAILERS USED TO TRANSPORT VESSELS

Reduces the sales and use tax on vessels, vessel motors, and trailers used for transporting vessels from 6.35% to 2.99%

§§ 62 & 63 — DIVERSION OF MOTOR VEHICLE SALES AND USE TAX REVENUE TO THE STF

Begins diverting a portion of motor vehicle sales and use tax revenue to the STF earlier, in FY 19 rather than FY 21, and modifies the diversion schedule

§§ 62 & 63 — MUNICIPAL REVENUE SHARING ACCOUNT (MRSA) DIVERSION

Delays the sales and use tax revenue diversion to MRSA until FY 22

§§ 64 & 65 — DYED DIESEL FUEL USED FOR MARINE PURPOSES

Establishes conditions (1) exempting from the motor vehicle fuels tax dyed diesel fuel sold to marine fuel dock owners or operators exclusively for marine purposes and (2) allowing marine fuel dock owners and operators to purchase and sell such tax-exempt fuel

§§ 66-68 — ESTATE AND GIFT TAX

Extends the phase-in of the estate and gift tax threshold to the federal threshold by three years and imposes a marginal rate schedule for gifts and estates over the threshold amount in 2020 through 2022

§ 69 — HUMAN SERVICES PROVIDER COST-OF-LIVING ADJUSTMENT (COLA)

Requires OPM to allocate available FY 19 funds to provide a 1% COLA to certain human services providers

§§ 1-4 — FY 19 APPROPRIATIONS

Modifies FY 19 appropriations in four appropriated funds

The act modifies FY 19 appropriations for state agency operations and programs in four of the state's appropriated funds as shown in Table 1.

Table 1: Changes in FY 19 Net Appropriations by Fund

§	Fund	FY 19 Net Appropriation		
		Prior Law	Act	Increase or (Reduction)
1	General Fund	\$18,790,627,454	\$18,998,154,029	\$207,526,575
2	Special Transportation Fund (STF)	1,628,068,939	1,617,282,343	(10,786,596)
3	Insurance Fund	95,035,932	95,206,162	170,230
4	Tourism Fund	12,644,988	12,894,988	250,000

EFFECTIVE DATE: July 1, 2018

§§ 5-7 & 10 — CHANGES TO BUDGETED LAPSES

Modifies the amounts by which the OPM secretary is authorized to reduce allotments for state agencies and funds in order to achieve specified savings and budgeted lapses; prohibits certain allotment reductions

Reduced or Eliminated Lapses (§§ 5-7)

The FY 18-19 budget act (PA 17-2, June Special Session (JSS)) authorized the Office of Policy and Management (OPM) secretary to reduce allotments in budgeted state agencies and funds in order to achieve specified budget savings (i.e., lapses) in FY 19. This act modifies this authorizing language to reflect the lapses that were reduced or eliminated by this act (§ 1), as shown in Table 2.

Table 2: Changes to FY 19 Budgeted Lapses

§	Lapse	FY 19 Amount	
		Prior Law	Act
5	Labor-Management Savings	\$867,600,000	--
6 (a)	Unallocated Lapse—Executive Branch	45,000,000	\$9,515,570
6 (b)	Unallocated Lapse—Legislative Branch	1,000,000	--
6 (c)	Unallocated Lapse—Judicial Branch	8,000,000	5,000,000
7	Targeted Budget Savings	150,878,179	--

Limitation of OPM's Authority to Reduce Certain Allotments (§ 10)

Notwithstanding any statutory provision or public or special act, the act prohibits the OPM secretary from reducing allotments related to the following programs and services in order to achieve any unallocated lapse in the General Fund for FY 19:

1. municipal aid, including education cost sharing (ECS) grants;
2. mental health and substance abuse services;
3. the Connecticut Children's Medical Center;
4. the Justice Education Center, Inc.;
5. the Connecticut Youth Employment Program;
6. fire training schools; and
7. the Youth Violence Initiative.

EFFECTIVE DATE: July 1, 2018

§§ 8 & 9 — DEPARTMENT OF SOCIAL SERVICES (DSS) FUNDS CARRIED FORWARD

Carries forward certain unspent DSS funds to FY 19

The act carries forward certain unspent funds appropriated to DSS and requires them to be used for the same purpose in FY 19, as shown in Table 3.

Table 3: DSS Funds Carried Forward to FY 19

§	Purpose	Amount
8	Hospital Supplemental Payments	\$299,200,000
9	Medicaid	21,000,000

EFFECTIVE DATE: July 1, 2018

§ 11 — TEACHERS' RETIREMENT SYSTEM SUBSIDY FOR LOCAL HEALTH PLANS

Requires the amount appropriated for the state subsidy for retired teachers' health insurance to be paid in two installments

The Teachers Retirement Board provides a monthly subsidy to local school boards to offset the premiums of retired teachers participating in local plans. By law, the state's General Fund normally pays one-third of the subsidy, and the retired teachers' health insurance account pays two-thirds. (But under PA 17-2, JSS, the state pays only the amount appropriated. This will revert back to one-third of the subsidy in FY 20.)

Beginning with FY 19, the act requires the amount appropriated for this subsidy to be paid in two installments (50% each) due by July 1 and December 1 of each fiscal year.

EFFECTIVE DATE: July 1, 2018

§§ 12 & 70 — CONSERVATION AND LOAD MANAGEMENT (CLM) FUNDS

Requires PURA to authorize disbursements to implement provisions in the FYs 18-19 budget act that transfer \$63.5 million for each year from the CLM funds to the General Fund, and decreases the amount transferred for FY 19 by \$10 million

The prior budget act (PA 17-2, JSS, § 683) transferred \$63.5 million from the CLM funds to the General Fund in each year of the biennium. The act repeals this transfer and instead requires the Public Utilities Regulatory Authority (PURA) to authorize disbursements from the CLM funds of \$63.5 million in FY 18 and \$53.5 million in FY 19 for deposit in the General Fund (i.e., the same amount for FY 18 and \$10 million less for FY 19). The act requires PURA to make the disbursements proportionately based on the funds' receipts.

EFFECTIVE DATE: Upon passage

§ 13 — MEDICARE SAVINGS PROGRAM (MSP)

Eliminates a decrease to MSP income limits that would have gone into effect July 1, 2018 under prior law

The act maintains current MSP eligibility limits by eliminating a decrease in the income limit that would have gone into effect July 1, 2018, under prior law as shown in Table 4. MSP income eligibility limits are based on the federal poverty level (FPL). Income limits calculations shown in the table are based on 2018 FPL values for an individual. FPL values change annually.

Under federal law, MSP generally consists of three separate program tiers (Qualified Medicare Beneficiary (QMB), Specified Low-Income Medicare Beneficiary (SLMB), and Qualifying Individual (QI)), with applicants at the lowest income levels qualifying for the most benefits. To qualify, individuals must be enrolled in Medicare Part A. Program participants get financial assistance from the state's Medicaid program with their Medicare cost sharing, including premiums and deductibles.

Table 4: MSP Income Limits

	<i>Current Income Limits (Maintained Under the Act)</i>		<i>July 1 Decrease (Under Prior Law)</i>	
	<i>Income Limit (% FPL)</i>	<i>Annual Income Limit</i>	<i>Income Limit (% FPL)</i>	<i>Annual Income Limit</i>
QMB	Less than 211%	\$25,615	Less than 100%	\$12,140
SLMB	At or above 211% and less than 231%	\$28,043	At or above 100% and less than 120%	\$14,568
QI	At or above 231% and less than 246%	\$29,864	At or above 120% and less than 135%	\$16,389

EFFECTIVE DATE: July 1, 2018

§ 14 — PASSPORT TO THE PARKS ACCOUNT EXPENDITURES

Requires DEEP to provide funds from the Passport to the Parks Account to conservation entities in each fiscal year

In each fiscal year, beginning with FY 19, the act requires the Department of Energy and Environmental Protection (DEEP) to pay \$100,000 to each of the following entities from the Passport to the Parks account:

1. Connecticut River Coastal Conservation District,
2. Eastern Conservation District,
3. North Central Conservation District,
4. Northwest Conservation District,
5. Southwest Conservation District,
6. Connecticut Environmental Review Team, and
7. Connecticut Council on Water and Soil Conservation.

EFFECTIVE DATE: July 1, 2018

§§ 15 & 18 — RESERVED AMOUNTS FROM LINE ITEM APPROPRIATIONS

Reserves certain amounts from line items in agency budgets

The act reserves certain amounts from line items in agency budgets for various purposes, as shown in Table 5.

Table 5: Reserved Amounts from FY 19 Line Item Appropriations

§	Agency	Appropriation For	Reserved For	Amount
15	State Department of Education (SDE)	Talent Development	Teacher education and mentoring program	\$1,500,000
18	Department of Veterans Affairs	Personal Services	Achieving dual licensure for the Connecticut Veterans Home and Hospital as a chronic disease hospital and a skilled nursing facility by January 1, 2021	2,000,000

EFFECTIVE DATE: July 1, 2018

§ 16 — COMMUNITY COLLEGE FRINGE BENEFITS

Requires the Comptroller to fund the fringe benefit costs of non-General Fund-supported community college system employees

Beginning with FY 19, the act requires the Comptroller to pay up to \$16.2 million of the annual fringe benefit costs for non-General Fund-supported community college system employees, using the resources appropriated for State Comptroller-Fringe Benefits. The act specifies that this provision does not change the fringe benefit support provided from the State Comptroller-Fringe Benefits appropriation to the community college system for General Fund-supported employees.

EFFECTIVE DATE: July 1, 2018

§ 17 — YOUTH VIOLENCE INITIATIVE GRANTS

Specifies towns to which the Judicial Department must provide grants in FY 19

The act requires that the grants awarded by the Judicial Department in FY 19 for the Youth Violence Initiative include grants to Danbury, Meriden, Waterbury, and West Haven.

EFFECTIVE DATE: July 1, 2018

§ 19 — FUNDS EARMARKED FOR HURRICANE MARIA ASSISTANCE

Earmarks \$1.5 million in specified appropriations to assist state residents who were displaced by Hurricane Maria

The act earmarks \$1.5 million in specified appropriations to assist state residents who were displaced by Hurricane Maria, as shown in Table 6.

Table 6: Hurricane Maria Assistance

<i>Agency</i>	<i>Earmarked Appropriation</i>	<i>Purpose</i>
Department of Education	\$400,000 for Bilingual Education	To distribute to the top six school districts with the largest concentration of Hurricane Maria evacuees
Department of Housing	\$600,000 for Housing/Homeless Services	To fund evacuees' security deposits and first month rent
Department of Social Services	\$500,000 for Human Resource Development-Hispanic Programs	\$90,000 to the Hispanic Coalition Inc. in Waterbury \$90,000 to Junta for Progressive Action in New Haven \$90,000 to Family Resource Center in Hartford \$90,000 to Caribe Youth Leaders in Waterbury \$40,000 to Casa Boricua in Meriden \$40,000 to Human Resource Agency of New Britain Inc. in New Britain \$40,000 to YMCA of Greater Hartford, Larson Center \$20,000 to Thames Valley Council for Community Action in New London

EFFECTIVE DATE: July 1, 2018

§§ 20-22 — VOLATILITY CAP, BUDGET RESERVE FUND (BRF), AND BOND COVENANT REQUIREMENTS

Requires the volatility cap threshold to be adjusted annually for personal income growth and allows the legislature to amend the threshold under certain circumstances by a supermajority vote; shortens the length of the bond covenant requirement; requires a portion of the income tax revenue diverted to the BRF in FY 18 to be used to pay certain liabilities

Volatility Cap Threshold (§ 20)

Prior law required the state treasurer to transfer to the BRF the revenue the state received each fiscal year in excess of

\$3.15 billion from personal income tax estimated and final payments (i.e., the income tax revenue generated from taxpayers who make estimated income tax payments on a quarterly basis). This threshold is commonly referred to as the “volatility cap.” Beginning July 1, 2018, the act requires the \$3.15 billion threshold amount to be adjusted annually for personal income growth, based on the compound annual growth rate of state personal income over the preceding five calendar years, using U.S. Bureau of Economic Analysis data.

The act also authorizes the General Assembly to amend the \$3.15 billion threshold by a vote of three-fifths of the members of each house, due to changes in state or federal tax law or policy or significant adjustments to economic growth or tax collections.

Bond Covenant (§ 21)

Existing law expressly requires the state to comply with certain state laws, including the volatility cap, for each fiscal year during which state general obligation (GO) or credit revenue bonds issued from May 15, 2018, to June 30, 2020, are outstanding. The act makes a conforming change to the bond pledge to incorporate the changes to the volatility cap threshold described above.

For GO and credit revenue bonds issued during this timeframe, prior law required the treasurer to include a pledge to bondholders that the state would not enact any laws taking effect from May 15, 2018, to June 30, 2028, that change the state’s obligation to comply with the specified laws until the bonds are fully paid off, unless certain conditions are met. The act shortens this timeframe by five years to June 30, 2023. It also requires the bond pledge to apply for five years, rather than 10 years, from the bonds’ first issuance date.

FY 18 Transfer (§ 22)

The act requires a portion of the income tax revenue diverted to the BRF for FY 18 to be transferred to the retired teachers’ health insurance premium account. Under the act, after the treasurer has made the statutorily required transfer for FY 18, and the comptroller has determined the amount of any deficit for FY 18 and such amount has been deemed appropriated from the excess revenue, the comptroller must transfer \$16.1 million to the retired teachers’ health insurance premium account. The transferred amount must be in addition to any other required contributions or payments to the account.

EFFECTIVE DATE: May 15, 2018, except the FY 18 transfer provision is effective May 14, 2018.

§§ 23 & 24 — MOTOR VEHICLE PROPERTY TAX GRANTS

Lists the motor vehicle property tax grant amounts towns and districts will receive in FY 19; changes the grant formula beginning in FY 20; eliminates supplemental grants after FY 18

Existing law authorizes municipalities and special taxing districts to tax motor vehicles at a different rate than other taxable property and imposes a cap on the mill rate for motor vehicles. By law, the cap is 39 mills in FY 18 and 45 mills in FY 19 and thereafter.

Motor Vehicle Property Tax Grant Calculation

By law, beginning in FY 18, municipalities that impose a mill rate on real and personal property that is greater than the capped motor vehicle mill rate are eligible for grants. Under prior law, the grant equaled the difference between the (1) amount of property taxes a municipality and any tax district located there levied on motor vehicles for the 2013 assessment year and (2) amount of the 2013 levy at the capped rate.

Under the act, the formula does not apply in FY 19, and instead the act lists the grant amounts payable to 12 municipalities and districts (§ 23). Other municipalities and districts will not receive grants. The Office of Policy and Management (OPM) must make these grants by August 1, 2018. Beginning in FY 20, the formula uses 2016 assessment year figures instead of the 2013 assessment year figures.

Supplemental Grants Eliminated After FY 18

The act eliminates supplemental motor vehicle property tax grants after FY 18. Under prior law, beginning in FY 18, certain municipalities that had a mill rate of more than 39 mills in FY 17 could apply annually to OPM for a supplemental grant. To qualify, a municipality must have implemented a real property revaluation in the 2014 or 2015 assessment year

that resulted in at least a four mill increase in the mill rate. OPM could then provide such supplemental grants within available appropriations, provided the grant did not reduce the grants OPM gave to other municipalities.
EFFECTIVE DATE: July 1, 2018

§ 25 — DEPARTMENT OF HOUSING (DOH) HOMELESS SERVICES GRANTS

Provides grants to specified entities from DOH's FY 19 Housing/Homeless Services appropriation

The act requires that up to \$240,000 appropriated to DOH for Housing/Homeless Services for FY 19 be used for (1) a \$150,000 grant to the New London Homeless Hospitality Center and (2) a \$90,000 grant to Noble House operated by CASA, Inc. in Bridgeport.

EFFECTIVE DATE: July 1, 2018

§ 26 — DSS HISPANIC PROGRAMS

Directs \$127,000 of the FY 19 funds appropriated to DSS to the Spanish Community of Wallingford, Inc.

The act requires \$127,000 of the FY 19 amount appropriated for DSS for Human Resources Development-Hispanic Programs to be made available as a grant to the Spanish Community of Wallingford, Inc. for FY 19.

EFFECTIVE DATE: July 1, 2018

§§ 27-32 — REVENUE ESTIMATES

Modifies previously adopted revenue estimates for FY 19

The act modifies revenue estimates for FY 19 that were previously adopted in 2017 as part of the 2018-2019 biennial state budget, as shown in Table 7.

Table 7: Modified FY 19 Revenue Estimates

<i>Fund</i>	<i>Prior Law</i>	<i>Act</i>
General Fund	\$18,908,178,988	\$19,008,730,594
Special Transportation Fund	1,628,100,000	1,620,500,000
Banking Fund	36,200,000	34,000,000
Insurance Fund	92,200,000	95,300,000
Consumer Counsel and Public Utility Control Fund	29,000,000	25,700,000
Workers' Compensation Fund	26,301,633	27,500,000

EFFECTIVE DATE: July 1, 2018

§ 33 — PROBATE COURT ADMINISTRATION FUND

Requires that the Probate Court Administration Fund's balance at the end of FY 18 remain in the fund rather than transfer to the General Fund

Under existing law, if the balance in the Probate Court Administration Fund on June 30 exceeds 15% of its authorized expenditures for the upcoming fiscal year, the excess must be transferred to the General Fund. The act temporarily suspends this provision by requiring that any balance in the Probate Court Administration Fund as of June 30, 2018, remains there.

EFFECTIVE DATE: Upon passage

§ 34 — RENTERS' REBATE PROGRAM

Eliminates the requirement that OPM annually recover a portion of rebate costs from municipalities

This act eliminates the requirement under the Renters' Rebate Program that OPM annually recover from each municipality 50% of the cost of issuing rent rebates, up to \$250,000. It thus shifts responsibility for funding the program

entirely to the state. Prior law required OPM to recover rebate costs by selecting at least one state grant per municipality from which to withhold funds. (The Renters' Rebate Program provides rent and utility reimbursements to older adults or totally disabled renters whose incomes do not exceed certain limits.)

EFFECTIVE DATE: July 1, 2018

§ 35 — CONNECTICUT TELEVISION NETWORK (CT-N) FUNDING

Increases, from \$1.6 million to \$2.6 million, the amount of funding reserved for CT-N from the gross receipts tax on cable television and other companies

The act increases, from \$1.6 million to \$2.6 million, the amount of annual funding reserved for CT-N beginning in FY 18. The funding comes from the gross receipts tax on cable, satellite, and competitive video service companies and is used by the Office of Legislative Management to defray the costs of providing the state with CT-N coverage of state government deliberations and public policy events.

EFFECTIVE DATE: July 1, 2018

§ 36 — CLAIMS COMMISSIONER CARRYFORWARD

Carries forward unspent funds appropriated to the Department of Administrative Services (DAS) for the claims commissioner and makes them available in FY 19 for the same purpose

The act carries forward unspent funds appropriated in FY 18 to DAS for the Office of the Claims Commissioner. It makes the funds available in FY 19 for the same purpose.

EFFECTIVE DATE: July 1, 2018

§ 37 — REMAINING FY 19 EDUCATION COST SHARING (ECS) AID TO MUNICIPALITIES THAT RECEIVED STUDENTS DISPLACED BY HURRICANE MARIA

Requires that any remaining funds from FY 19 ECS grants be distributed to municipalities whose school districts received students displaced by Hurricane Maria

Overriding any statute or public or special act, the act requires that after the distribution of FY 19 ECS grants, any remaining funds be distributed to municipalities whose school districts received students during FY 18 who were displaced by Hurricane Maria. The distribution must be on a per-student basis and determined by the highest number of displaced students enrolled in each such district in any week during FY 18 (within districts, displaced student enrollment fluctuated as families arrived at various times and not all remained).

EFFECTIVE DATE: July 1, 2018

§§ 38-43 — CITIZENS' ELECTION PROGRAM (CEP) GRANTS

Freezes CEP grants at the 2014 and 2016 amounts for statewide office and legislative candidates, respectively

PA 17-2, JSS, eliminated the requirement that the State Elections Enforcement Commission (SEEC) adjust the 2018 election cycle CEP grants for inflation, thus reducing the grants to the original statutory amounts. The act reinstates inflationary adjustments for the 2018 election cycle but freezes the grants at the 2014 and 2016 amounts for statewide office and legislative candidates, respectively.

Under the act, SEEC must immediately adjust the 2018 grant amounts as follows:

1. for statewide office candidates, based on changes in the consumer price index for all urban consumers (CPI-U) from January 1, 2010, to December 31, 2013, and
2. for legislative candidates, based on changes in the CPI-U from January 1, 2008, to December 31, 2015.

EFFECTIVE DATE: Upon passage

§§ 44-47 — FY 18 DEFICIENCY APPROPRIATIONS AND REDUCTIONS

Appropriates funds to cover deficiencies in certain agencies and programs in FY 18, and reduces other FY 18 appropriations by the same amount

The act appropriates \$25.555 million from the General Fund and \$37.2 million from the Special Transportation Fund to cover deficiencies in various state agencies and programs for FY 18, as shown in Table 8. These appropriations are offset by reductions in appropriations to these funds in the same amount, as shown in Table 9.

Table 8: General Fund and STF Appropriations for FY 18 Agency Deficiencies

<i>Agency</i>	<i>Purpose</i>	<i>Amount</i>
General Fund		
Division of Criminal Justice	Personal Services	\$335,000
Department of Energy and Environmental Protection	Environmental Conservation	1,800,000
Office of the Chief Medical Examiner	Personal Services	170,000
Department of Developmental Services	Personal Services	4,000,000
	Other Expenses	1,500,000
Department of Mental Health and Addiction Services	Other Expenses	2,000,000
Connecticut State Colleges and Universities	Workers' Compensation Claims	250,000
Department of Correction	Personal Services	2,900,000
	Other Expenses	1,600,000
Department of Children and Families	Personal Services	5,400,000
	Substance Abuse Treatment	3,800,000
Workers' Compensation Claims – Administrative Services	Workers' Compensation Claims	1,800,000
TOTAL		25,555,000
Special Transportation Fund		
Department of Transportation	Personal Services	10,800,000
	Rail Operations	22,800,000
State Comptroller – Fringe Benefits	State Employees Health Service Cost	3,600,000
TOTAL		37,200,000

Table 9: FY 18 General Fund and STF Appropriation Reductions

<i>Agency</i>	<i>Purpose</i>	<i>Amount</i>
General Fund		
State Comptroller – Fringe Benefits	Retired State Employees Health Service Cost	\$25,555,000
TOTAL		25,555,000
Special Transportation Fund		
Department of Motor Vehicles	Personal Services	2,000,000
Debt Service – State Treasurer	Debt Service	31,400,000
State Comptroller – Fringe Benefits	State Employees Retirement Contributions	3,800,000
TOTAL		37,200,000

EFFECTIVE DATE: Upon passage

§ 48 — HUSKY A MEDICAID ELIGIBILITY

Expands Medicaid eligibility for HUSKY A parents and caretakers by raising the income limit from 133% to 150% of the federal poverty level (FPL)

By law, DSS provides Medicaid coverage to children under age 19 and their parents or caretaker relatives through HUSKY A. Under prior law, the income limit for parents and caretakers in this program was 133% FPL (e.g., \$27,637 for a family of three for 2018). The act expands HUSKY A eligibility by raising the income limit for non-pregnant adults (i.e., parents or caretaker relatives) to 150% FPL (e.g., \$31,170 for a family of three for 2018).

However, federal law requires state agencies to include a 5% income disregard when making certain Medicaid eligibility determinations. Thus, including this disregard, the act increases the HUSKY A income limit for parents and caretaker relatives from 138% to 155% FPL (\$32,209 for a family of three for 2018).

EFFECTIVE DATE: July 1, 2018

§ 49 — RETIRED STATE EMPLOYEE HEALTH SERVICE CARRYFORWARD

Carries forward \$21.5 million of the FY 18 appropriation to State Comptroller-Fringe Benefits for the Retired State Employees Health Service Cost

The act carries forward \$21.5 million of the FY 18 appropriation to State Comptroller-Fringe Benefits for the Retired State Employees Health Service Cost. It does so by specifying that the amount must not lapse and instead must continue to be available for the same purpose during FY 19.

EFFECTIVE DATE: July 1, 2018

§ 50 — COMMUNITY INVESTMENT ACCOUNT

Requires that any reduction in, or transfer from, the funds of the Community Investment Account be applied proportionately to each funded program in FY 19

The act requires that any reduction in, or transfer from, the funds of the Community Investment Account be applied proportionately to each of its funded programs in FY 19.

EFFECTIVE DATE: July 1, 2018

§ 51 — EXECUTIVE BRANCH REQUIRED SAVINGS FOR FY 19

Requires the OPM secretary to achieve \$7 million in FY 19 General Fund savings through hiring reductions and privatization while being consistent with the 2017 SEBAC agreement

The act requires the OPM secretary to reduce allotments to any budgeted executive branch agency in order to achieve \$7 million in General Fund savings for FY 19. He must do this by reducing hiring and accelerating efforts to privatize current state services while following job security and layoff provisions of the state's 2017 ratified agreement with SEBAC (State Employees Bargaining Agent Coalition) (see BACKGROUND).

EFFECTIVE DATE: July 1, 2018

BACKGROUND

SEBAC Job Security and Layoff Provisions

Under the SEBAC agreement dated June 25, 2017, job security generally includes no loss of employment from July 1, 2017 through June 30, 2021 for any covered unionized employee hired before July 1, 2017, including loss of employment due to programmatic changes (those hired after July 1, 2017 do not have the protection).

Under the agreement, the job security provisions do not cover (1) working test periods; (2) natural expirations of fixed appointment terms; (3) expirations of temporary, durational, or special appointments; (4) non-renewal of non-tenured employees, unless non-tenured employees have permanent status; (5) terminations of grants or other outside funding for positions; and (6) part-time employees who are not eligible for health insurance.

Finally, the job security provisions do not prevent the state from restructuring or eliminating positions as long as those affected may bump or transfer to another comparable job under the terms of the agreement.

§ 52 — PER-STUDENT GRANT FOR REGIONAL VOCATIONAL AGRICULTURAL (VO-AG) CENTERS

Increases the state per-student grant for vo-ag centers

The act increases the annual state grant for each student enrolled in a vo-ag center from \$3,200 to \$4,200. As under existing law, the grants are within available appropriations. The students receive agricultural education from the centers and regular comprehensive education from the high school where the vo-ag center is located or in their home district.

EFFECTIVE DATE: July 1, 2018

§ 53 — AGRICULTURAL SUSTAINABILITY ACCOUNT

Requires \$1 million appropriated to the Department of Agriculture for Dairy Farmer-Agriculture Sustainability for FY 19 to be transferred to the agricultural sustainability account by July 15, 2018

The act requires \$1 million appropriated to the Department of Agriculture for Dairy Farmer-Agriculture Sustainability for FY 19 to be transferred to the agricultural sustainability account by July 15, 2018.

The agricultural sustainability account is a separate, nonlapsing General Fund account used by the agriculture commissioner to provide grants to dairy farmers when milk prices fall below the level needed to sustain dairy operations (i.e., the minimum sustainable monthly production cost) (CGS §§ 4-66c & 22-265b). (The act makes an inaccurate reference to CGS § 4-66c.)

EFFECTIVE DATE: Upon passage

§ 54 — VOLUNTOWN FIRE TRUCK PURCHASE

Requires the DAS commissioner to provide \$250,000 from the facilities surplus property account to Voluntown to purchase a fire truck

By July 31, 2018, the act requires the Department of Administrative Services commissioner to provide \$250,000 from the facilities surplus property account to the town of Voluntown for the purchase of a fire truck for use on municipal and state-owned land.

EFFECTIVE DATE: July 1, 2018

§ 55 — HOSPITAL SUPPLEMENTAL MEDICAID PAYMENTS

Requires the aggregate amount of funds in the hospital supplemental pools to total \$166.5 million for FY 20

Generally, “supplemental pools” refer to hospitals grouped for purposes of receiving supplemental Medicaid payments. Under existing law, the amount of funds in the supplemental pools must total, in the aggregate, \$598,440,138 for FY 18 and \$496,340,138 for FY 19.

Under the act, for FY 20, the amount of funds in the supplemental pools must total, in the aggregate, \$166,500,000.

Under federal law, changes to Medicaid payments are generally subject to the Centers for Medicare and Medicaid Services’ (CMS) approval.

EFFECTIVE DATE: July 1, 2018

§ 56 — PANEL TO STUDY RECOMMENDATIONS FROM THE COMMISSION ON FISCAL STABILITY AND ECONOMIC GROWTH

Establishes a seven-member panel to study proposals from the Commission on Fiscal Stability and Economic Growth and make recommendations to the Finance, Revenue and Bonding Committee by January 1, 2019

The act establishes a seven-member panel to study proposals from the Commission on Fiscal Stability and Economic Growth about rebalancing state taxes to better stimulate economic growth without raising net new taxes. It requires the panel’s study to (1) include a review of options for expanding municipal revenue sources and methods to broaden the sales and use tax base and (2) consider the work of the commission and the 2015 State Tax Panel.

Under the act, the panel’s members consist of (1) members who either served on the commission or the State Tax Panel, one appointed by each of the top six legislative leaders, and (2) the revenue services commissioner, who serves as an ex-officio, nonvoting member. Appointing authorities must (1) make their appointments by June 14, 2018, and (2) fill any vacancy on the panel.

The panel’s co-chairpersons must be selected from among its members, one jointly selected by the House speaker and Senate president and another by the House minority leader and Republican Senate president pro tempore. The co-chairpersons must schedule the panel’s first meeting, which must be held on or before July 14, 2018. The Finance, Revenue and Bonding Committee’s administrative staff serves as the panel’s administrative staff.

The panel may consult with any individuals or entities its members deem appropriate or necessary and may ask the OPM secretary to hire a consultant or consultants to help it conduct the study.

The act requires the panel to submit its findings and recommendations to the Finance, Revenue and Bonding Committee by January 1, 2019. The panel terminates on the date it submits the report or January 1, 2019, whichever is later.

EFFECTIVE DATE: Upon passage

§ 57 — EFFICIENCY IMPROVEMENTS IN REVENUE COLLECTION AND STATE AGENCY EXPENSE MANAGEMENT

Requires the OPM secretary to issue an RFP for a national consultant to study and make recommendations on improving revenue collection efficiencies and managing state agency expenses

The act requires the OPM secretary to develop and issue by July 1, 2018, a request for proposals (RFP) to hire a national consultant to study and make recommendations on improving revenue collection efficiencies and managing state agency expenses.

The act requires the consultant to make recommendations that will (1) result in at least \$500 million in savings and (2) not adversely impact the quality of state programs or social services program benefits.

The act requires the OPM secretary to consult with the former members of the Commission on Fiscal Stability and Economic Growth on the study's scope and update them on its progress. By February 1, 2019, the consultant must report its findings and recommendations to the Appropriations and Finance, Revenue and Bonding committees.

EFFECTIVE DATE: Upon passage

§ 58 — TEACHERS' RETIREMENT SYSTEM (TRS) REFORM STUDY PANEL

Creates a study panel that reports to the Appropriations Committee on proposed TRS reforms

The act establishes a six-member panel to study TRS reforms proposed by the Commission on Fiscal Stability and Economic Growth. The panel must report the results, which may include recommendations to reform the TRS and related enacting legislation, to the Appropriations Committee by January 1, 2019.

The act requires the study to include at a minimum consideration of the following commission recommendations for TRS reform:

1. a 30-year contribution of state lottery net proceeds to the Teachers' Retirement Fund to pay down its unfunded liabilities,
2. re-amortization of remaining fund liabilities in 2025 after securing an asset or cash to satisfy the financial obligation of current bonds, and
3. the creation of a hybrid defined benefit/defined contribution plan for new teachers with risk sharing on investment returns.

The following legislative leaders each appoint one member to the panel: House speaker, House majority leader, House minority leader, Senate president pro tempore, Republican Senate president pro tempore, and Senate majority leader.

The act requires:

1. each appointee to be an expert in either public pensions, finance, bonding, defined benefit plans or defined contribution plans;
2. all appointments to be made no later than 30 days after the act's passage; and
3. any vacancy to be filled by the appointing authority.

From among the panel's members, the House speaker and the Senate president pro tempore jointly select a co-chairperson, and the House minority leader and the Republican Senate president pro tempore jointly select the other co-chairperson. The co-chairpersons must schedule the panel's first meeting, which must be held no later than July 14, 2018.

The administrative staff of the Appropriations Committee serves as the panel's administrative staff.

EFFECTIVE DATE: Upon passage

§ 59 — MUNICIPAL VOLUNTEER SERVICES

Prohibits municipal collective bargaining agreements that bar volunteers from providing maintenance services

The act prohibits a municipality from entering into a municipal employee collective bargaining agreement that limits its ability to accept volunteer building and grounds maintenance services, provided there is no impact on the employees' wages or working conditions. The prohibition applies to agreements entered into on or after July 1, 2018.

EFFECTIVE DATE: July 1, 2018

§§ 60 & 61 — TOBACCO SETTLEMENT FUND (TSF) DISBURSEMENTS

Limits the annual disbursements from the TSF

Beginning in FY 18, the act limits the annual transfer from the TSF to the amount identified as “Transfer from Tobacco Settlement Fund” in the General Fund revenue schedule adopted by the General Assembly. In doing so, it eliminates the required disbursements shown in Table 10. It also makes a conforming change.

Table 10: Annual TSF Disbursements Eliminated

<i>To</i>	<i>Amount</i>	
	<i>FYs 18 and 19</i>	<i>FYs 20 and Thereafter</i>
General Fund	\$4 million	\$4 million
Tobacco Health and Trust Fund	Any remainder in the TSF	\$6 million + any remainder in the TSF
Smart Start Competitive Operating Grant Account	N/A	\$10 million (for FYs 20-25)

EFFECTIVE DATE: Upon passage

§§ 62 & 63 — SALES AND USE TAX ON VESSELS, VESSEL MOTORS, AND TRAILERS USED TO TRANSPORT VESSELS

Reduces the sales and use tax on vessels, vessel motors, and trailers used for transporting vessels from 6.35% to 2.99%

The act reduces the sales and use tax on vessels (i.e., boats), vessel motors, and trailers used for transporting vessels from 6.35% to 2.99%. By law, unchanged by the act, vessels docked in Connecticut for 60 days or less in a given year are exempt from the tax.

EFFECTIVE DATE: July 1, 2018, and applicable to sales occurring on or after July 1, 2018.

§§ 62 & 63 — DIVERSION OF MOTOR VEHICLE SALES AND USE TAX REVENUE TO THE STF

Begins diverting a portion of motor vehicle sales and use tax revenue to the STF earlier, in FY 19 rather than FY 21, and modifies the diversion schedule

Prior law phased in over five years a diversion of motor vehicle sales and use tax revenue to the STF, according to a specified schedule that began in FY 21. The act begins diverting a portion of this revenue earlier, in FY 19, and modifies the diversion schedule. Table 11 compares the amount of the diversion under prior law and under the act.

As under existing law, the revenue diversion applies to revenue from motor vehicle sales subject to the 6.35% rate or 7.75% luxury tax rate (generally for those costing more than \$50,000).

Table 11: Schedule of Motor Vehicle Sales and Use Tax Diversion to STF

<i>Fiscal Year</i>	<i>% of Revenue Diverted to STF</i>	
	<i>Prior Law</i>	<i>Act</i>
19	--	8
20	--	33
21	20	56
22	40	75
23	60	100
24	80	100
25 and thereafter	100	100

EFFECTIVE DATE: July 1, 2018

§§ 62 & 63 — MUNICIPAL REVENUE SHARING ACCOUNT (MRSA) DIVERSION

Delays the sales and use tax revenue diversion to MRSA until FY 22

The act delays the sales and use tax revenue diversion to MRSA until FY 22.

The FY 18-19 budget suspended the diversion of sales tax revenue to MRSA for FYs 18 and 19, but retained the corresponding use tax diversion to the account. The act instead aligns the two provisions by suspending both the sales and use tax diversion for FYs 18 through 21.

EFFECTIVE DATE: July 1, 2018, and applicable to sales occurring on or after July 1, 2018.

§§ 64 & 65 — DYED DIESEL FUEL USED FOR MARINE PURPOSES

Establishes conditions (1) exempting from the motor vehicle fuels tax dyed diesel fuel sold to marine fuel dock owners or operators exclusively for marine purposes and (2) allowing marine fuel dock owners and operators to purchase and sell such tax-exempt fuel

The act establishes conditions (1) exempting dyed diesel fuel sold to marine fuel dock owners or operators exclusively for marine purposes from the motor vehicle fuels tax and (2) allowing marine fuel dock owners and operators to purchase and sell such tax-exempt fuel. Federal law exempts diesel fuel used for certain non-highway purposes (including marine purposes) from federal fuel taxes and requires exempt diesel fuel to be dyed red so it can be identified. Existing state law authorizes taxpayers to claim a refund for motor vehicle fuels taxes paid on such fuel if they purchased at least 200 gallons of it; taxpayers who receive a refund of the motor fuel tax must pay sales tax on the fuel (CGS §§ 12-459 & 12-412(15)).

Under the act, the exemption for dyed diesel fuel applies when it is sold to marine fuel dock owners or operators exclusively for marine purposes, provided (1) it is delivered to a tank in which fuel is kept exclusively for marine purposes and (2) the owner or operator submits to the fuel distributor a statement that the fuel is used as such. The statement must be in a form prescribed by the Department of Revenue Services (DRS) commissioner and contain a notice that false statements are punishable. By law, unchanged by the act, fuel sold for any use other than motor vehicle use on which motor vehicle fuels tax has not been paid is subject to state sales tax (CGS § 12-412(15)).

The act authorizes the DRS commissioner to license marine fuel dock owners and operators to purchase and sell such tax-exempt fuel, as long as the owner or operator can properly control its sale, through meters, pumps, or other dispensing devices, directly into vessel or vessel motor fuel tanks. Under the act, the owners and operators must keep and maintain, for at least three years, proper accounting records of their (1) purchases from distributors; (2) sales invoices to purchasers (including the purchaser's signature and the serviced vessel's registration number); and (3) inventory on the first day of each month.

The DRS commissioner must audit the records at regular intervals. Any discrepancies for which a satisfactory explanation cannot be submitted are subject to tax. The commissioner may revoke a license if the owner or operator fails to properly control and safeguard the state from the fuel being diverted to uses other than for marine purposes.

The act requires dyed diesel fuel distributors to report monthly to the DRS commissioner on the number of gallons of dyed diesel fuel they sold or used during the preceding calendar month and any additional information specified by the commissioner. They must do so by the 25th day of each month on forms the commissioner prescribes.

EFFECTIVE DATE: July 1, 2018; the exemption is applicable to sales occurring on or after that date.

§§ 66-68 — ESTATE AND GIFT TAX

Extends the phase-in of the estate and gift tax threshold to the federal threshold by three years and imposes a marginal rate schedule for gifts and estates over the threshold amount in 2020 through 2022

The act extends the phase-in of the estate and gift tax threshold to the federal threshold by three years. The federal Tax Cuts and Jobs Act of 2017 doubled the federal threshold (to approximately \$11 million in 2018, after adjusting for inflation).

Under prior law, the estate and gift tax threshold was scheduled to increase over three years: from \$2.6 million in 2018, to \$3.6 million in 2019, and to the federal basic exclusion amount in 2020 and thereafter. PA 18-49, §§ 14-18, sets the estate and gift tax threshold at \$5.49 million beginning in 2020. This act instead extends the phase-in to 2023 by setting the gift and estate tax threshold at \$5.1 million for 2020, \$7.1 million for 2021, \$9.1 million for 2022, and the federal basic exclusion amount for 2023 and thereafter, as shown in Tables 12 and 13.

Under prior law, a single tax rate applied to the excess over the federal threshold beginning in 2020. The act instead imposes a marginal rate schedule for gifts and estates over the threshold in 2020 through 2022, as shown in Table 12.

Table 12: Estate and Gift Tax Rates, 2020 to 2022

<i>Value of Taxable Estate or Gift</i>	<i>Rates</i>			
	<i>Prior Law</i>	<i>Act (Marginal Rates)</i>		
		<i>2020 and after</i>	<i>2020</i>	<i>2021</i>
Up to \$5,100,000	None	None	None	None
\$5,100,001 to federal threshold		10%		
Federal threshold to \$6,100,000		10% of the excess over the federal threshold		
\$6,100,001 to \$7,100,000	10.4% of such excess	10.4%		
\$7,100,001 to \$8,100,000	10.8% of such excess	10.8%	10.8%	
\$8,100,001 to \$9,100,000	11.2% of such excess	11.2%	11.2%	
\$9,100,001 to \$10,100,000	11.6% of such excess	11.6%	11.6%	11.6%
Over \$10,100,000	12% of such excess	12%	12%	12%

Table 13: Estate and Gift Tax Rates Under the Act, 2023 and Thereafter

<i>Value of Taxable Estate and Gift</i>	<i>Rate for 2023 and Thereafter</i>
Up to federal threshold	None
Over federal threshold	12% of the excess over the federal threshold

The act makes conforming changes to requirements for filing tax returns with the Department of Revenue Services (DRS) and the probate court. By law, all estates, regardless of their gross value, must file an estate tax return. If the estate's value is more than the taxable threshold, the executor must file the return with DRS with a copy to the probate court for the district where the decedent lived or, if the decedent was not a Connecticut resident, where the Connecticut property is located. If the estate's value is below the tax threshold, the return must be filed only with the appropriate probate court. The probate judge must review the return and issue a written opinion to the estate's representative if the judge determines it is not subject to the estate tax.

Under prior law, for deaths on or after January 1, 2020, the threshold for filing an estate tax return only with the probate court was the federal estate tax threshold. The act instead sets the threshold at:

1. \$5.1 million for deaths in 2020;
2. \$7.1 million for deaths in 2021;
3. \$9.1 million for deaths in 2022; and
4. the federal threshold for deaths on or after January 1, 2023.

The act also makes a technical correction.

EFFECTIVE DATE: Upon passage

§ 69 — HUMAN SERVICES PROVIDER COST-OF-LIVING ADJUSTMENT (COLA)

Requires OPM to allocate available FY 19 funds to provide a 1% COLA to certain human services providers

The act requires the OPM secretary to allocate available FY 19 funds to provide a 1% COLA to employees who provide state-administered human services. The act allows the secretary to reduce rates for any providers that receive such funds but fail to provide their employees with such adjustment.

For these purposes, an "employee" is any privately employed person who provides state-administered human services, including any person in a contractual arrangement with a human services provider who is not directly employed by such provider (e.g., a subcontractor). "State-administered human services" are services that:

1. are administered by the departments of Correction, Housing, Public Health, Social Services, Children and Families, Rehabilitation Services, or Mental Health and Addiction Services; the Office of Early Childhood; or the Judicial Department and
2. involve direct care of or services for eligible persons, including medical services; mental health and addiction treatment; nutrition and housing assistance; and services for children.

EFFECTIVE DATE: Upon passage

PA 18-6—sSB 309

Aging Committee

AN ACT ALIGNING THE OFFICE OF THE LONG-TERM CARE OMBUDSMAN WITH THE OLDER AMERICANS ACT

SUMMARY: This act transfers the Office of the Long-Term Care Ombudsman (OLTCO) from the Office of Policy and Management (OPM) to the Department of Rehabilitation Services (DORS). It also makes various changes to OLTCO to comply with federal Older Americans Act regulations (see BACKGROUND), including:

1. specifying that the office serves all long-term care facility residents, regardless of age, by removing statutory references to older adults;
2. expanding the state ombudsman's duties to include developing policies and procedures for documenting and communicating informed consent in resident complaint cases;
3. expanding conflict of interest provisions by requiring DORS to ensure that the state ombudsman was not an employee or participant in the management of a long-term care facility in the 12 months before becoming the ombudsman;
4. specifying that the office's activities do not constitute lobbying under federal law;
5. adding to the conditions under which the state ombudsman may remove a resident advocate from his or her position; and
6. making minor changes to provisions granting the office access to residents' medical and social records when investigating a complaint.

The act also (1) repeals an OLTCO home and community-based pilot program in Hartford County and (2) makes minor, technical, and conforming changes.

EFFECTIVE DATE: Upon passage

§§ 1 & 3 — OBTAINING INFORMED CONSENT FOR RESIDENT COMPLAINT CASES

The act expands the state ombudsman's duties to include developing policies and procedures for communicating and documenting informed consent in resident complaint cases (presumably, the resident's consent). These policies and procedures must include the use of (1) auxiliary aids and services or (2) a resident representative.

Under the act, a "resident representative" is a person who is:

1. authorized by law to act on the resident's behalf to support the resident in making decisions; accessing his or her medical, social, or other personal information; managing financial matters; or receiving notifications;
2. chosen by the resident to perform these functions on his or her behalf; or
3. the resident's legal representative, court-appointed guardian, or conservator.

§ 11 — CONFLICT OF INTEREST

Prior law required OPM to make certain the state ombudsman did not have any conflicts of interest by, among other things, ensuring that the ombudsman was not employed by, or participating in, the management of a long-term care facility. The act transfers this responsibility from OPM to DORS and also requires the department to ensure that the state ombudsman has not engaged in such employment or management in the 12 months before becoming the ombudsman.

§ 2 — RESIDENT ADVOCATES

The act authorizes the state ombudsman to remove a resident advocate for failing to comply with specified requirements of the position. Existing law already allows the state ombudsman to take such action if she finds a resident advocate is guilty of misconduct, material neglect of duty, or incompetence in the conduct of the office.

By law, the state ombudsman appoints, in consultation with regional ombudsmen, residents' advocates in sufficient number to serve each region's long-term care facilities. Residents' advocates are volunteers with demonstrated interest in elderly care.

§ 7 — ACCESS TO RECORDS

Under prior law, the state ombudsman and her representatives could access a resident's medical and social records without the consent of the resident or resident's legal representative if it was necessary to investigate a complaint and (1) the resident's legal guardian refused to give permission, (2) an office representative had reasonable cause to believe the

legal guardian was not acting in the resident's best interest, and (3) the office representative obtained the ombudsman's approval. The act replaces references to "legal guardian" with "resident representative" to conform to federal regulations.

BACKGROUND

Recent Federal Regulations

The federal Older Americans Act requires each state to have a long-term care ombudsman program (LTCOP) led by a full-time state ombudsman who directs the program statewide. In 2015, the federal Administration for Community Services issued a final rule that took effect in 2016. The rule addresses, among other things, the (1) responsibilities of state ombudsmen and their representatives; (2) responsibilities of the state agencies that house long-term care ombudsman offices; (3) criteria for establishing consistent, person-centered approaches to resolving resident complaints; and (4) processes for identifying and remedying conflicts of interest within LTCOPs (45 C.F.R. 1321 & 1327).

Related Act

PA 18-169 also transfers the OLTCO from OPM to DORS.

PA 18-38—sSB 150

Aging Committee

AN ACT PROVIDING PROTECTIONS FOR CONSUMERS APPLYING FOR REVERSE MORTGAGES

SUMMARY: This act expands the counseling and certification requirements for reverse annuity mortgages, a type of mortgage that allows homeowners to convert accumulated home equity into liquid assets.

The act establishes counseling requirements that must be met before any entity, including a state or federally chartered bank or credit union, may (1) accept a final and complete reverse annuity mortgage loan application or (2) assess any fees for such a mortgage.

It also (1) requires reverse mortgage lenders to receive and store a signed certification from the borrower or his or her authorized representative stating that the counseling requirements were met and (2) prohibits a reverse mortgage lender, originator, or loan servicer from compensating counseling agencies.

The act makes any violation of its counseling and certification provisions a violation of the state's unfair trade practices law, subjecting violators to, among other things, civil penalties up to \$25,000.

EFFECTIVE DATE: October 1, 2018

COUNSELING AND CERTIFICATION REQUIREMENTS

The act requires reverse mortgage lenders to:

1. inform prospective applicants of the counseling requirements and provide them with a list of independent housing counseling agencies and intermediaries approved by the U.S. Department of Housing and Urban Development (HUD) to provide counseling in accordance with federal law (see BACKGROUND);
2. receive a signed certification from the prospective applicant or his or her authorized representative that the applicant or representative received counseling in-person or by telephone from a HUD-approved agency; and
3. keep the signed certification in an accurate, reproducible, and accessible format for the term of the loan.

Under the act, the counseling certification must include the counseling date and the name, address, telephone number, and signature of the prospective applicant or his or her representative and the reverse mortgage counselor.

BACKGROUND

Related Federal Laws

Federal regulation requires HUD to establish and maintain a list of reverse mortgage counselors. The counselors must meet specified qualification standards and follow uniform counseling protocols (24 C.F.R. § 206.300, et seq.). Under federal law, qualified reverse mortgage counselors must discuss certain information with prospective mortgagors, including:

1. other options available to the homeowner;

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2. the financial implications of entering into a reverse mortgage;
 3. disclosure that a reverse mortgage may have tax consequences, affect eligibility for assistance under federal and state programs, and have an impact on the homeowner's estate and heirs; and
 4. the requirement that a non-borrowing spouse obtain ownership of the property or other legal right to remain in the house after the death of the last surviving mortgagor (12 U.S.C. § 1715z-20(f) and HUD Mortgagee Letter 2014-07).

Connecticut Unfair Trade Practices Act (CUTPA)

The law prohibits businesses from engaging in unfair and deceptive acts or practices. CUTPA 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 \$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 18-53—SB 391

Banking Committee

AN ACT ELIMINATING THE REQUIREMENT THAT A MORTGAGOR REPRESENTED BY COUNSEL ATTEND THE FIRST FORECLOSURE MEDIATION SESSION IN PERSON

SUMMARY: This act eliminates the requirement that a mortgagor (i.e., debtor) participating in the state’s foreclosure mediation program who is represented by counsel attend the first mediation session in person. (PA 16-65 eliminated this requirement for residential mortgage foreclosures with a return date from July 1, 2008 to June 30, 2009.)

The foreclosure mediation program is available to (1) owner-occupants of a one- to four-family residential real property who use it as their primary residence and (2) religious organizations. The property must be located in Connecticut, and the owner-occupant must be either the borrower under a mortgage on the property or a permitted successor-in-interest (i.e., a spouse or former spouse who, among other things, has title to the property due to events such as divorce, legal separation, property settlement, or the borrower’s death).

The program, which seeks to avoid, expedite, or facilitate foreclosure, brings together judicial branch mediators; lenders; and borrowers or owner-occupants, as applicable. If an eligible borrower or owner-occupant files an appearance and requests mediation, the lender must participate. By law, the program ends on June 30, 2019 (CGS § 49-31).

EFFECTIVE DATE: October 1, 2018

PA 18-90—sSB 472

Banking Committee

AN ACT CONCERNING SECURITY FREEZES ON CREDIT REPORTS, IDENTITY THEFT PREVENTION SERVICES AND REGULATIONS OF CREDIT RATING AGENCIES

SUMMARY: This act prohibits credit rating agencies from (1) charging a fee to place, remove, or temporarily lift a credit security freeze and (2) requiring, as a condition of placing the freeze, a consumer to enter into an agreement limiting claims he or she may have against the agency. By law, a “security freeze” is a notice placed in a consumer’s credit report, at the consumer’s request, that bars a credit rating agency from releasing the report, or any information in it, without the consumer’s express authorization (CGS § 36a-701).

The act also requires that agencies place or remove the freezes as soon as practicable after receiving a request, but no later than the existing statutory deadline. By law, the deadline for (1) placing a security freeze, including for a minor child, is five business days after receipt of the request and (2) removing a security freeze is three business days after receipt of the request.

The act prohibits credit rating agencies from charging fees for any personal identification numbers (PINs), instead of prohibiting fees for first-time replacement PINs only, as under prior law.

The act increases, from 12 to 24 months, the length of time certain businesses must provide identity theft mitigation services to customers in the event of a data breach. The provision applies to any business that, in the course of ordinary business, owns or licenses electronic data that includes personal information.

It also requires the banking commissioner to adopt regulations requiring credit rating agencies to provide a dedicated point of contact through which the department may assist consumers following a data breach.

Lastly, the act makes minor and conforming changes.

EFFECTIVE DATE: October 1, 2018

PA 18-116—HB 5402

Banking Committee

AN ACT CONCERNING THE REPORTING OF RESIDENTIAL CUSTOMERS' NONPAYMENT FOR CERTAIN UTILITY AND TELECOMMUNICATION SERVICES

SUMMARY: This act increases, from 60 to 120 days, how long certain utilities must wait after a residential customer becomes delinquent before they may report the customer's nonpayment to credit rating agencies. Under the act, the affected utilities are electric distribution companies (i.e., Eversource and United Illuminating); gas or water companies; gas registrants; and municipal utilities that furnish electric, gas, or water service.

The act correspondingly changes the content of the notice the law already requires such companies and registrants to send to their customers at least 30 days before making such a report, to reflect the increase.

Under existing law, unchanged by the act, telephone companies and certified telecommunications providers may report residential customers' nonpayment for service to credit rating agencies if their customers are more than 60 days delinquent and certain other conditions are met.

By law, a "credit rating agency" is any person who assembles and evaluates information about a consumer's credit standing and credit worthiness to furnish third parties with credit reports for monetary fees and dues (CGS § 36a-695).

EFFECTIVE DATE: October 1, 2018

PA 18-117—sHB 5405

Banking Committee

AN ACT CONCERNING CONNECTICUT CREDIT UNIONS

SUMMARY: This act expands the authority of credit unions by allowing them to do the following:

1. engage in any activity that a federal or out-of-state credit union may do, unless the Department of Banking (DOB) commissioner timely disapproves of it;
2. make mortgage loans secured by a member's one-to-four family personal residence, even if it is not his or her primary residence;
3. invest up to 20%, rather than 5%, of a credit union's total asset value in real estate and improvements (e.g., furniture, fixtures, and equipment) without needing the commissioner's approval; and
4. provide specific additional services such as wire transfer services, prepaid debit cards, and digital wallet services.

The act decreases how often a credit union's governing board must approve and review its written policies that implement the credit union's powers, from at least annually to only when the policies are amended or as otherwise required by state law. But it increases, to at least annually, the frequency that boards must adopt specific written policies on making loans and investments.

The act also allows credit union members to (1) receive electronic notice of a credit union's annual or special meeting and (2) vote electronically unless the credit union's bylaws prevent it.

Lastly, it (1) modifies the content of an annual report the commissioner provides to the Banking Committee and (2) makes various technical and conforming changes.

EFFECTIVE DATE: October 1, 2018

§§ 4-6 — EXPANDED CREDIT UNION AUTHORITY

Additional Activities (§ 4)

The act generally allows credit unions to engage in activities that are available to federal or out-of-state credit unions under state or federal law, without the commissioner's preapproval that prior law required.

Instead of preapproval, the act permits credit unions to engage in these activities if they give the commissioner prior written notice. Identical to prior law's application content requirements, the notice must (1) describe the activity and its financial impact on the credit union, (2) cite the legal authority to engage in the activity, (3) describe any restrictions the law imposes on the activity, and (4) include any other information the commissioner requires.

Under the act, the commissioner has 30 days after a credit union files its notice to disapprove of the activity.

The act allows the commissioner to adopt associated regulations to address consumer protections related to these activities. Prior law instead authorized him to impose limitations or conditions on them.

Mortgage Loans (§ 5)

The act allows credit unions to make mortgage loans to members secured by any one-to-four family residence that the member uses as a personal residence. Prior law limited credit union mortgage loans by requiring that they be secured by (1) a one-to-four family residence that was the member's primary residence or (2) other real estate if the total loan amount was not greater than \$50,000.

Consequently, the act expands credit unions' lending authority by allowing mortgage loans to be secured by such things as secondary homes or vacation residences.

Additional Services (§ 4)

The act adds the following to the list of services a credit union may provide:

1. wire and Automated Clearing House (ACH) transfer services,
2. prepaid debit cards,
3. payroll cards,
4. digital wallet services,
5. coin and currency services,
6. remote deposit capture services, and
7. electronic banking.

The law already allows credit unions to process and service loans, cash member checks and money orders, disburse share withdrawals and loan proceeds, provide money orders, conduct internal audits, and provide ATM services. They may provide services similar to those provided by other state, federal, and out-of-state credit unions. The act explicitly allows them to also provide services similar to those provided by federally insured financial institutions (i.e., those with federal deposit insurance).

§§ 2, 7 & 8 — CREDIT UNION BOARD POLICIES

Policy to Implement Credit Union Powers (§ 2)

A credit union governing board's powers are set in law and the board is responsible for the credit union's general management (e.g., operations, funds, committee actions, and records). Among its responsibilities, a board must establish and adopt written policies to carry out its authority.

Under prior law, these written policies had to be reviewed and approved at least annually. The act instead requires this only when they are amended or as otherwise required by the Connecticut Credit Union Act.

Loan and Investment Policies (§§ 7 & 8)

By law, state credit unions must adopt written policies governing the loans and investments they make. The act (1) requires each credit union's governing board to adopt these policies at least annually and (2) eliminates requirements that the boards implement the policies.

Regarding credit union loans, the act requires each state credit union to develop and implement internal controls that are reasonably designed to ensure compliance with the loan policy. By law, a loan policy must require written applications to extend credit and include, among other things, the categories and types of credit available and the process for making and approving loans.

§ 1 — COMMISSIONER'S ANNUAL REPORT

The act requires the commissioner to report on his actions to let credit unions engage in (1) activities closely related to the business of credit unions and (2) the same activities as a federal or out-of-state credit union (see above). He must include this information in the annual report he submits to the Banking Committee under existing law.

The act also (1) reinstates a requirement eliminated by PA 11-140 that the report include information on the commissioner's actions related to Connecticut-chartered banks engaging in closely related activities and (2) eliminates the requirement that it have information on his actions related to banks acting as trustees or custodians for manufacturers establishing reinvestment accounts.

PA 18-173—sHB 5490

Banking Committee

AN ACT CONCERNING CONSUMER CREDIT LICENSES

SUMMARY: This act generally expands the banking commissioner's statutory authority and standardizes various requirements across several license types. Principally, it:

1. extends many of his existing powers over certain mortgage-related licensees (i.e., mortgage lenders, correspondent lenders, processors or underwriters, and loan originators), including investigatory power, to include small loan lenders, mortgage servicers, student loan servicers, lead generators, and six other

nonmortgage licensees (i.e., check cashers, consumer collection agencies, debt adjusters, debt negotiators, money transmitters, and sales finance companies); and

2. codifies two banking commissioner orders requiring various nonmortgage licensees to use the Nationwide Mortgage Licensing System and Registry (NMLS or NMLSR; “the system”) for license applications, renewals, and other license related activities (mortgage-related licensees already do this).

The act also makes several changes to specific license types and establishes new requirements or modifies existing ones across all or several of such mortgage and nonmortgage license types. For example, it:

1. requires that activity subject to licensure in various license categories be conducted in an office in the United States or its territories;
2. removes a requirement that certain licensees physically display their license;
3. makes a licensee’s qualifying individual, branch manager, or control person, as applicable, responsible for the licensee’s actions; and
4. expands when the commissioner may deny licenses or suspend, revoke, or refuse to renew licenses.

The act also:

1. establishes a 36% maximum annual percentage rate (APR) for small loans under \$5,000 (§ 96);
2. allows the commissioner to charge an uninsured bank or trust bank a fee instead of the department’s operating assessment, if he believes the assessment is unreasonably low or high based on the bank’s size and risk profile (§ 6);
3. makes wholly-owned subsidiaries, including operating subsidiaries, of federally insured banks and credit unions subject to the existing cap on prepaid finance charges for first mortgage loans (§ 18);
4. requires the commissioner to report to the Banking Committee, by January 1, 2019, on the student loan ombudsman’s status (§ 95);
5. requires sales finance companies to acquire and maintain certain demographic data and report it to the commissioner, and subjects companies who fail to collect the required information to criminal penalties (§§ 90, 91 & 97);
6. broadens the definition of credit union service organization and requires a credit union proposing to close one to notify the commissioner at least 30 days in advance (§§ 98 & 99);
7. changes the factors an approving authority must consider and the determinations it must make to approve a new bank application (§ 100); and
8. makes numerous minor, conforming, and technical changes.

EFFECTIVE DATE: October 1, 2018, except the provisions (1) requiring unique identifiers on advertisements and business cards for money transmitters are effective July 1, 2019, and (2) making certain minor and technical changes are effective January 1, 2019 (§ 92) or July 1, 2018.

EXPANDED AUTHORITY

Under prior law, the banking commissioner’s authority over licensees differed to some extent based on the license type involved. The act generally standardizes the commissioner’s investigative and related authority across the regulated licenses. It specifies that his authority extends to those who act or claim to act with or without any licensing, registration, or other state authorization.

Investigatory Authority (§ 3)

Access to Records and Information. By law, the commissioner has certain investigatory powers over licensees subject to his jurisdiction. The act expands these powers, allowing him to access, receive, and use records, information, and evidence for (1) an investigation related to issuing, renewing, suspending, conditioning, revoking, or terminating a license or (2) any inquiry or investigation of someone engaged in a business or activity licensed under the state’s banking laws. The materials may include:

1. criminal, civil, and administrative history information;
2. personal history and experience information, such as independent credit reports; and
3. any other record, information, or evidence the commissioner deems relevant, regardless of its location, possession, control, or custody.

Under the act, anyone who is the subject of a commissioner’s inquiry, investigation, examination, or proceeding, must make or compile reports or prepare other information the commissioner directs, including accounting compilations, information lists, transaction records, and other information he deems necessary.

The act allows the commissioner to (1) control access to any records of the person under investigation and (2) take possession of the records or place a person in exclusive control of them at the location where they are usually kept. When the records are being controlled, no one may remove or attempt to remove them without the commissioner's consent or a court order. The act allows the records' owner to access them during this control period to conduct ordinary business affairs unless the commissioner reasonably believes the records have been, or are at risk of being, altered or destroyed in an effort to conceal a violation of law.

The act specifies that the commissioner's authority to examine records includes accounts, files, computer systems, and documents in any form. By law, this authority already extends to documents such as, among other things, books, papers, software, and correspondence.

Destroying Records. The act prohibits anyone subject to an investigation, inquiry, examination, or related proceeding, from knowingly withholding, abstracting, removing, mutilating, destroying, or hiding records or information.

Investigation Assistance. To carry out an investigation, the act allows the commissioner to:

1. retain attorneys, accountants, examiners, auditors, investigators, and other professionals;
2. share resources, standardized or uniform methods or procedures, records, information, or evidence with other government officials or regulatory associations to improve efficiency and reduce regulatory burden; and
3. use, hire, contract, or employ public or private analytical systems, methods, or software.

Reliance on Other Investigations or Reports. Instead of conducting his own investigation, the act authorizes the commissioner to accept and rely upon an investigation, examination, or report made by another government official or a state or federal supervisory agency or its affiliated organization, either in Connecticut or outside the state. A report or investigation the commissioner accepts and relies upon is deemed his official examination or investigation report. (Prior law contained similar provisions for investigations of money transmitters.)

Under the act, the commissioner may also accept audit reports from an independent certified public accountant and (1) consider them an official examination or investigation report of the commissioner or (2) incorporate them into the commissioner's official examination or investigation report or any other commissioner writing.

Suspend and Revoke Licenses (§§ 4 & 15)

The act extends the commissioner's authority to suspend or revoke expired licenses and deny withdrawn license applications to all licenses issued on the system for licensing and registering people in the mortgage and other financial services industries. Prior law granted him this authority for certain mortgage-related licenses, and some or all of it for certain nonmortgage licenses such as debt adjusters and negotiators, small loan lenders, and sales finance companies.

Under the act, the commissioner may revoke or suspend, or initiate a revocation or suspension proceeding for an expired license within one year after the licensee failed to renew it. The act deems a withdrawn application effective when the commissioner receives a notice of intent to withdraw it. It allows him to deny a license until one year after the withdrawal is effective.

The act also broadens the commissioner's authority to suspend, revoke, or refuse to renew a license by allowing him to take these actions against mortgage loan originators, loan processors, underwriters, and lead generators for violations of banking regulations or department orders, instead of only the banking laws. This broader authority already applies to commissioner actions against mortgage lenders, correspondent lenders, and brokers.

Remove Individuals from Office and Employment (§ 5)

By law, the commissioner may order a mortgage loan originator, processor, underwriter, lender, correspondent lender, broker, or lead generator or small loan lender licensee to remove an individual from office and from employment or retention as an independent contractor, if he finds, after an investigation, that the individual (1) violated a licensure requirement or other applicable law, regulation, or order or (2) engaged in conduct that would be sufficient grounds for denying a license. The act extends this authority to mortgage servicers and other nonmortgage licensees (sales finance companies (§ 30), check cashers (§ 48), debt adjusters and negotiators (§§ 64 & 68), mortgage servicers (§ 77), consumer collection agencies (§ 81), and student loan servicers (§ 88)). For money transmitters (§ 59), the act allows the commissioner to order a licensee to remove a director, general partner, executive officer, or employee or terminate an independent contractor.

The commissioner must notify the individual to be removed by registered or certified mail, return receipt requested, or by express delivery with a dated receipt. If the individual is licensed by the commissioner, the commissioner may notify the individual by personal delivery in accordance with law (i.e., delivery directly to the intended recipient or his or her designated representative, including by email). Notice is deemed received on the earlier of (1) the receipt date or (2) seven days after mailing or sending.

The notice must include:

1. any scheduled hearing's time, place, and nature;
2. if a hearing is not scheduled, a statement indicating that the individual may request one in writing within 14 days after receipt;
3. the legal authority and jurisdiction under which the hearing is being held;
4. a reference to the statutory or regulatory provisions or order violated; and
5. a short and plain statement of the matters asserted.

The commissioner must hold a hearing if the individual timely requests it. If the individual fails to appear at the hearing or, after the hearing, if the commissioner finds that a violation occurred or that there are grounds to deny a license, he may order the licensee to remove the individual from office and employment or retention as an independent contractor in any business under the department's jurisdiction. Orders must be issued in accordance with the state Uniform Administrative Procedure Act.

The act authorizes the commissioner, before a hearing, to suspend an individual from office and require him or her to take or refrain from taking specific actions, if he finds that immediate action is necessary to protect consumers. To do so, he must incorporate a finding into the notice and the suspension or requirement is effective upon receipt of the notice. Unless it is stayed by a court, the suspension or requirement remains in effect until the commissioner enters a permanent order or the matter is dismissed.

Hold Qualifying Individuals, Branch Managers, and Control Persons Responsible for the Licensee's Actions

The act generally makes a licensee's qualifying individual, branch manager, or control person, as applicable, responsible for the licensee's actions. (By law, a control person is someone who directly or indirectly exercises control over the licensee. Certain people are presumed to be control persons, including general partners, executive officers, and those who control 10% or more of an organization's voting rights.) The act establishes certain requirements for these individuals. As is already the case for some licenses, the commissioner may deny a licensee's application if a control person, qualified individual, or branch manager was convicted of certain crimes or otherwise made material misstatements on the application.

The act generally extends or applies these provisions to sales finance companies (§ 25), small loan lenders (§ 34), check cashers (§ 43), money transmitters (§ 51), debt adjusters and negotiators (§§ 63 & 67), mortgage servicers (§ 72), consumer collection agencies (§§ 79 & 81), and student loan servicers (§ 85).

The act also generally extends these provisions to mortgage lenders, correspondent lenders, and brokers (§§ 10 & 11). However, for these licensees (1) a qualified individual at the main office must also have supervisory authority over the licensee's lending and brokerage activities and (2) a branch manager at a branch office must be responsible for that office's actions.

Unique Identifiers on Advertisements and Retaining Advertisement Records

By law, mortgage loan originators, loan processors, underwriters, and small loan lenders must clearly show their unique identifier on all advertisements, including business cards and websites. Additionally, lead generators must keep adequate records of their advertisements (CGS § 36a-493). (A unique identifier is the licensee's NMLS number.)

The act requires all license types, including mortgage lenders, correspondent lenders, brokers, and lead generators (§ 19), sales finance companies (§ 29), check cashers (§ 47), money transmitters (§ 60), debt adjusters and negotiators (§§ 65 & 67), mortgage servicers (§ 72), consumer collection agencies (§ 79), and student loan servicers (§ 86) to show their unique identifier on all advertisements and clearly state it in audio advertisements, and keep records of all advertisements for two years. It prohibits a licensee from including in advertisements (1) false, deceptive, or misleading statements or (2) a statement that they are endorsed by the state.

For money transmitters, advertisements on third-party websites do not need the licensee's unique identifier as long as the advertisement has a link to a website that clearly shows it (§ 60).

Proceed Against Bonds

By law, the commissioner may proceed against a mortgage servicer licensee's bond to recover restitution and unpaid examination costs (CGS § 36a-719c). Beginning April 1, 2019, the act allows him to proceed against certain other licensees' bonds to recover restitution imposed for violating state banking laws and unpaid examination costs. He may do so against mortgage lenders, correspondent lenders, brokers, and loan originators (§ 13); debt adjusters and negotiators (§§ 66 & 69); and consumer collection agencies (§ 80).

Reports of Condition

By law, mortgage lenders, correspondent lenders, brokers, lead generators, loan originators, and loan processors or underwriters, to the extent required by the system, must submit timely and accurate reports of condition in a form and manner it requires and pay any applicable fees and charges. Failure to do so is a violation of state banking law.

The act requires timely and accurate reports of condition, under similar or the same circumstances as above, of sales finance companies (§ 29), check cashers (§ 46), money transmitters (§ 57), debt adjusters and negotiators (§§ 65 & 67), mortgage servicers (§ 72), consumer collection agencies (§ 79), and student loan servicers (§ 86).

For money transmitters (§ 57) and debt adjusters (§ 66), the act eliminates redundant reporting requirements by requiring certain financial reports only to the extent the information is not included in the reports of condition. For money transmitters, the act also changes the deadline for certain existing reporting requirements, from April 30 to not later than 90 days after the licensee's fiscal year ends.

For student loan servicers (§ 85), the act allows the commissioner to waive the requirement to include a financial statement with a licensee's renewal application if the data is also captured in annual reports of condition submitted to the department.

Cooperative Agreements

The act expands the commissioner's authority to enter into cooperative, coordinating, or information-sharing agreements with other state or federal supervisory agencies regarding individuals subject to regulation under the state's banking laws by applying the authority to exchange facilitators and student loan servicers (§ 89).

COMMISSIONER ORDERS

The act codifies two orders of the banking commissioner, dated June 17, 2015, and May 12, 2016, requiring certain department-regulated applicants and licensees to use the system to apply for and renew licenses, pay license fees, update license information, and conduct other license related activity. The orders also required annual, instead of biannual, license renewal. They applied to eight license types: money transmitters, consumer collection agencies, check cashing services, debt adjusters, debt negotiators, sales finance companies, small loan companies, and student loan servicers. Existing law already required mortgage-related licensees to use the system.

The act requires the nonmortgage licensees listed above to use the system for all license-related activities and subjects them to the same application minimum content requirements as mortgage related licensees. This includes:

1. requiring applicants to provide certain information about the applicant and the following persons: any control person, the qualified individual, and any branch manager;
2. allowing the commissioner to conduct state or national criminal background checks on the applicant and such other persons, and requiring their fingerprints to be taken; and
3. allowing the commissioner to investigate the financial condition of the applicant and other such persons on the application, including obtaining a credit report.

Additional Commissioner Authority Over Licensees on the System

License Applications, Renewals, and Fees. The act codifies a requirement that all licenses have an annual term expiring December 31, except initial license applications made after November 1 are valid until December 31 of the following year. Renewal applications must be filed between November 1 and December 31. The act makes generally corresponding reductions to license application and renewal fees in accordance with the shift from biannual to annual licenses.

The provisions apply to sales finance companies (§ 26), check cashers (§ 44), money transmitters (§ 52), debt adjusters and negotiators (§§ 63 & 67), consumer collection agencies (§ 79), and student loan servicers (§ 85). By law, small loan lenders must already meet this requirement.

Paying Fees and Automatic License Suspensions. By law, the commissioner may (1) require that all fees be paid through the system and (2) automatically suspend a license or registration on the system if a licensee is deficient due to a returned payment. In such a circumstance, the commissioner must notify the licensee of the suspension, pending revocation, or refusal to renew proceedings; offer a hearing; and require the licensee to take or refrain from taking action that he deems necessary to effectuate the law's provisions (CGS § 36a-24b).

The act makes conforming changes to standardize this authority with respect to sales finance companies (§ 26), check cashers (§ 44), money transmitters (§ 54), debt adjusters and negotiators (§§ 63 & 67), consumer collection agencies (§

79), and student loan servicers (§ 85). (This requirement already applies to small loan lenders and mortgage servicers.)

Nonrefundable Fees. All fees paid through the system, including those for withdrawn or denied applications, are nonrefundable. The act makes conforming changes to apply these provisions, as applicable, across all license types using the system, including sales finance companies (§ 26), small loan lenders (§ 35), check cashers (§ 44), money transmitters (§ 52), debt adjusters and negotiators (§§ 63 & 67), consumer collection agencies (§ 79), and student loan servicers (§§ 85 & 88).

Reinstating Expired Licenses. By law, the commissioner can adopt regulations for reinstating expired licenses issued through the system. The act allows him to adopt procedures for reinstatements of certain other licenses the act moves onto the system, including for sales finance companies (§ 28), small loan lenders (§ 36), check cashers (§ 43), money transmitters (§ 54), debt adjusters and negotiators (§§ 63 & 67), consumer collection agencies (§ 79), and student loan servicers (§ 85).

Temporary Cease and Desist Orders. By law, the commissioner may issue a temporary cease and desist order to a business licensed through the system if he determines it is operating under an erroneously issued license or registration. The commissioner must give the licensee an opportunity for a hearing. The temporary order is effective when the licensee receives it and, unless stayed by a court, remains in effect until a permanent order replaces it or the matter is dismissed (CGS § 36a-24b(j)).

The act either establishes the commissioner's authority to issue such orders, or makes conforming changes to existing authority, for sales finance companies (§ 30), small loan lenders (§ 40), check cashers (§ 48), money transmitters (§ 59), debt adjusters and negotiators (§§ 64 & 68), mortgage servicers (§ 77), consumer collection agencies (§ 81), and student loan servicers (§ 88).

For certain licensees, including mortgage lenders, correspondent lenders, and brokers and small loan lenders, existing law allows the commissioner to take enforcement action, including issuing cease and desist orders, if any person takes an action they know or should know would contribute to a violation of the state's banking laws. The act applies this authority to sales finance companies (§ 30), check cashers (§ 48), money transmitters (§ 59), debt adjusters and negotiators (§§ 64 & 68), mortgage servicers (§ 77), consumer collection agencies (§ 81), and student loan servicers (§ 88).

NEW LICENSURE REQUIREMENTS

License Required for Each Branch Office for Certain Licensees

By law, certain licensees on the system (e.g., mortgage lenders, brokers, and servicers) must have a license for a main office and an additional license for each branch office that conducts licensable activity. The act also requires this of sales finance companies (§ 24), debt adjusters (§ 63), and student loan servicers (§ 85).

Minimum Standards for License Renewal

The act adds to the minimum standards for a license renewal a requirement that the applicant has paid outstanding examination or other fees due to the commissioner. For various licenses, existing law specifies that the licenses of individuals who fail to meet the minimum requirements expire. The act clarifies that this applies to additional licensure categories as well.

The act establishes or extends these provisions, as applicable, to mortgage lenders, correspondent lenders, brokers, loan originators, loan processors and underwriters, and lead generators (§ 11); sales finance companies (§ 28); small loan lenders (§ 36); check cashers (§ 43); money transmitters (§ 54); debt adjusters and negotiators (§§ 63 & 67); mortgage servicers (§ 72); consumer collection agencies (§ 79); and student loan servicers (§ 85).

Bond Cancellation Notice

By law, a surety company may cancel certain licensees' bonds at any time by notifying the bond principal, and at least 30 days before the cancellation, the commissioner. For bonds issued through the system, the act allows the company to electronically notify the commissioner and bond principal through the system at least 30 days before the cancellation. The provisions apply to mortgage lenders, correspondent lenders, brokers, and loan originators (§ 13); money transmitters (§ 55); debt adjusters and negotiators (§§ 66 & 69); mortgage servicers (§ 74); and consumer collection agencies (§ 80).

Advance Change Notice and Using Unapproved Names or Addresses

As under prior law, the act prohibits a license from being transferred or assigned. However, it requires licensees to file an advance change notice on the system at least 30 days before a change in control person, but not a change in director, general partner, or executive officer that is not due to an acquisition or other change in control. This change requires the commissioner's approval.

Existing law:

1. prohibits certain licensees from using a name other than their legal name or a fictitious name approved by the commissioner and specified on his or her license;
2. allows the commissioner to disapprove use of a licensee's name; and
3. allows licensees to change their name or address by filing the change on the system at least 30 days before the change, as long as the commissioner does not disapprove it or require more information.

Under existing law and the act, these requirements apply to mortgage lenders, correspondent lenders, brokers, and lead generators (§ 12); sales finance companies (§ 27); check cashers (§ 45); money transmitters (§ 51); debt adjusters and negotiators (§§ 65 & 67); mortgage servicers (§ 73); consumer collection agencies (§ 79); and student loan servicers (§ 86). Similar requirements already applied under existing law for small loan lenders, although the act specifically exempts from the advance notice requirements any change in director, general partner, or executive officer that is not due to an acquisition or other change in control (§ 37).

By law and the act, additional requirements apply to certain licensees seeking to change their name or address, including providing a bond rider, endorsement, or addendum, as applicable.

Automatic Suspensions. The act allows the commissioner to automatically suspend a license for, among other things, a violation of these provisions. After suspending the license, the commissioner must notify the licensee of the suspension, pending revocation, or refusal to renew proceedings; offer a hearing; and require the licensee to take or refrain from taking action that, in his opinion, is necessary to effectuate the law's provisions. The automatic suspension provisions apply to mortgage lenders, correspondent lenders, brokers, and lead generators (§ 12); sales finance companies (§ 27); small loan lenders (§ 37); check cashers (§ 45); money transmitters (§ 51); debt adjusters and negotiators (§§ 65 & 67); mortgage servicers (§ 73); consumer collection agencies (§ 79); and student loan servicers (§ 86).

Under the act, the commissioner may also automatically suspend certain licenses for other criteria, including failing to appoint the appropriate qualified individual or branch manager within 30 days after a vacancy in the position. This provision applies to mortgage lenders, correspondent lenders, brokers, and lead generators (§ 12); small loan lenders (§ 37); and mortgage servicers (§ 73).

Filing Updated Information

Under the act, applicants, licensees, control persons, qualified individuals, and branch managers must update information on the system with certain changes within 15 days after the person had reason to know of the change. If the information cannot be filed on the system, they must notify the commissioner of the change in writing. These provisions apply to mortgage lenders, correspondent lenders, brokers, and lead generators (§ 12); sales finance companies (§ 29); small loan lenders (§ 38); check cashers (§ 43); money transmitters (§ 51); debt adjusters and negotiators (§§ 65 & 67); mortgage servicers (§ 73); consumer collection agencies (§ 79); and student loan servicers (§ 85).

By law, certain licensees must file or notify the commissioner in writing of certain specified actions, such as if they file for bankruptcy, are criminally indicted related to their licensed activities, or are the subject of action by an attorney general or other government agency. The act expands this requirement to more licensees, and requires them to notify the commissioner (1) if the actions are taken by or against certain individuals, such as a control person, branch manager, or qualified individual, and (2) generally within 15 days of having reason to know of the actions. These provisions apply to mortgage lenders, correspondent lenders, brokers, and lead generators (§ 12); sales finance companies (§ 29); small loan lenders (§ 38); check cashers (§ 43); money transmitters (§ 51); debt adjusters and negotiators (§§ 65 & 67); mortgage servicers (§ 73); and student loan servicers (§ 86). The act retains the requirement that money transmitters report the information within one business day.

For consumer collection agencies (§ 79), the act applies these provisions and also requires a licensee to file on the system if his or her tangible net worth falls below statutory minimums.

CHANGES TO CERTAIN LICENSURE REQUIREMENTS

Bona Fide Nonprofit Mortgage Brokers (§§ 9 & 14)

By law, bona fide nonprofit organizations acting as mortgage brokers are exempt from broker licensing if they act in that capacity for residential mortgage loans to benefit their employees or agents or to promote home ownership in economically disadvantaged areas.

The act generally sunsets such a bona fide nonprofit's status if it fails to annually submit a renewed certification and any updated information by December 31. But for those that receive their initial status after November 1, the deadline to submit a renewal certification and updated information is extended to December 31 of the following year. The act also authorizes the commissioner to (1) periodically examine a certified bona fide nonprofit organization's books and activities and (2) revoke its status if it fails to meet the criteria for being one.

For bona fide nonprofit organizations that are exempt from licensure due to making loans that promote home ownership in economically disadvantaged areas, the act extends a requirement to maintain adequate records of the residential mortgage loan transactions and make them available to the commissioner upon request. This requirement already applies to mortgage lenders, correspondent lenders, and brokers. For each transaction involved, the nonprofit must keep related documents for at least two years after the transaction date, the final loan payment, or the loan's assignment date, depending on the nonprofit's role in the transaction. Copies of other related documents, including the note, must be kept for at least five years from the transaction date. Under the act, anyone who provides a nonprofit with any records it needs to meet these requirements may charge the nonprofit up to \$50.

Mortgage Lenders, Correspondent Lenders, Brokers, Loan Originators, Processors, Underwriters, and Servicers

Local Oversight (§§ 10 & 72). By law, mortgage lenders, correspondent lenders, brokers, and servicers must have (1) at the main office, a qualified individual and (2) at each branch office, a branch manager. The act requires that the qualified individual and branch manager (1) live within 100 miles of the respective office or (2) can demonstrate to the commissioner that he or she is otherwise capable of providing full-time, in-person supervision.

The act permits the commissioner to waive this requirement as well as certain other supervisory and experience requirements, for a (1) qualified individual if no activity subject to licensure will occur at the main office and another qualified individual is designated as responsible for the licensee's actions and (2) branch manager if the licensee has only mortgage servicing rights and meets certain other requirements.

The act requires mortgage originators to meet similar criteria. Licensees must (1) be associated with and operate out of a specific licensed office supervised by a qualified individual or branch manager and (2) live within 100 miles of the office unless they demonstrate to the commissioner that they are supervised by a qualified individual or branch manager.

Bond Reporting Requirements (§ 13). By law, mortgage lenders, correspondent lenders, loan originators, brokers, and certain persons exempt from licensure must be covered by a surety bond. Prior law required the principal on a bond to annually confirm with the commissioner that he or she maintained the required amount. The act instead requires principals to file quarterly reports on the system reflecting their residential mortgage loan volume to confirm that licensees maintain bonds in the required amounts.

Fidelity Bond and Errors and Omissions Coverage Expiration (§ 74). The act requires the commissioner to suspend a mortgage servicer license when a fidelity bond or errors and omissions coverage expires.

Continuing Education Requirements (§ 92). The act allows mortgage loan originators, processors, and underwriters that otherwise meet the minimum standards for license renewal, including paying all fees due, to compensate for any continuing education requirement deficiencies according to regulations adopted by the commissioner.

BAN ON CONDUCTING ACTIVITY OUTSIDE THE UNITED STATES

By law, all small loan lender offices must be located in the United States (CGS § 36a-562). The act modifies and extends this provision to require any activity subject to licensure by the department to be conducted from an office in the United States or its territories. The provision applies to mortgage lenders, correspondent lenders, brokers, loan originators, processors, and underwriters (§ 8); sales finance companies (§ 24); check cashers (§ 43); money transmitters (§ 50); debt adjusters and negotiators (§§ 63 & 67); mortgage servicers (§ 71); consumer collection agencies (§ 79); and student loan servicers (§ 85).

OTHER CHANGES

Sales Finance Companies

Violations (§ 30). By law, the commissioner can suspend, revoke, or refuse to renew a sales company license if the licensee, among other things, knowingly violated or failed to exercise due care in preventing a violation of statutory requirements. Under prior law, he could take such action if:

1. for licensees who are entities, an officer, director, trustee, member, or partner was guilty of an act or omission that would be cause for revoking or suspending the license; or
2. a licensee's agent or employee was guilty of such an offense and the licensee knew about or approved the offense and benefited from it.

The act instead allows the commissioner to take action if the licensee's control person, qualified individual, branch manager, trustee, employee, or agent, among other things, (1) knowingly violates statutory requirements or (2) fails to exercise due care in preventing such a violation.

Check Cashers

Annual Reports (§ 46). By law, check cashers must submit quarterly reports to the commissioner on the type of checks cashed and how many were above a certain amount. Beginning January 15, 2019, the act increases, from \$2,500 to \$6,000, the minimum value of a cashed check that must be counted in the quarterly report. Licensees must also file a written statement if no reportable activity occurred.

Debt Negotiators

Bond Requirements for Certain Exempt Debt Negotiators (§ 69). Prior law required all debt negotiators sponsoring and bonding at least one exempt mortgage loan originator to file a bond with specified amounts based on mortgage loan volume. The act limits this requirement to debt negotiators who are exempt from licensure as a mortgage lender, correspondent lender, or broker.

The act also requires bond principals to file quarterly reports on their loan volume to confirm they maintain the required minimum bond amount. Under prior law, such principals only had to confirm that they maintained the required amount.

License Surrender (§ 67). The act requires debt negotiators to surrender their license for each location that stops conducting business within 15 days. Existing law already requires this for various other licenses.

Consumer Collection Agencies

License Surrender (§ 79). The act requires consumer collection agencies to request a license surrender on the system at least 30 days before any location stops conducting business.

Certified Public Accountant (§ 79). Prior law required a license application to be accompanied by a financial statement prepared by a certified public accountant (CPA) or other public accountant. Under the act, only a CPA can prepare the statement.

Exempt Consumer Collection Agencies (§§ 79, 80 & 83). The act exempts agencies that only participate in the business of debt buying from including evidence of a \$50,000 minimum tangible net worth in their application. It also exempts them, rather than third party collection agencies, from certain bonding and depository requirements and related provisions (e.g., restrictions on commingling collected funds with other funds used in the business).

Student Loan Servicers

Examination Costs (§ 6). The act also extends to student loan servicer licensees the requirement that a licensee pay the actual cost of any investigation into him or her, as determined by the commissioner. As under existing law for other licensees, a student loan servicer licensee who fails to pay the investigation cost within 60 days after receiving a demand from the commissioner may have his or her license suspended until it is paid.

Certified Public Accountant (§ 85). Prior law required a license application to be accompanied by a financial statement prepared by a CPA or other public accountant. The act allows only CPAs to prepare the statement.

Service Standards (§ 87). The act requires student loan servicers to comply with the commissioner's service standards. (PA 16-65 required him to adopt the standards and post them on the department's website by July 1, 2017.)

Good Character Requirement (§ 85). Under the act, the commissioner must find the applicant's control persons, qualified individuals, branch managers, and trustees to be properly qualified and of good character, including assessing their financial responsibility and any criminal history. Under prior law, in order to issue a license, the commissioner had to find that the applicant and certain partners, shareholders, and other interested individuals were properly qualified and of good character.

Money Transmitters

Good Character Requirement (§ 53). Under prior law, in order to issue a license, the commissioner had to, among other things, find that the applicant and certain partners, shareholders, and other interested individuals were properly qualified and of good character. Under the act, he must find the applicant's control persons and qualified individual to be properly qualified, of good character, and demonstrate financial responsibility.

§ 6 — BANK ASSESSMENT WAIVER AND FEE

By law, the banking commissioner collects from each Connecticut bank an amount, proportional to its assets, necessary to fund the department's expenses, including a reasonable reserve. Under the act, if the commissioner determines that the assessment for an uninsured bank or trust bank is unreasonably low or high based on the bank's size and risk profile, he may require it to pay a fee instead. The bank must pay the fee before a date the commissioner sets, or pay an additional \$200.

Under the act, an uninsured bank required to pay a fee instead of the assessment must also pay the commissioner the actual cost of the bank's examination, which he determines.

§ 18 — PREPAID FINANCE CHARGE CAP ON MORTGAGE LOANS

Existing law prohibits mortgage lenders and correspondent lenders and certain persons exempt from licensure as a mortgage lender, correspondent lender or broker, including certain banks and credit unions, from imposing on a first mortgage loan prepaid finance charges that exceed the greater of 5% of the loan principal or \$2,000. The act subjects to the cap wholly-owned subsidiaries, including operating subsidiaries, of such exempt banks and credit unions.

§§ 90, 91 & 97 — SALES FINANCE COMPANIES' DEMOGRAPHIC DATA COLLECTION

The act (1) expands the demographic data collection requirement for sales finance companies involved in retail motor vehicle sales; (2) allows the commissioner to adopt related regulations; and (3) subjects violators of the collection requirement to a fine of up to \$500, up to six months in prison, or both.

Record Requirement

Beginning October 1, 2018, the act requires sales finance companies to (1) acquire and maintain records for each retail installment contract and application for a retail installment contract for the retail sale of a motor vehicle in the state and (2) make the records collected from October 1, 2018, to June 30, 2019 available to the commissioner by July 1, 2019 and also within five business days after he requests them. The requirement applies to contracts acquired by purchase, discount, loan, advance, or other methods. The commissioner must direct the form and manner for collecting the information.

The information that must be collected includes the (1) applicant's and co-applicant's name, address, income, credit score, ethnicity, race, and sex; (2) loan type, amount, and APR; and (3) disposition of the application. The act requires the records to be kept (1) for at least two years after the date of the application for denied applications; (2) for at least two years after the earlier of the date of final payment or sale or contract assignment for acquired contracts; or (3) longer if another law requires it.

Prior law required these companies to collect similar information starting October 1, 2016, but only required the information on ethnicity, race, and sex to be acquired if it was known.

Related Regulations

The act authorizes the commissioner to adopt regulations related to the record collection requirement, including defining terms, as long as he finds that it is (1) necessary or appropriate in the public interest or to protect purchasers and (2) consistent with the purpose of the law governing sales finance company licensing.

§ 95 — STUDENT LOAN OMBUDSMAN REPORT

The act requires the commissioner, by January 1, 2019, to report to the Banking Committee on the student loan ombudsman's status. By law, he must, within available appropriations, designate the ombudsman to help student loan borrowers.

§ 96 — SMALL LOAN PERCENTAGE RATE CAP

The act establishes a 36% maximum APR for small loans under \$5,000. Previously, the APR cap for these loans was tied to the maximum rate permitted under the federal Military Lending Act (MLA), which is also 36%. Under the act, if the maximum APR permitted under the MLA is amended to a rate below 36%, that rate prevails.

§§ 98 & 99 — CREDIT UNION SERVICE ORGANIZATIONS

By law, a credit union service organization is an organization incorporated under Connecticut law, located in the state, and established by at least one Connecticut credit union. The act expands the definition to include an organization that is wholly owned by a federal or out-of-state credit union that converted to a Connecticut credit union. It also requires any Connecticut credit union that proposes closing a credit union service organization to notify the commissioner at least 30 days before the proposed closing with the detailed reasons for its closing.

§ 100 — BANK APPLICATION APPROVAL PROCESS

The act makes several minor changes to the factors that must be considered when reviewing an application for a new Connecticut bank.

By law, one of the determinations the approving authority (i.e., generally the commissioner or a combination of the commissioner, treasurer, and comptroller) must make in order to approve an application is whether the bank will serve the public interest. When making this determination, the act requires the authority to consider the (1) population of the area that will be served, (2) competitive effect of the bank on the availability and quality of services in the market area, (3) likely impact on other financial institutions in the market area, and (4) market area's convenience and needs. Prior law required similar considerations, but limited the analysis of the bank's effect and impact to the adequacy of existing banking facilities in the area.

In order to approve an application, prior law also required the approving authority to find that the (1) conditions where the bank would transact business offer a reasonable promise of success and (2) proposed directors have the capacity and fitness for their duties. The act (1) limits the former requirement to whether the bank shows a reasonable promise of success and (2) expands the latter to include proposed officers and whether they have the necessary character and experience.

PA 18-58—sSB 323
Committee on Children

AN ACT REQUIRING NOTICE PRIOR TO THE TRANSFER OF A CHILD TO A NEW OUT-OF-HOME PLACEMENT

SUMMARY: By law, a child that is uncared for, neglected, or abused may be committed to the Department of Children and Families (DCF) and placed in a suitable out-of-home placement. This act requires DCF to provide written notice to any child or youth being transferred to a second or subsequent out-of-home placement and his or her attorney at least 10 days before the transfer, except when immediate transfer is necessary due to an emergency or risk to the child's well-being.

EFFECTIVE DATE: July 1, 2018

Related Act

PA 18-186 (effective October 1, 2018) requires DCF to provide notice to the attorney or guardian ad litem representing a child (1) at least 10 business days before a placement change or (2) no later than two business days after a placement change in an emergency. The act also establishes notice requirements related to certain other events, such as permanency team meetings.

PA 18-67—sSB 315
Committee on Children

AN ACT CONCERNING MINOR REVISIONS TO THE STATUTES OF THE DEPARTMENT OF CHILDREN AND FAMILIES AND ESTABLISHING A PILOT PROGRAM TO PERMIT ELECTRONIC REPORTING BY MANDATED REPORTERS

SUMMARY: This act makes several changes in laws related to the Department of Children and Families (DCF). It:

1. extends, from July 1, 2018, to October 1, 2018, the deadline for DCF, in collaboration with the Children's Mental, Emotional and Behavioral Health Plan Implementation Advisory Board, to report recommendations to the governor and the Appropriations and Children's committees on addressing certain unmet mental, emotional, and behavioral health needs of children (§ 1);
2. extends, from September 15 to October 1, the day by which that advisory board must annually submit a status report on the implementation plan and related matters to the Children's Committee (§ 2);
3. eliminates the requirement for an infant's mother, while in the hospital to give birth, to provide written notice to a hospital health care provider to voluntarily surrender her infant under the state's safe haven law (§ 3);
4. allows DCF to establish a pilot program to permit certain mandated reporters to submit reports of suspected child abuse and neglect electronically, and beginning on October 1, 2019, allows all mandated reporters and other individuals to file such reports electronically (§§ 4-7, 12);
5. expands the definition of fictive kin caregiver (§ 9);
6. allows residential facilities under contract with the Department of Developmental Services (DDS) to care for or board a child without a DCF license, as is already the case for DDS licensed residential facilities (§ 10); and
7. requires a relative caregiver or foster care provider to be currently caring for a child to be considered a "caregiver" for purposes related to certain child welfare proceedings (§ 11).

The act also makes minor and technical changes.

EFFECTIVE DATE: July 1, 2018, except the provisions that allow mandated reporters statewide to file reports electronically are effective October 1, 2019.

§ 3 — SAFE HAVEN LAW

Under existing law, a parent can voluntarily surrender custody of an infant to a hospital within 30 days of the infant's birth. This act eliminates the requirement that a mother at a hospital to give birth provide written notice to a health care provider at the hospital if she intends to surrender her infant. The act also makes conforming changes, including eliminating the requirement that the hospital keeps the written notice in a file separate from the mother's other records.

§§ 4-7 & 12 — MANDATED REPORTER ELECTRONIC FILING

Existing law requires mandated reporters of child abuse or neglect to submit their initial report orally by telephone or in person to the DCF commissioner or law enforcement within 12 hours of suspecting child abuse or neglect, and to submit a written report within 48 hours of submitting an oral report.

The act permits DCF to establish, within existing appropriations, a pilot program to allow certain mandated reporters of child abuse and neglect to submit reports electronically, in a manner the commissioner prescribes. Any such program may begin on or after July 1, 2018, and must end by September 30, 2019. The act gives the DCF commissioner the discretion to choose which categories of mandated reporters may participate in the pilot program.

Beginning October 1, 2019, the act allows all mandated reporters of child abuse and neglect to file their reports electronically in a manner the commissioner prescribes. All electronic reports must include the same information currently required for oral and written reports. A reporter who electronically files an initial report must respond to further inquiries DCF makes within 24 hours of receiving the report.

In addition to required reporting, existing law allows mandated reporters acting outside of their professional capacity, or anyone else with reasonable cause to suspect child abuse or neglect, to make oral or written reports to DCF or law enforcement. Starting October 1, 2019, the act allows such reports to also be made electronically, in a manner the commissioner prescribes.

§ 9 — FICTIVE KIN CAREGIVER

Under existing law, a fictive kin caregiver is defined as a person age 21 or older who is unrelated to a child by birth, adoption, or marriage but who has an emotionally significant relationship with the child amounting to a familial relationship. The act expands the definition of a fictive kin caregiver to also include such a person who has an emotionally significant relationship with the child's family amounting to a familial relationship.

Existing law allows DCF to place a child in its custody with a fictive kin caregiver and makes licensed or approved caregivers eligible for guardianship subsidies while caring for a child.

§ 11 — CAREGIVERS

By law, if a court determines that a child's commitment to DCF should be revoked and the child's guardianship should be vested in someone other than the parents or former guardian, or if parental rights are terminated, there is a rebuttable presumption that (1) it is in the child's best interest to award legal guardianship to, or allow adoption by, the caregiver or person who had custody of the child at the time of the revocation or termination and (2) the caregiver is a suitable and worthy person to assume guardianship of or adopt the child.

Under the act, to qualify as "caregivers" in this context and have these presumptions apply to them, relative caregivers and licensed and approved foster care providers must currently be caring for the child. Existing law already requires this for a fictive kin caregiver to be considered a "caregiver" in this context.

PA 18-71—sSB 312

Committee on Children

AN ACT CONCERNING RISK ASSESSMENT PRACTICES AND THE NEEDS OF CHILDREN WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES

SUMMARY: This act requires the Department of Children and Families (DCF) commissioner, in collaboration with the early childhood, developmental services, and social services commissioners, to develop investigation, assessment, and case-planning procedures that are responsive to the needs of children with intellectual and developmental disabilities. The DCF commissioner must submit to the Children's Committee, by February 1, 2019, a report that describes the procedures developed and includes any legislative recommendations resulting from the collaboration.

The act also requires DCF to add information on its risk and safety assessment practices to the Children's Report Card (see BACKGROUND). By law, DCF must annually report certain information to the Children's Committee for inclusion in the Children's Report Card. The act requires the report to additionally include an analysis of the efficacy of DCF's risk and safety assessment practices, including information about the (1) methodology used to determine the practices' reliability, (2) use of evidence-based practices and tools, and (3) effectiveness of these practices for identifying children at risk of abuse or neglect.

EFFECTIVE DATE: July 1, 2018

BACKGROUND

Children's Report Card

By law, the Children's Committee, in collaboration with the offices of Fiscal Analysis and Legislative Research and the Commission on Women, Children and Seniors, must maintain an annual report card that evaluates the progress of state policies and programs in promoting the result that all Connecticut children grow up in a stable living environment, safe, healthy, and ready to lead successful lives. The report must use data and indicators to measure the progress towards this goal in a variety of areas (e.g., state-wide rates of child abuse and child poverty) (CGS § 2-53m).

PA 18-92—sHB 5185

Committee on Children

Judiciary Committee

AN ACT CONCERNING GUARDIANSHIP APPOINTMENTS FOR INDIVIDUALS SEEKING SPECIAL IMMIGRANT JUVENILE STATUS

SUMMARY: Existing law permits a party in a probate court case involving guardianship, parental rights, or adoption to petition the court to make certain findings that someone may use to apply to U.S. Citizenship and Immigration Services (USCIS) for special immigrant juvenile status (SIJS) (see BACKGROUND). Under federal law, an immigrant child under age 21 who (1) has been abused, neglected, or abandoned and (2) meets certain other criteria, may apply for SIJS. If granted by the federal court, SIJS allows the child to legally remain in the United States.

For proceedings involving guardianship appointment or removal, this act allows the probate court to issue those findings for certain SIJS applicants under age 21, instead of under age 18 as under prior law. This change enables 18-, 19-, and 20-year-olds who are eligible to apply for SIJS under federal law, in certain circumstances, to petition the probate court for the findings they need to make that application (i.e., that they are dependent on the court).

The act also makes conforming changes.

EFFECTIVE DATE: July 1, 2018

WRITTEN FINDINGS

By law, at any point during a pending probate court petition to remove a parent or other person as guardian or appoint a guardian or co-guardian, a party may petition the court to make written findings to be used to apply for SIJS. A parent, guardian, or attorney for a minor child may also petition the court to make such findings if the court previously granted a petition to (1) remove a parent or other person as guardian or (2) appoint a guardian or co-guardian for the minor.

Under prior law, the court could only issue such findings if the minor was under age 18. Under the act, the court may additionally issue such findings if the minor (1) is under age 21 and unmarried; (2) is dependent on a competent caregiver; (3) has consented to the appointment or continuation of a guardian after turning 18; and (4) files, or someone files on his or her behalf, a petition seeking such findings from the probate court.

As under existing law, if the court grants or has granted the removal or appointment petition, it must also issue the requested written findings, including:

1. the minor child's age and marital status;
2. whether the minor is dependent on the court (a minor is dependent on the court if the court removed the child's parent or another person as guardian, appointed a guardian or co-guardian for him or her, terminated the parental rights of his or her parent, or approved his or her adoption);
3. whether reunification with one or both parents is not viable for certain reasons (e.g., abandonment or abuse); and
4. whether it is not in the minor's best interest to be returned to the minor's or parents' country of nationality or last customary residence.

BACKGROUND

Special Immigrant Juvenile Status

Under federal law, USCIS may grant SIJS to an immigrant if:

1. he or she was (a) declared dependent on a juvenile court or (b) legally committed to, or placed under the custody of, a state agency or department, or a person or entity appointed by a state or juvenile court located in the United

States;

2. his or her reunification with one or both parents is not viable due to abuse, neglect, abandonment, or a similar basis under state law; and
3. an administrative or judicial proceeding determined that it would not be in his or her best interest to be returned to the child's or parent's previous country of nationality or last habitual residence (8 U.S.C. § 1101(a)(27)(J)).

PA 18-111—sHB 5332

Committee on Children

Judiciary Committee

AN ACT CONCERNING THE RECOMMENDATIONS OF THE DEPARTMENT OF CHILDREN AND FAMILIES

SUMMARY: This act makes several changes in laws related to the Department of Children and Families (DCF). It requires the department to:

1. take certain steps to identify and address racial and ethnic disparities within child welfare practices (§§ 1-3),
2. provide records without the subject's consent to the chief state's attorney's office to investigate benefits fraud (§ 4),
3. develop guidelines for the care of high-risk newborns who are born with signs indicating prenatal substance exposure or fetal alcohol syndrome (§ 5), and
4. perform child abuse and neglect registry checks on a foster care provider seeking to renew his or her license or approval and anyone age 16 or older living in the home (§ 6).

The act also:

1. requires health care providers to notify DCF when a child is born with symptoms indicating prenatal substance exposure or fetal alcohol spectrum disorder, and include a copy of the newborn's safe care plan (§ 5);
2. eliminates a provision that permits the commissioner, when someone applies for, or seeks to renew, a license or approval to provide foster care, to run state and national criminal history record checks on anyone over age 16 who does not live in the applicant's house but who has regular unsupervised access to children in the home (§ 6);
3. establishes notice and hearing procedure that DCF may follow before imposing a fine for failure to comply with certain licensing requirements to care for, board, or place a child (§ 7); and
4. makes other minor and technical changes.

EFFECTIVE DATE: July 1, 2018, except the provision that makes changes to foster care criminal background and child abuse and neglect registry check requirements is effective upon passage.

§§ 1-3 — ADDRESSING RACIAL AND ETHNIC DISPARITIES IN CHILD WELFARE PRACTICE

The act requires DCF to take steps to address racial and ethnic disparities within child welfare practices by adopting strategies, establishing a data reporting system, working to eliminate those disparities, and annually reporting to the Children's Committee.

Strategies to Address Disparities

Existing law requires DCF, with the assistance of the State Advisory Council on Children and Families and in consultation with certain other stakeholders, to develop and regularly update a strategic plan to meet the needs of children and families the department serves. The act requires the plan to include strategies DCF must use to identify racial and ethnic disparities within child welfare practices and work to eliminate those disparities. The strategies must be informed by data on referrals, abuse and neglect substantiations, removals, placements, and retention.

Commissioner's Responsibilities and Reporting Requirement

The act requires the DCF commissioner to:

1. establish a standardized data reporting system to support collecting data on (a) the race and ethnicity of children and families referred to the department at key decision points, including referral, substantiation, removal, and placement, and (b) retention rates of children and families by race and ethnicity; and
2. work to eliminate disparities in referral rates, substantiations, placements, and retention among (a) racial and ethnic groups and (b) groups known to experience higher rates of adverse child welfare, health, and service

outcomes because of religion, age, sex, sexual orientation, national origin, socioeconomic or immigration status, language, ancestry, intellectual or physical disability, mental health status, prior criminal convictions, homelessness, gender identity or expression, or geographic residential area.

The act also requires the commissioner, by February 15, 2019, to begin annually reporting to the Children's Committee data illustrating DCF service use by race and ethnicity, an assessment of usage trends, and recommendations for results-based accountability measures to ensure parity in access to such services.

§ 4 — DCF RECORDS DISCLOSURES

The act expands the existing list of circumstances under which DCF must disclose its records to the chief state's attorney's office without a subject's consent. Under the act, the department must make such disclosures for purposes of investigating or prosecuting alleged benefits fraud, provided no information identifying the subject of the record is disclosed unless the information is essential to the investigation or prosecution. Existing law additionally requires DCF to make such disclosures to the chief state's attorney's office in order to investigate or prosecute allegations (1) related to child abuse or neglect, (2) that an individual falsely reported suspected child abuse or neglect, or (3) that a mandated reporter failed to report child abuse or neglect.

§ 5 — SAFE CARE OF SUBSTANCE EXPOSED NEWBORNS

By January 1, 2019, the act requires the DCF commissioner, in consultation with other departments, agencies, or entities concerned with the health and well-being of children, to develop guidelines for the safe care of newborns who exhibit (1) physical, neurological, or behavioral symptoms consistent with prenatal substance exposure; (2) associated withdrawal symptoms; or (3) fetal alcohol syndrome. The guidelines must include instructions to providers on the discharge planning process, including the creation of written plans of safe care, which must be developed between the providers and mothers of the newborns as part of that process.

Under the act, a provider involved in the delivery or care of a newborn who, in the provider's estimation, exhibits physical, neurological, or behavioral symptoms consistent with prenatal substance exposure, associated withdrawal symptoms, or fetal alcohol spectrum disorder must notify DCF of these conditions in the newborn. The notice must be made in a form and manner the commissioner prescribes and in addition to any applicable reporting requirements under the state's child welfare laws. Starting January 15, 2019, the notice must include a copy of the plan of safe care created pursuant to the above guidelines.

Under the act, providers include the following licensed health professionals: physicians, surgeons, homeopathic physicians, physician assistants, nurse-midwives, practical nurses, registered nurses, and advanced practice registered nurses.

§ 6 — CHILD ABUSE AND NEGLECT REGISTRY CHECK

Under existing law, before issuing a license or approval to provide foster care, DCF must run state and national criminal history and state child abuse registry records checks on the applicant and anyone living in the applicant's household who is age 16 or older. The foster care provider and anyone age 16 or older living in the household must again submit to a criminal history check at the time of license or approval renewal. For renewal purposes, the act requires DCF to once again check the child abuse and neglect registry for those individuals.

Additionally, the act eliminates provisions that permit the commissioner to (1) run criminal history and child abuse registry checks, when someone applies for a license or approval to provide foster care, on anyone over age 16 who does not live in the applicant's house but has regular unsupervised access to children in the home and (2) conduct criminal background checks on such individuals at the time of license or approval renewal.

§ 7 — LICENSE VIOLATIONS FOR CHILD CARE, BOARDING, AND PLACEMENT

By law, certain persons and entities must be licensed by DCF in order to care for or board a child, place a child in a foster or adoptive home, or bring or send a child into the state for placement or care in a home or institution. By law, violators of licensing requirements may be fined up to \$100. The act broadens the violators subject to the fine to include persons and entities, instead of persons and corporations as under prior law. Under the act, DCF may provide the violator with notice, which must include information about the violator's right to a hearing before DCF imposes such a penalty.

Additionally, the act authorizes DCF, on the advice of the attorney general and in the manner provided by law, to (1) investigate any reported violation of these licensing requirements and (2) in the state's name, seek an injunction or other civil process against any person or governmental unit to restrain or prevent them from caring for, boarding, or placing a

child while in violation of those requirements.

Notice

Under the act, if the commissioner has reason to believe that a person or entity has committed a violation of the licensing requirements punishable by a \$100 fine, she may notify the alleged violator by certified mail, return receipt requested, or by personal service. The notice must include a:

1. reference to the laws allegedly violated,
2. short and plain statement of the matter asserted or charged,
3. statement of the prescribed \$100 civil penalty for the violations, and
4. statement of the alleged violator's right to request a hearing and requirement that the request be submitted in writing to the commissioner within 30 days after the notice is mailed or given by personal service.

Hearing Requirement and Penalty Order

Within 30 days after receiving a request for a hearing, the commissioner must hold one in accordance with the Uniform Administrative Procedure Act. The commissioner may order the \$100 civil penalty if (1) after holding the hearing, the commissioner finds that a violation of the licensing requirements occurred, or (2) the alleged violator does not request a hearing or requests one but does not appear at it. The commissioner must send a copy of any such order by certified mail, return receipt requested, to the person or entity named in the order.

PA 18-140—sSB 188 (VETOED)

Committee on Children

AN ACT ESTABLISHING THE STATE OVERSIGHT COUNCIL ON CHILDREN AND FAMILIES

SUMMARY: This act renames the State Advisory Council on Children and Families as the State Oversight Council on Children and Families and increases its membership from 19 to 25. It also increases the number of members that constitutes a quorum from six to 12. It replaces 13 members appointed by the governor with 12 members appointed by legislative leaders and one member appointed by the Juvenile Justice Policy and Oversight Committee (JJPOC) chairpersons. It also adds (1) the Children's Committee chairpersons and ranking members, the child advocate, and the chief public defender, or their designees to the council and (2) certain required qualifications for the six members who represent regional advisory councils.

The act expands the council's duties by requiring it to (1) monitor, track, and evaluate Department of Children and Families' (DCF) policies and practices related to child and youth safety, permanency, and well-being outcomes and (2) submit policy and legislative recommendations to DCF and the Children's Committee on improving such outcomes. It also eliminates some of the council's responsibilities (e.g., issuing reports it deems necessary to the governor and DCF commissioner) and modifies certain other responsibilities.

Additionally, the act (1) modifies and expands the information that DCF must quarterly report to the council and (2) requires the Children's Committee, beginning by January 1, 2019, to annually report to the council information from the Children's Report Card that is relevant to the council's duties (see BACKGROUND).

The act also requires the council, by October 1, 2019, to begin annually reporting to the Appropriations and Children's committees (1) its findings and recommendations regarding DCF policies and practices; (2) information about the impact of those policies on safety, permanency, and well-being outcomes for children and youths; and (3) if applicable, legislative recommendations. Within 30 days of receiving this report, the committees, in conjunction with the council's leadership, must hold an informational forum on the report.

The act additionally:

1. requires the council to post its agenda and minutes on the General Assembly's website in addition to DCF's website, as already required;
2. allows the council, without state remuneration, to be staffed by an organization or educational institution with the necessary expertise and resources to assist in administering the council's work; and
3. eliminates a requirement that DCF provide the council with funding for administrative support services and to facilitate participation by members who represent families and youth.

The act also makes conforming changes (§§ 2-7).

EFFECTIVE DATE: July 1, 2018

COUNCIL MEMBERSHIP

Under prior law, the council had to include 13 members the governor appointed, seven of whom had to represent young people, parents, and others interested in delivering child protection, behavioral health, juvenile justice, prevention, and other services to children and youths. The act replaces these members with 12 legislative appointees, as shown in Table 1. Under the act, any vacancy must be filled by the appointing authority.

Table 1: Legislative Appointees

<i>Appointing Authority</i>	<i>Number of Appointments</i>	<i>Qualifications</i>
House speaker	Two	One expert in providing services through DCF's family assessment response program; One child and youth advocate
Senate president pro tempore	Two	One expert in providing behavioral health services to children and youths DCF serves; One attorney with expertise in legal issues related to children and youths
House majority leader	Two	One former recipient of DCF in-home services or supervision between ages 18 and 25; One behavioral health services advocate serving on the Behavioral Health Partnership Oversight Council
Senate majority leader	Two	One licensed child psychiatrist; One behavioral health services advocate serving on the Behavioral Health Partnership Oversight Council
House minority leader	Two	One former foster child between ages 18 and 25; One therapeutic foster care provider
Senate minority leader	Two	One attorney with expertise in legal issues related to children and youths; One practicing member of the Connecticut Chapter of the American Academy of Pediatrics

The act also adds to the council (1) a JJPOC member who is a child and youth advocate or service provider, appointed by the JJPOC chairpersons, and (2) the Children's Committee chairpersons and ranking members, the child advocate, and the chief public defender, or their designees.

As under prior law, the council must include six members representing the regional advisory councils, one appointed by each such council's members. The act additionally requires that these members be parents, foster parents, or family members of children and youths who have received or are currently receiving behavioral health, child welfare, or juvenile services.

Under prior law, the council had to select from among its members a chairperson and vice-chairperson to act in his or her absence. The act instead requires the council to select two chairpersons from among its members, one of whom cannot be a representative of the executive or legislative branch.

The act also eliminates provisions that (1) permit the council members to receive compensation for necessary expenses incurred in performing their duties and (2) require DCF to provide funding to the council to facilitate the participation of members representing families and youth, as well as for other administrative support services.

COUNCIL DUTIES

Monitoring, Tracking, and Evaluating DCF Policies and Practices

The act adds to the council's responsibilities by requiring it to monitor, track, and evaluate DCF's policies and practices regarding child and youth safety, permanency, and well-being outcomes, including policies related to ensuring that:

1. children and youths are, first and foremost, protected from abuse and neglect;
2. children and youths (a) are safely placed in their homes whenever possible and appropriate and (b) have permanent and stable living situations;
3. children and youths receive services that are (a) adequate to meet their physical and mental health needs and (b) appropriate to meet their educational needs;
4. continuity of family relationships and connections is preserved; and
5. families have enhanced capacity to provide for children's and youths' needs.

Budget Review and Advice

Under existing law, the council is tasked with annually reviewing the proposed budget and advising the DCF commissioner on it. Under the act, the council must additionally provide such advice to the Appropriations and Children's committees.

Outcome Measure Monitoring and Advice and Perspective on Implementing Council Recommendations

In addition to monitoring DCF's progress in achieving its strategic plan goals, as required under existing law, the act requires the council to monitor the department's progress in achieving any outcome measures the council establishes.

The act requires the council to offer assistance and provide an outside perspective to DCF to help the department implement the council's recommendations, in addition to providing such assistance and perspective to help DCF achieve its strategic plan goals, as required under existing law.

Eliminated Requirements

The act eliminates requirements that the council:

1. interpret to the community at large DCF's policies, duties, and programs;
2. issue any reports it deems necessary to the governor and DCF commissioner; and
3. assist in developing, reviewing, and commenting on DCF's strategic plan to meet the needs of children and families it serves.

DCF QUARTERLY REPORTS TO THE COUNCIL

The act requires DCF to provide quarterly reports on its progress promoting safety, permanency, and well-being outcomes, instead of quarterly reports on the department's progress carrying out its strategic plan. The reports must include the following:

1. outcome data categorized by race, ethnicity, age cohorts, departmental region and, where practicable, disability status and
2. other relevant information and data the council requests.

BACKGROUND

Children's Report Card

By law, the Children's Committee, in collaboration with the offices of Fiscal Analysis and Legislative Research and the Commission on Women, Children and Seniors, must maintain an annual report card that evaluates the progress of state policies and programs in promoting the result that all Connecticut children grow up in a stable living environment, safe, healthy, and ready to lead successful lives. The report must use data and primary indicators to measure the progress toward these results in a variety of areas (e.g., statewide rates of child abuse and poverty) (CGS § 2-53m).

PA 18-27—HB 5442
 Commerce Committee
 Judiciary Committee

AN ACT CONCERNING THE PARTICIPATION OF NONPROFIT ENTITIES IN WORKER COOPERATIVES

SUMMARY: This act allows a nonprofit corporation to become a member of a worker cooperative, a type of business entity that must be owned and controlled by its employees. Prior law allowed only a cooperative’s full- and part-time employees to become members and own ownership shares.

In doing so, the act allows the nonprofit to serve on the cooperative’s board and, like the worker-owners, receive a portion of the cooperative’s net earnings (i.e., patronage allocations), which, by law, must be apportioned to each member in proportion to the member’s share of the work performed by all members during a specified period.

EFFECTIVE DATE: October 1, 2018

PA 18-46—sSB 260
 Commerce Committee

AN ACT AUTHORIZING ADDITIONAL USES OF FUNDS AVAILABLE TO CTNEXT

SUMMARY: This act broadens the purposes for which CTNext can use certain money in the CTNext Fund.

Under existing law, portions of Manufacturing Assistance Act (MAA) bond funds must be deposited into the CTNext Fund to be used for specific purposes designated by law. The act allows CTNext to use certain unspent portions of these bond funds for any purpose for which it may use CTNext Fund resources. At least 30 days before using any unspent funds, the act requires the CTNext board of directors to notify the Commerce and Finance, Revenue and Bonding committees of its plans to use the funds and its reason for doing so.

Existing law earmarks \$450,000 of MAA bond funds in each of FYs 17, 18, 19, 20, and 21 to be used by CTNext for growth-stage company grants. Prior law required CTNext to use the entire \$450,000 to provide grants in the year of receipt. The act eliminates this requirement.

EFFECTIVE DATE: July 1, 2018

BONDS EARMARKED FOR CTNEXT

Existing law, unchanged by the act, earmarks portions of MAA bond funds for specified CTNext programs and purposes as shown in Table 1. Under the act, if any of these earmarked funds remain unspent in the fiscal year after that in which they were initially deposited, the money may be spent for any purpose for which the law allows CTNext funds to be spent (see below).

Table 1: MAA Bond Earmarks for CTNext

§	Amount (in millions)					Total	Purpose
	FY 17	FY 18	FY 19	FY 20	FY 21		
32-235 (b)(4)	\$4.9	\$4.9	\$4.9	\$9.9	\$4.9	\$29.5	Innovation Places Program: grants for planning designated innovation places and projects that network innovation places
32-235 (b)(5)	--	--	2.0	2.0	2.0	6	Higher education entrepreneurship grants
32-235 (b)(8)	0.45	0.45	0.45	0.45	0.45	2.25	Grants to growth-stage companies

CTNext Fund Authorized Purposes

By law, the CTNext Fund’s resources may be used for the following:

1. grants to entities planning and developing designated innovation places;
2. projects that connect such places;
3. CTNext's statutory powers and duties (e.g., providing counseling and technical assistance to start-up businesses and conducting business workshops, seminars, and conferences);
4. higher education entrepreneurship programs;
5. grants to growth-stage companies;
6. required assessments, audits, and analyses of CTNext's programs and initiatives;
7. grants to startup businesses located in, or relocating to, designated innovation places; and
8. any other statutorily authorized purpose or activity (CGS § 32-39i(e)).

PA 18-80—SB 261 (VETOED)

Commerce Committee

Finance, Revenue and Bonding Committee

AN ACT EXTENDING THE MANUFACTURING APPRENTICESHIP TAX CREDIT TO PASS-THROUGH ENTITIES

SUMMARY: This act extends the manufacturing apprenticeship tax credit to the personal income tax, thus allowing the credit to be taken by owners and partners of pass-through entities. Because prior law allowed the credit to be taken only against the corporation business tax, only businesses that were organized as corporations and hired apprentices could use it to reduce their tax liability. Pass-through entities such as partnerships, limited liability companies (LLCs), and S corporations could earn the credit under prior law, but they could only benefit from it by selling, assigning, or transferring it to a corporation, utility company, or petroleum products distributor for application against their respective taxes. The act ends this practice.

By law, the manufacturing apprenticeship credit is available for each manufacturing apprentice a business hires. It equals \$6 per hour but not more than \$7,500 or 50% of the actual apprenticeship wages per year. The period for claiming the credit depends on the apprentice's program duration: the program's (1) first year for a two-year program and (2) first three years for a four-year program.

EFFECTIVE DATE: July 1, 2018, and applicable to income and taxable years beginning on or after January 1, 2018.

PASS-THROUGH ENTITIES

The act allows the owners and partners of partnerships, LLCs, S corporations, and other pass-through entities to use the manufacturing apprenticeship tax credit to reduce their personal income tax liability. If the entity is an S corporation or one treated as a partnership for federal tax purposes, its shareholders or partners may claim the credit. If it is an LLC, has only one owner, and does not file a separate federal tax return (i.e., "disregarded entity"), the owner may claim the credit.

Under prior law, the credit applied only against the corporation business tax, which is imposed only on businesses organized as corporations. Businesses organized as pass-through entities are not liable for this tax, but their owners and partners must pay personal income taxes on the income that passes through to them from these entities.

CREDIT SALE, ASSIGNMENT, OR TRANSFER ELIMINATED

Although prior law allowed pass-through entities to earn the manufacturing apprenticeship tax credit, it barred their owners or partners from claiming the credit against their personal income taxes. Instead, it allowed them to cash in their credits by selling, assigning, or transferring them to corporations, utility companies, and petroleum products distributors, which could use them to reduce their tax liability. The act prohibits pass-through entities from selling, assigning, or transferring credits for taxable years on or after January 1, 2018, thus allowing their owners and partners to only apply the credit against their personal income taxes.

PA 18-85—SB 268
Commerce Committee

AN ACT CONCERNING MODIFICATIONS TO BROWNFIELD REMEDIATION GRANT AND LOAN PROGRAMS, THE APPLICATION OF NOTICES OF ACTIVITY AND USE LIMITATION TO CERTAIN PRIOR HOLDERS OF INTEREST IN PROPERTY, PROPERTY TAX AGREEMENTS BETWEEN MUNICIPALITIES AND PROSPECTIVE PURCHASERS OF BROWNFIELDS AND ENVIRONMENTAL IMPACT EVALUATION EXEMPTIONS FOR CERTAIN FEDERALLY APPROVED PROJECTS

SUMMARY: This act makes programmatic changes to state and municipal brownfield remediation programs, loosens a restriction on using the notice of activity and use limitation (NAUL), and exempts proposed actions supporting certain nuclear submarine construction projects from environmental impact evaluation requirements.

The programmatic changes to the state brownfield remediation programs (1) extend the maximum period for repaying certain Department of Economic and Community Development (DECD) loans from 20 to 30 years and (2) require municipalities and other entities that remediate brownfields with DECD grants to do so under a specified state voluntary remediation program.

The act's changes to the municipal property tax incentive programs allow municipalities to extend tax abatements and assessment freezes to people and entities proposing to acquire a brownfield. The changes also expand the range of state voluntary remediation programs under which they must remediate a brownfield as a condition for receiving a tax incentive.

A NAUL is a legal instrument that intends to minimize exposure to contamination in a property by controlling the kind of activity that can occur there. To achieve this purpose, NAULs are executed and recorded in the land records. The act allows NAULs to be used in areas where a prior holder of interest in the property (i.e., prior holder), such as a lender, holds an interest that allows activities the NAUL otherwise prohibits if the prior holder agrees to the NAUL's conditions.

The act also makes minor and technical changes.

EFFECTIVE DATE: October 1, 2018, except the provision (1) extending the period for repaying brownfield loans takes effect July 1, 2018, and is applicable to loans issued on or after that date and (2) exempting state supported nuclear submarine projects from state environmental impact evaluations takes effect upon passage.

§§ 1 & 5 — STATE BROWNFIELD REMEDIATION PROGRAMS

Targeted Brownfield Development Loan Program (§ 1)

The act extends, from 20 to 30 years, the maximum period for repaying loans DECD makes under its Targeted Brownfield Development Loan Program, which provides loans of up to \$4 million per year for investigating and assessing a property's environmental condition and remediating any contamination. The loans are available to the current owners of a contaminated property and its potential purchasers if they (1) are not liable for the contamination and (2) plan to develop the property to reduce blight or for industrial, commercial, residential, or mixed use purposes.

Remedial Action and Redevelopment Municipal Grant Program (§ 5)

In addition to making loans to a brownfield's owners or potential purchasers, DECD makes grants to municipalities; municipal and nonprofit economic development agencies; and state-certified brownfield land banks for remediating brownfields they own or control. (It also makes grants to these entities and regional councils of government for preparing comprehensive brownfield remediation and development plans.) As a condition for receiving a grant, the act requires certain grant recipients to conduct the remediation under one of four state voluntary remediation programs the DECD commissioner selects. The voluntary remediation programs are administered by DECD and the Department of Energy and Environmental Protection (DEEP).

The act specifies that the requirement applies to any entity that is eligible for a grant and not subject to requirements under the Transfer Act, the law that requires parties to a real estate transaction involving contaminated property to notify the DEEP commissioner about the contamination and identify the party that will investigate and remediate it.

The act exempts from the remediation program requirement any recipient that will use the grant funds to:

1. prepare a comprehensive brownfield remediation and redevelopment plan,
2. only assess a brownfield's condition, or
3. abate hazardous building materials as long as the recipient demonstrates to the DECD and DEEP commissioners that these materials are the only remaining contamination on the property.

§ 6 — BROWNFIELD REMEDIATION PROPERTY TAX INCENTIVES

The act makes several changes in the law that allows municipalities to offer different types of property tax incentives to brownfield owners. These incentives include abating (reducing) the taxes on a remediated brownfield or fixing its assessment at its pre-remediation level. Under the act, municipalities may offer these incentives to people and entities proposing to acquire a brownfield (i.e., prospective owners). As with current brownfield owners, municipalities that choose to offer these incentives to prospective owners must do so by entering into an agreement with a prospective owner. Prospective owners (and state-certified brownfield land banks) already qualify for property tax forgiveness, the other incentive municipalities may offer to spur brownfield remediation and redevelopment.

Municipalities that choose to offer these incentives must also require the recipient to comply with the law's requirements, including those for remediating a brownfield. Prior law required the recipients of tax forgiveness and assessment fixes to remediate the property under a DEEP voluntary remediation program and meet the Transfer Act's remediation standards. The act expands the range of programs recipients may use to remediate a brownfield to include DECD's voluntary remediation programs, which provide protection from liability if the remediation is completed according to the Transfer Act's standards.

§§ 2-4 — NAUL

The act loosens a restriction on the use of NAULs, which are designed to control activities that could potentially expose people to contamination. Prior law prohibited NAULs from being used in places where a prior holder of interest in the property held an interest that allowed (1) activities the NAUL otherwise prohibited or (2) intrusions into contaminated soil. The act eliminates the latter restriction and allows NAULs to be used in areas where the prior interest allows the activities the NAUL prohibits, but only if the prior holder agrees, by signing the NAUL, to subject that interest to the NAUL's conditions.

§ 7 — ENVIRONMENTAL IMPACT EVALUATION EXEMPTION FOR SUBMARINE CONSTRUCTION PROJECTS

By law, with exceptions, state agencies must prepare an environmental impact evaluation of any activity they propose or fund. The act creates an exception to this requirement for activities supporting certain nuclear submarine construction projects.

The act exempts from this requirement activities that are part of a nuclear submarine construction project that received, on or before the act's passage, the highest priority ranking (i.e., DX) under the U.S. Defense Department's Defense Priorities and Allocation System (see BACKGROUND). The activity must further an "approved program," as defined under the Defense Priorities and Allocations System regulations (15 C.F.R. Part 700).

BACKGROUND

Defense Priorities and Allocations Systems Program

Administered by the U.S. Department of Commerce's Bureau of Industry and Security, the Defense Priorities and Allocations Systems Program prioritizes national defense-related contracts and orders throughout the U.S. supply chain to support military, energy, homeland security, emergency preparedness, and critical infrastructure requirements.

The authorization comes from Title I of the Defense Production Act of 1950, which required the president to require preferential acceptance and performance of contracts or orders (other than employment contracts) supporting certain approved national defense and energy programs, and to allocate materials, services, and facilities in such a manner as to promote these programs. The president delegated this authority to the Commerce Department under Executive Order 13603.

PA 18-122—HB 5438

Commerce Committee

AN ACT CONCERNING MINOR AND TECHNICAL CHANGES TO COMMERCE-RELATED STATUTES

SUMMARY: This act makes technical changes in the economic development statutes.

EFFECTIVE DATE: Upon passage

PA 18-145—sSB 263

Commerce Committee

Finance, Revenue and Bonding Committee

AN ACT ELIMINATING CERTAIN UNCLAIMED AND SELDOM CLAIMED TAX CREDITS

SUMMARY: This act ends two economic development corporation business tax credit programs. It

1. closes, on or after July 1, 2018, new applications for the 10-year credit available for developing or acquiring facilities for specified uses in the state's 18 enterprise zones and other designated areas (see BACKGROUND), but allows businesses that were awarded the credit before this date to continue to claim it until the end of the 10-year period and
2. eliminates the tax credit for establishing new businesses in the enterprise zones and makes several technical and conforming changes.

EFFECTIVE DATE: July 1, 2018, except the changes to the tax credits for acquiring or developing facilities in designated areas take effect on or after that date and are applicable to income years beginning on or after January 1, 2018.

ELIMINATED TAX CREDIT PROGRAMS

Developing or Acquiring Facilities in Enterprise Zones and other Designated Areas (CGS § 12-217e)

The act ends the economic and community development commissioner's authority to issue new certificates necessary to claim the 10-year corporation business tax credit for developing or acquiring facilities in designated areas on July 1, 2018. It also prohibits new credits from being claimed under the program for any income year beginning on or after January 1, 2018.

The program currently has two components, based on a facility's type and location designation. The first component provides a flat 10-year credit for an amount that varies depending on a facility's location and use, as follows:

1. 25% credit for businesses acquiring or improving facilities for manufacturing or entertainment uses in a targeted investment community (i.e., a municipality with an enterprise zone), enterprise zone, or airport development zone;
2. 25% credit for businesses in airport development zones that are dependent upon or related to airport operations; and
3. 50% credit for businesses acquiring or developing facilities for manufacturing, entertainment, specified services, and information technology uses, if they also (a) hire at least 150 people who reside in the zone or the host municipality and qualify for federal job training assistance or (b) fill at least 30% of the jobs with people who reside in the zone or host municipality and qualify for such assistance.

The program's second component provides a 10-year sliding scale credit to service facilities that acquire or develop property in a municipality with an enterprise zone (which are statutorily designated targeted investment communities) but on a site located outside the enterprise zone. The credit amount is based on the number of jobs they create and ranges from 15% for creating between 300 and 500 jobs to 50% for creating 2,000 or more jobs.

Under the act, businesses that were approved for credits under both components before July 1, 2018, may continue to claim them until the end of the 10-year period.

Creating Corporations in Enterprise Zones (CGS § 12-217v)

The act eliminates the 10-year corporation business tax credit for creating a business in an enterprise zone and meeting specified employment goals. The credit is for 100% of the business's tax liability for the first three years and 50% for the next seven.

BACKGROUND

Designated Areas

The act ends two economic development tax credit programs for businesses in distressed municipalities and targeted investment communities (i.e., the municipalities with enterprise zones). The economic and community development commissioner annually designates distressed municipalities based on statutory criteria. By law, a targeted investment community is any municipality with an enterprise zone. Table 1 identifies the current (2017) distressed municipalities and targeted investment communities.

Table 1: Targeted Investment Communities and Distressed Municipalities

<i>Targeted Investment Communities</i>		<i>Distressed Municipalities</i>	
Bridgeport	New Haven	Ansonia	Naugatuck
Bristol	New London	Bridgeport	New Britain
East Hartford	Norwalk	Bristol	New Haven
Groton	Norwich	Chaplin	New London
Hamden	Southington	Derby	Norwich
Hartford	Stamford	East Hartford	Plymouth
Meriden	Thomaston	East Haven	Putnam
Middletown	Waterbury	Enfield	Sprague
New Britain	Windham	Griswold	Torrington
		Hartford	Waterbury
		Killingly	West Haven
		Meriden	Windham
		Montville	

The municipalities with entertainment districts are Bridgeport, New Britain, Stamford, and Windham.

The municipalities that have or are part of an airport development zone are: East Granby, Suffield, Windsor, and Windsor Locks (i.e., Bradley Airport Development Zone); Groton and New London (i.e., Groton-New London Airport Development Zone); and Waterbury and Oxford (i.e., Waterbury-Oxford Development Zone).

PA 18-146—sSB 265

Commerce Committee

AN ACT CONCERNING EXPEDITED PERMITTING PROCEDURES BY THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION FOR BUSINESS INITIATION, EXPANSION OR NEW PRODUCTION AND ANNUAL REPORTING ON THE NUMBER OF ENVIRONMENTAL VIOLATIONS RESOLVED WITHOUT FINANCIAL PENALTY

SUMMARY: This act requires the Department of Energy and Environmental Protection (DEEP) to hold a permit pre-application meeting, upon request, with any business seeking to start a new business or manufacturing production line or expand an existing business. The purpose of the meeting is to discuss the application of any DEEP permit needed to perform the business activity. Businesses may request a pre-application meeting in person, in writing, by phone, or through an electronic form, which DEEP must post on its website.

Under the act, within 30 days after receiving a pre-application meeting request the DEEP commissioner must make reasonable efforts to (1) schedule the meeting with the requestor; (2) identify the information DEEP needs to process the permit applications for which the meeting was requested; and (3) provide the requestor with an estimated final decision date for those applications.

After it issues its final decisions on the associated permit applications, DEEP must survey the business that requested a pre-application meeting to collect information on its experience with the pre-application and permitting process.

By law, DEEP annually submits a report to the legislature on its permitting efforts during the preceding fiscal year. The act requires it to include in this report (1) a summary of the information collected from the survey described above, (2) the average time for processing permit applications discussed in pre-application meetings, (3) the number of violations DEEP's environmental quality division investigated in the previous fiscal year, and (4) the number of those violations that it resolved without levying a fine.

EFFECTIVE DATE: October 1, 2018

PA 18-147—sSB 266

Commerce Committee

Finance, Revenue and Bonding Committee

AN ACT CONCERNING INCENTIVES TO ENCOURAGE THE GROWTH OF BIOSCIENCE VENTURE CAPITAL IN CONNECTICUT

SUMMARY: This act creates a personal income tax deduction for the income generated by investments in eligible Connecticut-based bioscience businesses, available only to the general partners of a qualified venture capital fund. The deduction equals a partner's share of the investment and management income generated by the fund's eligible investments. The revenue services commissioner must adopt implementing regulations.

EFFECTIVE DATE: July 1, 2018, and applicable to taxable years beginning on or after January 1, 2018.

ELIGIBILITY

Funds

The act's income tax deduction is available only to the general partners of a fund that was established on or after January 1, 2018, and that qualifies as a venture capital fund under federal regulations (17 C.F.R. § 275.203(l)-(1)).

General Partners

A general partner qualifies for the deduction depending on how the fund is organized. Under the act, "general partners" are (1) partners of a general partnership; (2) general partners of a limited partnership treated as a partnership for federal tax purposes; or (3) partners of a limited liability partnership. A general partner also includes a member of a limited liability company that is treated as a partnership for federal tax purposes, if (1) the company is managed by managers and the member is a member-manager or (2) the company is not managed by managers.

Investments

The deduction applies to income generated by investments only in a “Connecticut bioscience business” whose principal place of business is located in Connecticut and that:

1. manufactures pharmaceuticals, medicines, medical equipment, medical devices, and analytical laboratory instruments;
2. operates medical or diagnostic testing laboratories; or
3. conducts pure research and development in the life sciences.

DEDUCTION

The amount a general partner may deduct equals the income he or she receives:

1. from the sale, transfer, exchange, or other disposition of the fund’s equity interests in an eligible Connecticut bioscience business obtained from investments made by the fund on or after January 1, 2018, and
2. for managing the fund (excluding the abovementioned income), multiplied by the fund’s “bioscience investment ratio” on the last day of the taxable year.

Under the act, the “bioscience investment ratio” is the total amount of money invested by the fund in Connecticut bioscience businesses divided by the total amount of capital raised by the fund.

PA 18-162—HB 5274

Commerce Committee

AN ACT CONCERNING THE TERMS OF THE STATE POET LAUREATE AND THE STATE TROUBADOUR

SUMMARY: This act requires the appointment of an official state troubairitz or troubadour, instead of just an official state troubadour, as prior law required, and explicitly requires the Department of Economic and Community Development (DECD) commissioner to make this appointment. It also requires, rather than allows for, the appointment of a state poet laureate and explicitly requires the commissioner to make this appointment as well. Under prior law, DECD appointed the state troubadour and state poet laureate.

The act requires the commissioner to designate individuals for both positions to a three-year term and allows her to fill a vacancy in either position by appointment for the term’s balance. Prior law did not specify a term for the poet laureate, but provided a two-year term for the state troubadour. In both cases, it made no provision for filling a vacancy.

Under the act, the commissioner must continue to appoint the state poet laureate with recommendations from the Culture and Tourism Advisory Committee, as DECD had to do under prior law if it chose to fill that position.

EFFECTIVE DATE: October 1, 2018

PA 18-15—SB 186
Education Committee

AN ACT CONCERNING SCHOOL COUNSELORS

SUMMARY: This act adds “school counselor” to state laws that mention “guidance counselor” (e.g., laws pertaining to bullying, school-based mental health programs, and attendance review teams). In practice, the State Department of Education recognizes both terms for professional certification endorsements, but the guidance counselor endorsement is no longer issued for new endorsements. New certification endorsements of this type are all for school counselor.
EFFECTIVE DATE: July 1, 2018

PA 18-24—SB 452
Education Committee

AN ACT CONCERNING THE INCLUSION OF HOLOCAUST AND GENOCIDE EDUCATION AND AWARENESS IN THE SOCIAL STUDIES CURRICULUM

SUMMARY: This act adds Holocaust and genocide education and awareness to the required courses of study for public schools and requires all local and regional boards of education to include this topic in their social studies curriculum beginning in the 2018-19 school year.
 In developing and implementing the new curriculum, the act allows these boards of education to (1) use existing and appropriate public or private materials, personnel, and other resources and (2) accept gifts, grants, and donations, including in-kind donations.
EFFECTIVE DATE: July 1, 2018

PA 18-34—sSB 455
Education Committee

AN ACT CONCERNING MINORITY TEACHER RECRUITMENT AND RETENTION

SUMMARY: This act makes various changes affecting minority teacher recruitment and retention, including:

1. modifying teacher certification laws to make it easier to obtain certain certification or cross endorsement (§§ 4 & 8);
2. requiring the State Department of Education (SDE) to identify and use or support a number of practices and programs to improve minority teacher recruitment (§ 1);
3. requiring SDE to develop or review and approve a new alternate route to certification (ARC) program that allows people in certain professions, including paraeducators, charter school teachers, and veterans, to become teachers (§ 2);
4. adding a member to the teacher Performance Evaluation Advisory Council (PEAC) and requiring the council to work collaboratively with the Minority Teacher Recruitment Task Force on issues of equity and closing the achievement gap (§ 3);
5. increasing, from 10 to 13, the membership of the Minority Teacher Recruitment Task Force and requiring the chairpersons to appoint one of the new members to serve as the third chairperson (§ 5);
6. requiring the State Board of Education’s (SBE) five-year education plan to include a statement that the state’s teacher workforce should reflect the state’s racial and ethnic diversity (§ 6);
7. limiting the scope of local and regional boards’ of education minority recruitment plans to educators, rather than staff (§ 7); and
8. requiring SDE to enter into a memorandum of understanding (MOU) with teacher licensure test vendors to let certain test takers retake the exam for free (§ 9).

It also makes a number of minor, technical, and conforming changes.
EFFECTIVE DATE: July 1, 2018, except the provision on the MOU on retaking licensure exams is effective upon passage.

§§ 4 & 8 — TEACHER CERTIFICATION

The act makes changes in teacher certification laws regarding initial certifications, cross endorsements for certificate holders, and licensure exam exceptions for out-of-state teachers.

Initial Educator Certifications (§ 4)

By law, SBE must issue an initial educator certificate to any person who (1) holds a bachelor's degree from an accredited higher education institution and (2) completed an approved educator preparation program or ARC program.

Existing law requires applicants who complete an ARC program to also (1) meet the requirements for one of the state's temporary certificates (i.e., 90-day or resident teacher certificate) and (2) complete an SBE-defined subject area major (i.e., undergraduate major) or qualify for a waiver.

Instead of completing the subject area major, the act allows an applicant to substitute (1) a satisfactory score on an appropriate SBE-approved subject area assessment and (2) completion of advanced coursework in a relevant subject area.

Cross Endorsements and Out-of-State Reciprocity for Exams and Assessments (§ 8)

The act requires any person who holds an initial, provisional, or professional educator certificate and achieves a satisfactory score on the appropriate SBE-approved subject area assessment to be issued a cross endorsement in the relevant certification endorsement area matching a teacher shortage area. By law, the commissioner must annually issue a list of the subject shortage areas for certified teachers (CGS § 10-8b).

The act creates an exception for a person who achieved a satisfactory score on an equivalent competency examination or subject area assessment required for educator certification in another state. Such a person is not required to achieve a satisfactory score on Connecticut's competency exam or subject matter assessment, provided SBE determines that the other state's requirements are at least equivalent to Connecticut's.

§ 1 — Research, Practices, and related steps

The act requires SDE, by January 1, 2019, and in consultation with the Minority Teacher Recruitment Policy Oversight Council (see BACKGROUND), to:

1. identify research and successful practices to enhance minority teacher recruitment throughout the state;
2. identify and establish public, private, and philanthropic partnerships to increase minority teacher recruitment;
3. use, monitor, and evaluate innovative methods to attract minority candidates to the teaching profession, particularly in subject areas with teacher shortages as determined by the education commissioner pursuant to existing law;
4. modernize the process for educators to get professional certification by eliminating obstacles to certification to increase competitiveness with other states;
5. identify and use high quality, affordable, and bias-free educator tests for certification;
6. adopt passing scores for educator certification tests that do not exceed the multi-state passing scores to increase competitiveness with surrounding states;
7. support new and existing educator preparation programs that commit to enrolling greater numbers of minority teacher candidates in a manner that supports interstate reciprocity;
8. monitor, advise, support, and intervene in when necessary, local and regional boards' of education efforts to prioritize minority teacher recruitment and develop innovative strategies to attract and retain minority teachers in their districts;
9. starting July 1, 2019, include a question on demographic data of applicants for positions requiring certification in SDE's annual hiring survey distributed to boards of education; and
10. starting by July 1, 2020, annually report on the survey's applicant demographic data to the Minority Teacher Recruitment Task Force and the Education Committee.

§ 2 — ARC PROGRAM FOR ALTERNATE PROFESSIONS

The act requires SDE, in consultation with the Office of Higher Education, to develop, or review and approve, an ARC program that enables those in alternate professions to obtain an initial educator certification, the first of three certification levels in Connecticut.

Program Eligibility

To qualify for this certification, a person from an alternate profession must hold at least a bachelor's degree from a regionally accredited institution and be one of the following:

1. a paraeducator (i.e., a classroom assistant who helps teachers or other professional staff with instruction or related services);
2. a veteran (i.e., a person honorably discharged or released from active U.S., military service);
3. a Connecticut charter school educator permit holder; or
4. a person currently or previously employed as a professor at an accredited higher education institution.

A person from an alternate profession also may include someone with a master's degree from a social work program accredited by the Council on Social Work Education or, for someone educated outside the United States or its territories, an educational program deemed equivalent by the council.

Program Requirements

Under the act, an ARC program developed or approved must (1) include instruction in classroom management and cultural competency, (2) align with SBE-adopted standards for teaching competencies, and (3) meet other criteria as SDE requires.

Starting July 1, 2019, the act waives the existing special education coursework requirement for initial educator certification and requires SBE, upon receiving a proper application, to certify applicants who (1) successfully complete an ARC program developed or approved under the act and (2) meet the teacher certification testing requirements or related exceptions (e.g., out-of-state testing reciprocity). The certificate is valid for three years.

SDE must include on its website a description of, and the requirements for, each approved ARC program.

§ 3 — PEAC

Membership

By law, PEAC is within SDE and consists of representatives of various education stakeholder groups, such as teachers and boards of education. The act adds to the council's membership a representative from the Minority Teacher Recruitment Task Force designated by the task force chairpersons.

Duties

Existing law requires PEAC to help SBE develop a model teacher evaluation and support program, including an implementation plan, guidelines, and a data collection and evaluation support system. The act also requires the council to collaborate with the task force to focus on issues of equity and closing the achievement gap, as defined in state law.

Starting July 1, 2018, the council must collaborate with the task force and incorporate into its work strategies a framework for educators to effectively close the achievement gap and increase educational opportunities.

§ 5 — MINORITY TEACHER RECRUITMENT TASK FORCE

The act increases, from 10 to 13, the membership of the Minority Teacher Recruitment Task Force. It does so by requiring the Commission on Equity and Opportunity executive director to appoint three new members, one each with expertise in African American, Latino and Puerto Rican, and Asian Pacific American affairs.

The act also (1) eliminates from the task force membership the executive director and (2) requires the task force chairpersons, by July 31, 2018, to appoint an additional member to serve as the task force's third chairperson. Under the act, the third chairperson has the same authority and duties as the other chairpersons.

§ 6 — SBE FIVE-YEAR EDUCATION PLAN

By law, SBE must craft and adopt a five-year comprehensive plan for elementary, secondary, vocational, career, and adult education. Under the act, plans adopted after July 1, 2018, must include a policy statement that the demographics of public school educators should reflect the racial and ethnic diversity of the state's total population. The current five-year plan expires in 2021.

§ 7 — BOARDS OF EDUCATION AND MINORITY RECRUITMENT

Prior law required boards of education to develop and implement a written plan for minority staff recruitment in order for students to interact with teachers from other racial, ethnic, and economic backgrounds to reduce racial, ethnic, and economic isolation. The act limits the plan's scope to minority teachers, instead of minority staff.

§ 9 — RETAKING LICENSURE EXAMS

The act requires the education commissioner, by January 1, 2019, to enter into a MOU with one or more teacher licensure assessment vendors to provide licensure exams to eligible applicants in Connecticut. Under the act, the MOU must include requirements that, upon an applicant's request, the:

1. applicant be allowed to retake any licensure exam he or she did not pass, provided the score is within a range the commissioner prescribes; and
2. vendor (a) assumes the cost of any exam retake and (b) provides SDE with the applicant's individual score on the licensure exam he or she did not pass.

Under the act, "eligible applicants" are those applying for an initial educator certificate who have successfully met the SBE-specified preparation and eligibility requirements, but who have not passed any licensure exam.

The act also requires SDE to provide, within available appropriations and upon an applicant's request, educational materials to help the applicant obtain an initial educator certificate. The materials must be provided using the results of the applicant's individual score report on the licensure exam that he or she did not pass.

BACKGROUND

Minority Teacher Recruitment Policy Oversight Council

The council is part of SDE and it includes parties from outside the department, including members of the Minority Teacher Recruitment Task Force and representatives from higher education institutions and educator unions (CGS § 10-156bb).

PA 18-35—sHB 5171 (VETOED)

Education Committee

AN ACT PROHIBITING THE EXECUTIVE BRANCH FROM MAKING RESCISSIONS OR OTHER REDUCTIONS TO THE EDUCATION COST SHARING GRANT DURING THE FISCAL YEAR

SUMMARY: This act, overriding any general statute or special act, prohibits the governor from cutting education cost sharing (ECS) aid grants to towns by (1) using his rescission authority to reduce allotment requisitions or allotments in force (see BACKGROUND) or (2) reducing allotments in any budgeted agency to achieve General Fund budget savings. Existing law, unchanged by the act, already exempts municipal aid from rescissions.

The act revises provisions in the biennial budget act (PA 17-2, June Special Session) to prohibit the OPM secretary from cutting ECS aid grants when making the reductions he is authorized to make to achieve specified General Fund budget savings for FYs 18 and 19.

The act also exempts ECS grants from the list of municipal grants that the OPM secretary can reduce or withhold in order to recover part of the Renters' Rebate Program costs it incurs (see BACKGROUND).

EFFECTIVE DATE: July 1, 2018, except the provisions exempting ECS aid grants from authorized reductions under the budget act, which are effective upon passage.

BACKGROUND

Related Acts

PA 18-81, §§ 7 & 10, makes essentially the same changes related to reductions to achieve budget savings in FY 19. PA 18-81, § 34, prohibits OPM from withholding municipal assistance to recover part of the renters' rebate costs.

Governor's Authority to Reduce Allotment Requisitions or Allotments in Force

An allotment requisition is a state agency's formal quarterly request to OPM for the funds it needs to carry out an

appropriation's purpose. An allotment in force is an allotment that OPM has granted. By law, the governor can reduce an allotment requisition or allotment in force if he (1) determines circumstances have changed after the budget's adoption or (2) estimates that budgeted resources will be insufficient to fully fund all appropriations. He may also do so if the comptroller's cumulative monthly financial statement shows a General Fund deficit of more than 1% of total General Fund appropriations. These reductions are called rescissions.

The law limits the amount by which the governor can reduce allotments and restricts him from reducing certain grants and line items. The governor is also restricted from cutting (1) municipal aid, (2) certain "watchdog" agency line items (e.g., the Office of State Ethics), and (3) legislative and judicial branch line items (CGS § 4-85(e)).

Renters' Rebate Program

The state's Renters' Rebate Program provides rebates to older adult or totally disabled renters whose incomes do not exceed certain limits. By law, the state issues the rebates to renters, prorating them as necessary to stay within available appropriations. For FY 17, OPM used grant withholdings or reductions to recover from municipalities 50% of the cost of issuing the rebates. PA 18-81, § 34, eliminated OPM's authority to recover 50% of the cost of this program by withholding municipal grants (CGS § 12-170f).

PA 18-51—sSB 183

Education Committee

Appropriations Committee

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE DEPARTMENT OF EDUCATION

SUMMARY: This act makes changes in state education law related to (1) the use of seclusion in schools, (2) the State Board of Education's (SBE) authority to suspend or place on probation a teacher's credential, (3) teacher certification and subject area endorsements, (4) magnet school grants, and (5) background checks for adult education teachers.

EFFECTIVE DATE: July 1, 2018

§ 4 — EXCLUSIONARY TIME OUT IN SCHOOL

Existing law, unchanged by the act, provides a number of limits and safeguards related to using restraints and seclusion in public schools (see BACKGROUND). The act adds the term "exclusionary time out" to the law and makes it a separate category from seclusion. It defines exclusionary time out as a temporary, continuously monitored separation of a student in a non-locked setting away from an ongoing activity for the purpose of calming or deescalating the student's behavior. By law, seclusion is the involuntary confinement of a student in a room that the student is prevented from leaving. The act adds that the student is "physically" prevented from leaving. By law, seclusion can be used only as an emergency intervention to prevent immediate or imminent injury to the student or others, and cannot be used (1) as discipline or for convenience and (2) instead of a less-restrictive alternative. The act also bans seclusion as a planned intervention in a student's behavioral intervention plan, special education individual education plan, or "504 plan" (i.e., the accommodation plan for a student under the federal Rehabilitation Act of 1973).

Local Exclusionary Time Out Policies

The act requires each local or regional board of education to establish, by January 1, 2019, a policy regarding the use of exclusionary time out. The local policies must include, at a minimum, requirements that:

1. exclusionary time outs cannot be used as a form of discipline;
2. at least one school employee must remain with the student or be immediately available to the student so that the student and employee can communicate verbally throughout the time out;
3. the space used for an exclusionary time out is clean, safe, sanitary, and appropriate for calming or deescalating the student's behavior;
4. exclusionary time out must end as soon as possible (the act does not include a time limit); and
5. if the student requires special education services or is being evaluated for them and is awaiting a determination, and the intervention and strategy in use is failing to address the student's problematic behavior, then the student's planning and placement team must meet as soon as is practicable to determine an alternative intervention or strategy.

§ 5 — SBE'S AUTHORITY TO REVOKE, SUSPEND, OR PLACE A TEACHER'S CREDENTIAL ON PROBATION

The act allows SBE to suspend a teacher's certificate, permit, or authorization ("credential") or to place a teacher's credential on probation in certain discipline cases. Under prior law, the SBE could only revoke a credential.

By law, a teacher whose credential has been revoked is barred from working in a public school during the revocation. The act also bans a person from employment in a public school if his or her credential has been denied or suspended. Under the act, if SBE places a credential on probation, the teacher may continue in the profession under conditions the commissioner sets.

The act allows SBE to place on probation or suspend a credential under the same conditions it may revoke a credential, which include if the teacher:

1. obtained the credential through fraud or by misrepresenting a material fact;
2. persistently neglected to perform the duties for which the credential was granted;
3. is professionally unfit to perform the duties for which the credential was granted;
4. is convicted in a court of law of a crime involving moral turpitude or of any other crime of such nature that, in the opinion of the board, allowing the person to remain credentialed would impair the standing of all board-issued credentials; or
5. is in a situation involving other due and sufficient cause.

Under prior law, SBE was required to revoke a certificate, permit, or other authorization to teach if the credential holder was found to have intentionally disclosed questions or answers to students or otherwise breached the security of a mastery examination. Under the act, the SBE has discretion whether to revoke the credential in this situation.

By law, unchanged by the act, the commissioner must automatically revoke a teacher's credential upon notification of conviction of any crime from a specific statutory list (see BACKGROUND).

The act allows SBE to consider and use disciplinary findings and conclusions from duly authorized agencies of another state, the federal government, the District of Columbia, a U.S. possession or territory, or a foreign jurisdiction when making decisions regarding a teacher in Connecticut.

The act also permits SBE to adopt or revise regulations relating to SBE procedures for actions the act authorizes.

§ 6 — CHANGING TEACHER CERTIFICATION ENDORSEMENT FOR GRADES ONE THROUGH SIX

The act authorizes the education commissioner to allow a teacher with a teacher certification endorsement for grades one through six to teach kindergarten for one year if (1) the teacher holds a grades one through six endorsement issued on or after July 1, 2017, and (2) requested by the superintendent. The commissioner cannot permit a teacher who uses the one-year exception to teach kindergarten to use it again, except she may extend it for one additional school year if the teacher can demonstrate that he or she is enrolled in a program to meet the requirements for the appropriate endorsement to teach kindergarten.

§ 7 — EXTENDS DURATION OF THE TEMPORARY NON-RENEWABLE CERTIFICATION

Under prior law, a teacher could receive a (1) temporary one-year non-renewable certification if he or she meets certain criteria and (2) a two-year extension of the certification in certain cases. The act changes criteria for receiving the certification and extends the terms of all temporary non-renewable certifications from one to three years.

Prior law allowed four different paths for a person to be granted a temporary certification. The act retains the path for charter school teachers, which applies if the person is hired by a charter school after July 1 of a school year for a teaching position that school year, provided he or she could be reasonably expected to complete certain education and training requirements. The act eliminates one of the two paths for out-of-state teachers and makes changes to the paths it retains as described below.

Under prior law, a teacher may receive the temporary one-year non-renewable certification if he or she meets one of the following sets of criteria:

1. (a) was certified and taught for at least one year in another state in which he or she resided during the year immediately preceding the application and (b) meets the certification requirements except for the competency examination and subject matter assessment;
2. has taught under an appropriate certificate issued by another state, U.S. territory or possession, the District of Columbia, or Puerto Rico for at least two years; or
3. has graduated from a regionally accredited college or university teacher preparation program outside of the state and meets the certification requirements, except for the competency exam and subject matter assessment.

The act replaces the three criteria with the following two criteria under which a teacher may get the temporary certification. It is available if he or she:

1. graduated from (a) a teacher preparation program at a regionally accredited college or university in another state or (b) an SBE-approved alternative route to certification (ARC) program, and meets the requirements for certification, except for certain testing requirements; or
2. successfully taught under an appropriate certificate issued by another state, U.S. possession or territory, the District of Columbia, or Puerto Rico for at least two of the 10 years preceding the application and meets the certification requirements; except successful completion of certain testing requirements is not required.

Under prior law, the additional two-year extension was available for those (1) working in bilingual education and seeking a bilingual certification or (2) who taught under an appropriate certification in another state, territory, or possession for at least two years.

§ 8 — FLEXIBILITY REGARDING READING AND HISTORY REQUIREMENTS IN ARC PROGRAM BY ALLOWING THE EQUIVALENT OF SEMESTER HOURS

By law, SBE must adopt teacher credential regulations for the state's Alternative Route to Certification (ARC) program for teachers. Prior law required regulations that state (1) for an initial educator certificate with an elementary endorsement, an applicant must have completed at least three semester hours of a U.S. history survey course and (2) for an initial educator certificate with an early childhood through grade three or an elementary endorsement, an applicant must have completed at least six semester hours of a comprehensive reading instruction course. Under the act, SBE's regulations may also allow equivalent coursework to be submitted for the history and reading instruction courses to meet these requirements.

§§ 1 & 2 — MAGNET SCHOOL ENROLLMENT DATA AND GRANTS

By law, with some exceptions, the state makes magnet school per-student grants to magnet school operators twice a school year, with the second payment coming in May. The May payment is adjusted to reflect the actual number of students attending each magnet school as of October 1. The act changes the date when the October 1 data is finalized, from March 1 to January 31.

The act specifies that (1) magnet school grants are paid to magnet school operators, rather than to magnet schools, and (2) the existing provision that limits a grant from exceeding the school's reasonable operating budget (less revenue from other sources), limits an operator's total grant to the reasonable operating budgets of all of an operator's magnet schools in aggregate.

§ 3 — EXTENDING AUTHORIZATION FOR MAGNET SCHOOL TRANSPORTATION GRANTS AND SUPPLEMENTAL TRANSPORTATION GRANTS

The act extends the education commissioner's authority to give (1) *Sheff* magnet school transportation grants through FY 19 and (2) supplemental *Sheff* magnet school transportation grants through FY 18. The authority to award each grant expired in law on June 30, 2017.

For the supplemental grants, the act specifies up to 70% of the grant will be paid on or before June 30, 2018, and the balance will be paid on or before September 1, 2018, upon completion of a comprehensive financial review. It also makes conforming and technical changes.

§ 9 — EXEMPTS ADULT EDUCATION TEACHERS FROM BACKGROUND CHECKS

The act exempts from criminal history and child abuse and registry background checks any person employed by a board of education as a teacher for a noncredit adult class or adult education activity who is not required to hold a teaching certificate for his or her position.

BACKGROUND

Restraint and Seclusion

State law 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 also bars school employees from using physical restraints on students or placing students in seclusion unless the employees have been properly trained. School boards must develop policies and procedures to (1) provide this training and (2) establish monitoring and internal reporting on the use of physical restraints and seclusion.

By law, school boards must (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.

School boards must also take certain steps for students placed in physical restraint or seclusion four or more times in 20 school days.

Convictions Requiring Automatic Revocation of Educational Credentials

By law, an educator's certificate, permit, or authorization to teach in the public schools is considered revoked as soon as the education commissioner is notified that the educator was convicted of any of the following crimes: a capital felony; arson murder; any class A felony; a class B felony, except first-degree larceny, first-degree computer crime, or first-degree vendor fraud; any crime involving child abuse or neglect; risk of injury to a minor; deprivation of a person's civil rights by a person wearing a mask or hood; second-degree assault, with or without a firearm of an elderly, blind, disabled, or pregnant person, or a person with an intellectual disability; second-, third-, or fourth-degree sexual assault; third-degree sexual assault with a firearm; third-degree promoting prostitution; enticing a minor; substitution of children (i.e., when a person entrusted with an infant returns another infant other than the one entrusted); third-degree burglary with a firearm; first-degree stalking; incest; obscenity as to minors; importing child pornography; criminal use of a firearm or electronic defense weapon; possession of a weapon on school grounds; or manufacture or sale of illegal drugs.

PA 18-89—sSB 453 (VETOED)

Education Committee

AN ACT CONCERNING CLASSROOM SAFETY AND DISRUPTIVE BEHAVIOR

SUMMARY: This act requires local and regional boards of education, as well as the State Department of Education (SDE), to address daily classroom safety in a manner similar to how they must address bullying and teen dating violence under existing law. Under the act, “daily classroom safety” means a classroom environment in which students and school employees are not physically injured by other students, school employees, or parents, or exposed to physical injury to others.

The act makes the following changes, among others, to school safety and school climate laws:

1. requires boards of education to address daily classroom safety in their safe school climate plans (§ 2);
2. requires boards of education to annually report to SDE instances of daily classroom safety violations (§ 2);
3. allows teachers to refer out of their classroom students who commit daily classroom safety violations and sets standards for the students’ return (§ 2);
4. requires SDE to provide school districts with training (§ 3);
5. expands the duties of school staff in safe school climate leadership positions to include daily classroom safety issues (§ 4); and
6. expands the definition of a “prevention and intervention strategy” to include daily classroom safety violations (§ 5).

The act also makes various minor, technical, and conforming changes.

EFFECTIVE DATE: July 1, 2018

§ 2 — SAFE SCHOOL CLIMATE PLAN PROVISIONS

The act requires boards of education, by September 1, 2019, to revise their safe school climate plans to additionally include provisions on daily classroom safety. Under existing law, these plans address bullying and teen dating violence.

Each revised plan must:

1. include a prevention and intervention strategy (see § 5 below) for daily classroom safety;
2. require student conduct codes to include language about daily classroom safety;
3. provide a designated procedure and support plan for daily classroom safety (see below);
4. require the school principal, when a student has violated daily classroom safety, to notify and provide details of the violation to (a) the parents or guardians of the student who violated daily classroom safety, and (b) when other students witness a violation, the board of education and the parents or guardians of the other students, without disclosing the identity of the student who violated daily classroom safety;
5. require schools to invite parents or guardians of a student who commits a violation to a meeting to discuss the

- school's interventions to prevent further violations;
6. establish a procedure for schools to document and maintain records of daily classroom safety violations and the number of such violations for public inspection and annual reporting to SDE;
 7. prohibit discrimination and retaliation against an individual who reports or assists in the investigation of a violation of daily classroom safety; and
 8. require an administrator to meet, no later than two school days following the violation, with the teacher of a student who has violated daily classroom safety to discuss how the student's behavior will be addressed and the interventions that will be implemented to support the teacher and student.

Designated Procedure and Support Plan (§ 2)

Under the act, the daily classroom safety procedure and support plan must include:

1. the identity of the administrator a teacher must notify when a student is violating daily classroom safety, and the identity of any other individuals who may be contacted if the administrator is unavailable;
2. the process the administrator must use to investigate and assess the facts and severity of daily classroom safety violations;
3. the location where a teacher may refer a student who is violating daily classroom safety;
4. therapeutic support for the teacher and student or students involved in an incident; and
5. a process for ensuring that the support plan complies with the state special education law for students who commit repeated daily classroom safety violations.

§ 2 — REMOVAL AND RETURN OF STUDENTS TO THE CLASSROOM

Under the act, if a teacher refers a student out of his or her classroom for a violation of daily classroom safety, the administrator can place the student in another educational setting that is best suited to meet the student's needs.

The administrator may return the student to the teacher's classroom if one of the following is met:

1. the teacher consents to the student's return or
2. the school's crisis intervention team, or a team of teachers and administrators designated by the school principal to assess whether the student should return to the classroom, determines the return is warranted because (a) the student has received appropriate intervention and support and (b) there are adequate protections in the classroom for the safety of the teacher and other students.

§ 3 — TRAINING FOR SCHOOL EMPLOYEES

The act requires SDE to provide daily classroom safety prevention, identification, and response training, within available appropriations, to (1) any school employee who does not hold educator certification and (2) certified employees who serve as the district safe school climate coordinator or specialist or as members of the safe school climate committee. By law, this training must be provided regarding bullying and teen dating violence.

The act allows this training to include the following:

1. developmentally appropriate strategies (a) to ensure daily classroom safety and (b) for immediate and effective interventions to ensure classroom safety;
2. information on the interaction and relationship between students violating daily classroom safety; and
3. research findings on daily classroom safety, such as information about the types of students who have been shown to be at-risk for violating classroom safety.

§ 4 — SAFE SCHOOL CLIMATE LEADERSHIP DUTIES

The act adds duties regarding daily classroom safety to the following individuals and groups with safe school climate leadership roles: district safe school climate coordinators and safe school climate committees. By law, each superintendent must choose a district safe school climate coordinator from among existing school district staff.

District Safe School Climate Coordinators

Beginning in the 2018-19 school year, the act requires district safe school climate coordinators to do the following (by law, they must already perform these duties as they relate to bullying):

1. collaborate with safe school climate specialists, the district's board of education, and the superintendent to prevent, identify, and respond to daily classroom safety violations in district schools;

2. provide data and information about daily classroom safety to SDE, in collaboration with the superintendent; and
3. meet with the safe school climate specialists at least twice each school year to discuss daily classroom safety issues in the district.

Safe School Climate Committees

The act requires each safe school climate committee to address issues relating to daily classroom safety in the school. More specifically, it requires the committee to do the following in addition to its duties under existing law:

1. receive copies of completed reports following investigations of daily classroom safety violations;
2. identify and address patterns of acts that violate daily classroom safety among students in the school;
3. implement school security and safety plan provisions (see BACKGROUND) on the collection, evaluation, and reporting of information relating to instances of disturbing or threatening behavior that may not meet the definition of daily classroom safety;
4. review and amend school policies relating to daily classroom safety;
5. educate students, school employees, and students' parents and guardians on daily classroom safety issues;
6. collaborate with the district safe school climate coordinator to collect data on daily classroom safety violations; and
7. perform any other duties the principal determines are related to preventing, identifying, and responding to daily classroom safety violations for the school.

As is the case under existing law regarding bullying, the act excludes parent members from the first three activities and from any other committee activities that may compromise student confidentiality.

§ 5 — DAILY CLASSROOM SAFETY PREVENTION AND INTERVENTION STRATEGIES

By law, the term “prevention and intervention strategy” may include a series of statutory items. The act expands the definition of this term to include the following:

1. implementation of a positive behavioral intervention and support process or another evidence-based model approach for ensuring daily classroom safety;
2. school rules prohibiting acts that violate daily classroom safety;
3. individual interventions with the child who violates daily classroom safety;
4. promotion of parent involvement to prevent acts that violate daily classroom safety;
5. a culturally competent curriculum, which already focused on social-emotional learning, self-awareness, and self-regulation, that now adds trauma-informed instruction; and
6. therapeutic support for students, as needed, following violations of daily classroom safety.

The law defines this strategy in generally similar terms for addressing bullying, teen dating violence, harassment, and intimidation.

BACKGROUND

School Security and Safety Plan

The law requires each local and regional board of education to develop a school security and safety plan for each school within its district (CGS § 10-222m). The plan must align with standards developed by the Department of Emergency Services and Public Protection, which provide an all-hazards approach to handling emergencies at public schools (CGS § 10-222n).

PA 18-123—sHB 5450

Education Committee

AN ACT CONCERNING THE STAFF QUALIFICATIONS REQUIREMENT FOR EARLY CHILDHOOD EDUCATORS

SUMMARY: By law, state-funded early childhood education program staff must meet an increasingly advanced level of educational attainment over the next several years. These qualification requirements increase over three phases. This act gives staff more time to comply with the requirements by extending the duration of the first phase by two years and delaying the implementation of the second and third phases by two years.

The act also requires the Office of Early Childhood (OEC), within available appropriations, to analyze the qualification requirements for state-funded early childhood education staff. OEC must submit its analysis and any resulting legislative recommendations to the Education Committee by January 1, 2020.

EFFECTIVE DATE: Upon passage for OEC's analysis and July 1, 2018 for the changes to the schedule on minimum staff qualifications.

§ 1 — SCHEDULE ON STAFF QUALIFICATION REQUIREMENTS

Existing law establishes three phases under which state-funded early childhood education program staff must meet increasingly advanced qualification requirements. (The requirements for the first phase apply only to school readiness classrooms; the requirements for the remaining phases apply to all early childhood education programs accepting state funds.)

The act extends the first phase by two years and delays the implementation of the last two phases by two years, as shown in Table 1. Under each phase, the qualification requirements for staff remain unchanged (see BACKGROUND).

Table 1: Changes to Qualification Requirements Schedule

<i>Phase</i>	<i>Prior Law</i>	<i>The Act</i>
One	Through June 30, 2018	Through June 30, 2020
Two	July 1, 2018, through June 30, 2021	July 1, 2020, through June 30, 2023
Three	On and after July 1, 2021	On and after July 1, 2023

§ 2 — ANALYSIS OF STAFF QUALIFICATION REQUIREMENTS

Within available appropriations, OEC must analyze the qualification requirements for state-funded early childhood education staff. The analysis must at least do the following:

1. review the goals of the requirement that individuals with the primary responsibility for a classroom of children hold at least a bachelor's degree with a concentration in early childhood education, and assess whether a bachelor's degree requirement effectively achieves these goals;
2. examine the effectiveness of the state's implementation process for bringing early childhood education programs (i.e., programs that accept state funds for infant, toddler, and preschool spaces for child care or school readiness) into compliance with the staff qualifications requirement;
3. assess how the staff qualifications requirement affects the early childhood education field, including its effects on educators, program providers, children, parents, and families;
4. provide a cost-benefit analysis of the staff qualifications requirement for the state, early childhood education program providers and educators, and children and families; and
5. consider alternative approaches to achieving the bachelor's degree staff qualifications requirement or the goals of this requirement.

The act also requires OEC to seek public input and feedback from the following constituencies when conducting this analysis: early childhood education program providers, early childhood educators, and parents.

BACKGROUND

STAFF QUALIFICATION REQUIREMENTS UNDER EACH PHASE

First Phase

By law, under the first phase, each classroom must have at least one staff member who meets one of the following qualifications:

1. an early childhood development or equivalent associate credential issued by an organization approved by the OEC commissioner and at least 12 credits in early childhood education or child development from a higher education institution accredited by the Board of Regents for Higher Education (BOR) or the Office of Higher Education (OHE) and regionally accredited,
2. an associate or bachelor's degree with at least 12 credits in early childhood education or child development from such a higher education institution,
3. a State Board of Education (SBE)-issued teaching certificate with an endorsement in early childhood education

or special education, or

4. an associate or bachelor's degree with an early childhood education concentration from a regionally accredited higher education institution.

Either the OEC commissioner or the Connecticut State Colleges and Universities (CSCU) president, in consultation with the commissioner, determines whether a classroom teacher has fulfilled the 12-credit minimum for the above requirements.

Second Phase

Under the second phase, at least 50% of state-funded early childhood education head classroom teachers must meet one of the following six standards:

1. hold an SBE-issued teaching certificate with an endorsement in early childhood education or early childhood special education;
2. have been issued an early childhood teacher credential;
3. hold at least a bachelor's degree with a concentration in early childhood education from a regionally accredited higher education institution;
4. have been employed by a state-funded early childhood program on or before June 30, 2015, and hold either (a) a bachelor's degree in early childhood education or child development or (b) a bachelor's degree in another subject area and at least 12 credits in early childhood education or child development;
5. hold an associate or bachelor's degree in early childhood education or child development, or an associate or bachelor's degree that is not in early childhood education and at least 12 credits in early childhood education or child development from a regionally accredited higher education institution, subject to OEC review and assessment; or
6. have been employed by the same state-funded early childhood program since 1995 and hold an associate degree with at least 12 credits in early childhood education or child development as determined by the OEC commissioner or CSCU president, from a higher education institution accredited by BOR or OHE and regionally accredited (these individuals are grandfathered into the staff qualification requirements only until June 30, 2025).

The remaining head classroom teachers must hold an associate degree with an early childhood concentration from a regionally accredited higher education institution.

Third Phase

The final phase requires that 100% of head classroom teachers, not only 50%, meet one of the six standards listed above under the second phase.

PA 18-125—sHB 5444

Education Committee

AN ACT CONCERNING REVISIONS TO THE STUDENT DATA PRIVACY ACT

SUMMARY: This act makes numerous changes in the student data privacy law, which restricts how website, online service, and mobile application (i.e., “online service”) operators and consultants who contract with local and regional boards of education process and access student data. The law requires operators and consultants to use reasonable security practices to safeguard student data.

The act requires the Commission for Educational Technology (CET) (see BACKGROUND) to develop a student data privacy terms-of-service agreement addendum that may be used in contracts entered into pursuant to the student data privacy law.

With respect to the privacy law, the act also:

1. creates certain exceptions from requirements for contractors and operators to delete student data at a board of education’s, student’s, parent’s, or guardian’s request;
2. creates an exception, under certain conditions, when boards have special education students using a necessary online service that is unable to meet the contract requirements;
3. eliminates a requirement that boards electronically notify students and parents of new contracts;
4. requires the State Department of Education (SDE) to add more information to the guidance it must already provide school districts;

5. requires boards of education to annually report to CET on using any online service that does not operate under a contract as required by the law and the act; and
6. adds the Connecticut Association of Schools' executive director, or her designee, as a member of the student data privacy task force.

The act also makes minor and technical changes.

EFFECTIVE DATE: July 1, 2018, except the provisions regarding the agreement addendum and the task force member are effective upon passage.

DEFINITIONS

By law, unchanged by the act, a contractor is an operator or a consultant who possesses, or has access to, student information due to a contract with a board of education. An operator is someone who operates an online service knowing that it was designed and marketed, and is used, for school purposes. A consultant is a professional who provides non-instructional services to a board of education (CGS § 10-234aa).

§§ 1 & 2 — TERMS-OF-SERVICE AGREEMENT ADDENDUM

The act requires CET, which is housed in the Department of Administrative Services, to develop a uniform student data privacy terms-of-service agreement addendum that may be used in contracts entered into pursuant to the privacy law. The addendum must conform to the requirements for a contract described in the law. CET must make the addendum available on its website or in an online registry it maintains for boards, contractors, and operators. The act also authorizes boards of education and a contractor to include the addendum in any contract executed under this law to satisfy the law's requirements.

§ 2 — SPECIAL EDUCATION STUDENT EXCEPTION

The act exempts, under certain circumstances, a board of education from the student data privacy contract requirements for services to students (1) receiving special education services or (2) who have an accommodation under the Rehabilitation Act of 1973 (commonly referred to as a Section 504 accommodation).

Under the act, this exemption only applies if the:

1. online service (a) is unique and necessary to implement the student's individualized education program (IEP) or Section 504 plan, (b) is unable to meet the law's contract requirements, and (c) complies with the federal Family Educational Rights and Privacy Act (FERPA) and Health Insurance Portability and Accountability Act (HIPAA) (see BACKGROUND);
2. board can provide evidence it has made a reasonable effort to (a) enter into a contract with the online service and (b) find an equivalent online service that complies with the law; and
3. parent or legal guardian of the student, and, in the case of a student with an IEP, a member of the IEP planning and placement team, sign an agreement that (a) acknowledges that they are aware that the online service is unable to comply with the law and (b) authorizes the use of the service.

If such an exception is made, the online service must still comply with the security measures in the law, including the additional requirements added by the act (see below), such as the data security and information deletion provisions and the general prohibition on disclosing, selling, or trading student information.

Under the act, if a parent or legal guardian of a student requests the evidence of reasonable attempts to get the online service to agree to a contract or to find an equivalent service, the board must provide it.

§§ 2 & 3 — DELETING STUDENT DATA

Existing law requires an operator or contractor to delete student records, student information, and student-generated content ("student information") in certain situations. Previously, it required an operator to delete any student information, within a reasonable amount of time, if a student, parent, legal guardian of a student, or board of education who has the right to control the student information requests its deletion.

Under the act, however, an operator or contractor does not have to delete such information if (1) state or federal law prohibits it or requires retention of the information or (2) a copy of the student information is part of a disaster recovery storage system and is generally inaccessible to the public and the operator, provided a student, parent, or legal guardian or board of education may request it to be deleted if the operator uses it to repopulate accessible data after a disaster recovery.

The act also adds this exception to the provisions on student information deletion that must be in any contract

between a board of education and a contractor.

§ 2 — CONTRACT NOTIFICATION REQUIREMENT ELIMINATED

The act eliminates a requirement that boards of education electronically notify affected students and their parents or guardians within five business days after entering into a contract with a contractor. By law, boards must post the notice and contract, including information that was previously sent to affected students and parents, on their websites. Under the act, each year by September 1, the board must electronically notify parents, guardians, and students of the website's address.

§ 2 — EXCEPTION FOR RETAINING INFORMATION

Prior law required contracts for online services to include a statement that student information will not be kept by, or available to, the contractor after the contracted services are completed unless a student, parent, or guardian chooses to establish or maintain an account with the contractor. The act specifies that the information will not be retained after the contract expires, rather than after the services are completed, and that the choice to establish or maintain an account takes place after the contract expires.

§ 4 — GUIDANCE FOR SCHOOL DISTRICTS

By law, SDE must provide guidance to boards on FERPA and the state privacy law. The act requires SDE to consult with CET in providing the written guidance, which under the act must include:

1. a plain language explanation of how FERPA and the state student data privacy law are to be implemented,
2. information about the terms-of-service agreement addendum, and
3. how the addendum can be incorporated into contracts executed under the state privacy law.

§ 5 — STUDENT DATA PRIVACY TASK FORCE

By law, there is a task force to study student data privacy issues. The act adds the Connecticut Association of Schools' executive director, or her designee, as a member.

It also changes the deadline, from January 1, 2018, to January 1, 2019, for the task force to submit its report to the Education and General Law committees.

§ 6 — REPORTING REQUIREMENT

Beginning with the school year starting July 1, 2018, the act requires each board of education to annually submit a report to CET concerning the use of online services that do not have a contract that meets the standards required under the law and the act. The report must indicate whether or not any of these online services are being so used, and, if so, a list of them.

BACKGROUND

CET

The commission, which by law is the principal educational technology policy advisor for state government, consists of state agency department heads and higher education, business, and municipal representatives (CGS § 4d-80).

HIPAA and FERPA

Except under specified circumstances, FERPA (20 U.S.C. 1232g) requires schools to obtain written permission from a minor's parent or guardian before disclosing educational records to a third party. HIPAA (P.L. 104-191, as amended from time to time) sets national standards to protect the privacy of health information by defining and limiting the circumstances under which entities may use or disclose it.

PA 18-129—HB 5335
Education Committee

AN ACT CONCERNING THE ALIGNMENT OF THE COORDINATED STATE-WIDE READING PLAN WITH THE STATE'S TWO-GENERATIONAL INITIATIVE

SUMMARY: This act (1) requires the State Department of Education to include, in its statewide reading plan, the alignment of reading instruction with the two-generational initiative and (2) allows the Office of Early Childhood, in its two-generational initiative and within available appropriations, to consider the alignment of state and local support systems around the statewide reading plan for students in kindergarten to grade three.

By law, the reading plan must contain various research-driven strategies and frameworks for effective reading instruction. The two-generational school readiness and workforce development initiative promotes early childhood care and education, health, and workforce readiness and self-sufficiency across two generations in the same household.

EFFECTIVE DATE: July 1, 2018

PA 18-138—SB 184
Education Committee

AN ACT CONCERNING AUTHORIZATION OF STATE GRANT COMMITMENTS FOR SCHOOL BUILDING PROJECTS AND CHANGES TO THE STATUTES CONCERNING SCHOOL BUILDING PROJECTS

SUMMARY: This act authorizes 19 school construction grants totaling \$240 million toward total project costs of \$485.5 million. It (1) increases, due to cost and scope changes, an existing grant commitment by \$32 million for a previously authorized project and (2) provides additional funding, of up to \$73.5 million, for other projects by waiving certain rules and statutes.

Under the state school construction grant program, the state reimburses towns and local districts for a percentage of eligible school construction costs (with less wealthy towns receiving a higher reimbursement percentage). The town pays the remaining costs.

EFFECTIVE DATE: Upon passage, except the provision about school building project managers is effective July 1, 2018.

§ 1 — SCHOOL CONSTRUCTION GRANT COMMITMENTS

New Projects

Table 1 below shows the district, school, project, cost and estimated grants for each of the 19 new projects.

Table 1: New School Construction Grant Commitments

<i>District</i>	<i>School</i>	<i>Project</i>	<i>Estimated Project Costs</i>	<i>Estimated Grant</i>	<i>State Reimbursement %</i>
Berlin	Richard D. Hubbard School	Alteration	\$172,712	\$78,342	45.36%
Berlin	Mary E. Griswold School	Alteration	\$140,966	\$63,942	45.36%
Berlin	Emma Hart Willard School	Alteration	\$179,441	\$81,394	45.36%

Table 1 (continued)

<i>District</i>	<i>School</i>	<i>Project</i>	<i>Estimated Project Costs</i>	<i>Estimated Grant</i>	<i>State Reimbursement %</i>
Berlin	Catherine M. McGee Middle School	Alteration	\$193,890	\$87,949	45.36%
Bethel	Anna H. Rockwell School	Renovation	\$24,723,432	\$11,125,544	45.00%
Bethel	Ralph M.T. Johnson	Renovation	\$41,107,711	\$18,498,470	45.00%
East Lyme	Flanders School	Alteration, roof replacement, code violation	\$12,099,088	\$5,401,033	44.64%
East Lyme	Niantic Center School	Alteration, energy conservation, code violations	\$10,405,068	\$4,644,822	44.64%
East Lyme	Lillie B. Haynes School	Alteration, energy conservation, code violations	\$14,995,844	\$6,694,145	44.64%
Middletown	Woodrow Wilson Middle School	New construction	\$87,500,000	\$49,376,250	56.43%
Norwalk	Ponus Ridge Middle School	Extension/alteration, code violations	\$43,348,333	\$14,395,981	33.21%
Oxford	Oxford Middle School	New construction	\$44,900,000	\$13,631,640	30.36%
South Windsor	Eli Terry Elementary School	New construction	\$37,419,060	\$13,897,439	37.14%

Table 1 (continued)

<i>District</i>	<i>School</i>	<i>Project</i>	<i>Estimated Project Costs</i>	<i>Estimated Grant</i>	<i>State Reimbursement %</i>
South Windsor	Philip R. Smith Elementary School	New construction	\$32,480,940	\$12,063,421	37.14%
Fairfield	Holland Hill School	Extension/alteration	\$18,148,740	\$4,666,041	25.71%
Milford	West Shore Middle School	Extension/alteration, roof replacement	\$18,114,246	\$9,185,734	50.71%
Plainville	Frank T. Wheeler School	Renovation	\$22,805,000	\$14,905,348	65.36%
Windham	Windham High School	Renovation	\$71,670,200	\$57,078,147	79.64%
LEARN	Ocean Avenue LEARNing Academy	Regional special education, extension/alteration	\$5,100,000	\$4,080,000	80.00%
Total	19 projects		\$485,504,671	\$239,955,642	

Changes in Scope for an Existing Project

Table 2 below shows a previously authorized school construction project receiving a change in scope under the act. Originally approved as an alteration, the act approves the change as a renovation, which results in an increased cost.

Table 2: Project Seeking Change in Scope or Cost

<i>District</i>	<i>School</i>	<i>Project</i>	<i>Previous Grant Authorization</i>	<i>Requested Grant Authorization</i>	<i>Change</i>
Hartford	Martin Luther King, Jr.	Magnet school, renovation	\$54,400,000	\$86,400,000	\$32,000,000

§§ 2-8 — PROJECT EXEMPTIONS, WAIVERS, AND MODIFICATIONS

The act exempts certain school construction projects from various statutory and regulatory requirements to allow them to, among other things, qualify for (1) state reimbursement grants or (2) a higher level of reimbursement grant. These exemptions are referred to as “notwithstandings.”

Table 3: Exemptions, Waivers, and Other Modifications

<i>Section</i>	<i>Town</i>	<i>School and Project</i>	<i>Exemption, Waiver, or Other Change</i>
2	Norwalk	South Norwalk School at Ely Site, new construction	Waives the requirement to submit an application for the \$37.3 million project prior to June 30, 2017 in order to be considered on the 2018 priority list, provided (1) an application is filed by December 1, 2018, (2) the application includes evidence showing the town possesses a clear, unencumbered title to the land that allows for construction, and (3) the project meets all other standard requirements
3	Norwalk	West Rocks Middle School, energy conservation and code violations	Waives the state standard space requirements for grants to cover costs related to the removal of polychlorinated biphenyls (PCBs) in excess of the original project costs for (1) the energy conservation project (up to \$350,000) and (2) the energy conservation and code violations project (up to \$395,905); also increases the reimbursement rate to 100% for costs associated with the PCB removal up to a total cost of \$745,905
4	Norwalk	Norwalk High School, code violations	(1) Waives the state requirement to notify DAS within seven days of discovering a code violation to make removal of PCBs at the school eligible for a grant and (2) increases the project reimbursement rate to 100% of the costs associated with the PCB removal up to a maximum of \$600,000
5	Middletown	Middletown High School, new construction	Increases the project reimbursement rate from 65.7% to 69.6%
6	Bristol	Memorial Boulevard Middle School (has a temporary project designation, thus specific type of project not indicated)	Waives the requirement to submit an application for the \$54 million project prior to June 30, 2017 in order to be considered on the 2018 priority list, provided (1) the town received local share funding authorization on or before October 1, 2017 and (2) the project meets all other standard requirements

Table 3 (continued)

<i>Section</i>	<i>Town</i>	<i>School and Project</i>	<i>Exemption, Waiver, or Other Change</i>
7	Danbury	Westside Middle School Academy, relocatable classrooms	<p>Waives the requirement to submit an application for the \$1.1 million project prior to June 30, 2017 in order to be considered on the 2018 priority list, provided (1) the application is filed before June 1, 2018 and (2) the project meets all other standard requirements</p> <p>Authorizes a reimbursement rate of 80% for relocatable classrooms for costs up to \$1.1 million</p>
8(a)	CREC	<p>Each of the following nine projects are designated magnet school, new construction:</p> <p>Reggio Magnet School of the Arts, International Magnet School for Global Citizenship, Public Safety Academy, Medical Professions and Teacher Preparation Academy, Academy of Aerospace, Discovery Academy, Museum Academy, Anna Grace Elementary School (formerly Two Rivers School), and Aerospace Elementary; the last two schools are also site purchase projects</p>	Requires DAS to reimburse CREC for any remaining project costs that were previously ineligible for reimbursement for nine magnet schools
8(b)	CREC	<p>Anna Grace Elementary School, magnet, new construction, site purchase; Aerospace Elementary School, magnet, new construction, site purchase</p>	Makes DAS responsible for management and administration of the magnet school building projects for both schools

§ 9 — SCHOOL BUILDING PROJECT MANAGERS

The act authorizes the administrative services commissioner to deny a town’s application for a school building project grant if, in the application, the town designates a regional educational service center as the project manager. By law, there are a number of other criteria that the commissioner must consider when reviewing an application, such as various public health, fire safety, and educational standards.

PA 18-139—SB 185
Education Committee

AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL REVISIONS TO THE EDUCATION AND EARLY CHILDHOOD STATUTES

SUMMARY: This act removes the economic and community development commissioner from the list of state officials who must meet with the Education, Higher Education and Employment Advancement, and Labor and Public Employees committees each year to discuss, among other things, workforce needs in the state, economic and occupational trends, and the employment status of graduates of the state's Technical Education and Career System (formerly known as the technical high school system) (§ 11).

It also makes technical and conforming changes in the education, early childhood education, and criminal procedure statutes (§§ 1-10).

EFFECTIVE DATE: Upon passage, except the technical changes to the alternative route to certification programs for school support staff (§ 3) are effective July 1, 2018.

PA 18-172—sHB 5169
Education Committee
Public Health Committee

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE OFFICE OF EARLY CHILDHOOD

SUMMARY: This act makes the following changes in the statutes governing early childhood care and education:

1. allows any child care center and group or family child care home to provide child care services to homeless children and youths, as defined under federal law, for up to 90 days without meeting physical examination and immunization requirements, and requires these centers and homes to keep records of all such children for two years after they leave (see BACKGROUND) (§§ 1 & 2);
2. allows family child care homes to care for up to three additional school-aged children, including the provider's own children, during the summer months if an Office of Early Childhood (OEC)-approved assistant or substitute staff member is assisting the provider, except that this limit of three and the requirement for additional staff do not apply if it is the provider's own children (§ 4);
3. changes the minimum state school readiness grant to a town from \$25,000 to 5% of the total grant allocation while maintaining the existing \$75,000 cap and grant calculation method (the school readiness program provides grants for a developmentally appropriate education for preschool students ages three to five, who are too young to enroll in kindergarten) (§ 5);
4. requires child care centers, group child care homes, and family child care homes to give their contact information to OEC, rather than the local and state police, and requires OEC to share this information through a memorandum of understanding or agreement with the Department of Emergency Services and Public Protection (DESPP) for use in an emergency notification system that notifies the provider of any emergency situation that may endanger the safety or welfare of the children at the centers or homes (§ 6); and
5. excludes relatives who provide child care to a Care 4 Kids recipient from comprehensive background checks, including state and national criminal history records checks, and instead requires them to submit to other types of background checks, including the Connecticut Online Law Enforcement Communication Teleprocessing System (COLLECT) (see BACKGROUND) (§ 7).

The act also makes minor changes to the licensing requirements for certain child care and group child care homes (§§ 3 & 4). It also makes several technical and conforming changes and requires the adoption of implementing regulations.

EFFECTIVE DATE: July 1, 2018

§ 3 — NEW LICENSE APPLICATION WAIVER

The act removes the requirement for licensed child care centers and group child care homes to submit a waiver request prior to a change of operator, ownership, or location in order for the OEC commissioner to waive the requirement for a new license application.

§ 4 — LICENSE-EXEMPT CHILD CARE PROVIDERS

The act exempts private schools approved by the State Board of Education (SBE) or accredited by an SBE-recognized accrediting agency from child care licensing requirements as long as the ages of children served are covered under such approval or accreditation.

Additionally, it removes the licensing exemption for individuals who are formally or informally providing child care in their own homes to nieces, nephews, or the children of an aunt or uncle (i.e., their cousins) and adds an exemption for great-grandparents. It also grants the licensing exemption to individuals providing such care who are related to a child per court order as a grandparent, great-grandparent, sibling, aunt, or uncle.

§ 7 — BACKGROUND CHECKS FOR CARE 4 KIDS PROVIDERS WHO ARE RELATIVES

Rather than the state and national criminal background checks as required under prior law, the act requires relatives who provide child care services to a child receiving a Care 4 Kids subsidy to submit to the following background checks:

1. state and national sexual offender registry databases;
2. the Department of Children and Families child abuse registry; and
3. COLLECT, maintained by DESPP.

The OEC commissioner must conduct the checks within available appropriations. If the relative's name appears in one of the sources, the commissioner can require the relative to submit to state and national criminal history records checks.

BACKGROUND

Homeless Children and Youths

Federal law defines “homeless children and youths” as individuals who lack a fixed, regular, and adequate nighttime residence, and includes those sharing the housing of others due to loss of housing, economic hardship, or a similar reason (42 U.S.C. § 11434a).

Immunization Requirements for Child Care Providers

By state law and regulation, children must, with some exceptions, be adequately immunized, as age-appropriate, against specified illnesses (e.g., tetanus, measles, influenza) in order to attend child care centers and group or family child care homes. Children with certain medical conditions or whose parents or guardians object on religious grounds are exempt from this requirement (CGS §§ 19a-79 & 19a-87b).

COLLECT

COLLECT is a system that allows Connecticut law enforcement and criminal justice agencies to access information, such as Connecticut motor vehicle records and criminal history data from other states. By law, COLLECT allows certain law enforcement officials to have free access (CGS §§ 2-1f, 7-281a, & 10a-142).

PA 18-182—sHB 5446

Education Committee

AN ACT CONCERNING MINOR REVISIONS AND ADDITIONS TO THE EDUCATION STATUTES

SUMMARY: This act delays, by one year, the transition of the Technical Education and Career System (TECS) (formerly known as the technical high school system) into an independent state agency, separate from the State Department of Education (SDE) (§§ 7-12, 17-21).

It also makes the following changes in the education statutes:

1. specifically makes instruction on opioid use and related disorders part of the state's required public school program of instruction (existing law already requires instruction on substance abuse prevention) (§ 2);
2. requires the State Board of Education (SBE) to assist local and regional boards of education in including instruction related to Connecticut's “safe haven” law (§§ 2 & 13);
3. creates a process to exempt small school districts from enrolling as Medicaid providers and other related state

- requirements (§ 15);
4. extends youth service bureau grant eligibility to bureaus that applied for grants in FY 18 (§ 1);
 5. requires SDE to identify effective truancy intervention models for boards of education that address the needs of students with disabilities and include them in an existing listing made available to the boards (§ 4);
 6. establishes a 12-member task force to study high school interscholastic athletics programs and requires it to report to the Education Committee by January 1, 2019 (§§ 14 & 22); and
 7. prohibits boards of education from denying certain students enrollment in an agricultural science and technology education center (“vo-ag center”) (§ 16).

The act makes other minor changes, including requiring (1) school districts’ chronic absenteeism and prevention plans to include a way to collect and analyze data on student attendance, truancy, and chronic absenteeism for students with disabilities (§ 3); (2) the Children’s Committee’s annual children’s report card to include, in addition to existing categories, data indicators according to disability (see BACKGROUND) (§ 5); and (3) the After School Committee to report recommendations to the Appropriations and Education committees to improve summer and after school programs (§ 6). The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2018, except where noted below.

§ 1 — YOUTH SERVICE BUREAU GRANTS

By law, the education commissioner must establish a youth service bureau grant program that, within available appropriations, awards \$14,000 grants to eligible bureaus that have applied for grants during designated fiscal years, with prior approval of their town’s contribution. Towns must contribute an equal amount (i.e., \$14,000).

The act extends grant eligibility to bureaus that applied to receive grants during FY 18 with prior approval of their town’s contribution. Prior law limited eligibility to FY 17 applicants.

By law, youth service bureaus coordinate community-based services that provide prevention and intervention programs for delinquent, pre-delinquent, pregnant, parenting, and troubled youths referred to them by schools, police, and juvenile courts, among others.

§§ 2 & 13 — SAFE HAVEN LAW INSTRUCTIONAL MATERIALS

Within available appropriations and resources, the act requires SBE to assist and encourage boards of education to include instruction related to the safe haven law. It also requires the Department of Children and Families to provide instructional materials related to the safe haven law to (1) SBE by October 1, 2018, in order to assist SBE in meeting this responsibility and (2) upon their request, boards of education.

The safe haven law allows a parent or a parent’s lawful agent to voluntarily give up custody of an infant, age 30 days or younger, to emergency room staff without being subject to arrest for abandonment. But it does not protect the parent from being criminally prosecuted if abuse or neglect has occurred (CGS §§ 17a-57 to 17a-61).

§ 3 — CHRONIC ABSENTEEISM PREVENTION PLAN

By law, SDE must develop a chronic absenteeism prevention and intervention plan for use by local and regional school boards. The plan must include the means for collecting and analyzing data relating to student attendance, truancy, and chronic absenteeism. The data must be disaggregated by school district, school, grade, and specified subgroups such as race, ethnicity, and gender. The act adds students with disabilities to the list of data subgroups.

§ 4 — TRUANCY INTERVENTION MODELS

Existing law requires SDE to identify effective truancy intervention models for local and regional boards of education. The act requires SDE to include intervention models that address the needs of students with disabilities. It also changes the deadline, from August 15, 2017 to August 15, 2018, by which SDE must make a listing of all approved intervention models available to boards.

§ 6 — AFTER SCHOOL COMMITTEE REPORT

The act requires the After School Committee to report by February 1, 2019, to the Appropriations and Education committees on recommendations to improve summer school and after school programs. By law, the education commissioner, in consultation with the social services commissioner and the Commission on Women, Children and Seniors executive director, appoint the members.

The report, and any recommendations for legislation, must address how to better coordinate, expand, finance, and improve the quality, accessibility, and affordability of summer and after school programming for school-age children in all settings.

§§ 7-12 & 17-21 — ONE YEAR DELAY IN MAKING THE TECHNICAL HIGH SCHOOL SYSTEM AN INDEPENDENT AGENCY

The act delays, by one year, the mandated steps that transition TECS into an independent agency, separate from SDE and SBE. This means the transition will be complete for the 2020-2021 school year.

EFFECTIVE DATE: Upon passage, except the provision making TECS a separate budgeted agency is effective July 1, 2020.

Under prior law, the new position of TECS executive director, the agency head who is appointed by the governor, is created beginning July 1, 2019. The act delays this until July 1, 2020. It also delays by one year, until July 1, 2020, the (1) elimination of SBE as the system's oversight body and (2) creation of the new TECS board to oversee the new agency. It also makes corresponding delays, from July 1, 2019 to July 1, 2020, for the new board's and executive director's budget-making responsibilities and conforming changes related to the elimination of SBE's oversight and the creation of the new TECS board.

The act extends for one additional year, from June 30, 2020 to June 30, 2021, the current TECS board's existing authority to recommend a superintendent candidate to the education commissioner, who may hire or reject the candidate. Similarly, under the act, the term of office for a superintendent who is hired this way expires June 30, 2021, rather than June 30, 2020.

Further, the act delays, from July 1, 2020, to July 1, 2021, the new TECS board's duty to recommend a candidate for TECS superintendent to the TECS executive director, who may hire or reject a candidate. The superintendent is in charge of the system's educational program.

The act also adds two additional fiscal years to the period that SBE is required to hire a consultant to assist the TECS board with the system transition plan. Under prior law, the consultant requirement is for FY 18. The act extends it to FYs 19 and 20.

It also requires SDE to provide one additional year of training to TECS staff, who will perform central office and administrative functions in the new system. The training must continue until the end of FY 20, rather than end with FY 19.

The act also makes conforming changes related to adding TECS to the statutory list of executive branch agencies and the executive director as a department head. It also makes other minor and conforming changes.

§§ 14 & 22 — TASK FORCE ON INTERSCHOLASTIC ATHLETICS PROGRAMS

The act (1) repeals a law creating a 12-member task force on high school athletics programs that was due to submit a report to the Education Committee by January 1, 2018, and (2) replaces it with a similar body due to report one year later. As under the repealed law, the new task force must study the governance, financing, general conduct, and role of high school interscholastic athletics programs in Connecticut.

EFFECTIVE DATE: Upon passage

Study Scope

The task force study must examine, but is not limited to, the following topics:

1. barriers to participating in sanctioned interscholastic athletic activities,
2. the impact of non-sanctioned activities on interscholastic sports participation,
3. financing of interscholastic athletic teams,
4. policies regarding school districts' performance reviews of interscholastic athletics,
5. the athletic season's length for specific sports and restrictions on participating in interscholastic athletics,
6. academic requirements for interscholastic athletics participation,
7. participant and spectator safety and sportsmanship, and
8. issues of participation of students enrolled in private schools and schools of choice.

The task force must submit its findings and recommendations to the Education Committee by January 1, 2019. The act provides that the task force must not terminate until it submits the report. The Education Committee's administrative staff serves as the task force's staff.

Membership

The act requires the six legislative leaders to each appoint one task force member, who may be a legislator. The task force must also include one representative from each of the following six organizations (the act does not specify who appoints these members) the:

1. Connecticut Interscholastic Athletic Conference,
2. Connecticut High School Coaches Association,
3. Connecticut Athletic Directors Association,
4. Connecticut Association of Boards of Education,
5. Connecticut Association of Public School Superintendents, and
6. Connecticut Parent Teacher Association.

The act requires legislative leaders to make their appointments within 30 days after the act's passage. The House speaker and Senate president pro tempore must select the task force chairpersons, who must schedule the first task force meeting within 60 days after the act's passage.

§ 15 — EXEMPTION FOR BOARDS OF EDUCATION AS MEDICAID PROVIDERS

The act creates a process to exempt certain local and regional boards of education from existing requirements to (1) enroll as Medicaid providers, (2) participate in the Department of Social Services' (DSS) Medicaid School-Based Child Health Program (SBCH Program), and (3) submit billable service information electronically to DSS or its billing agent. The SBCH Program enables school districts to seek federal Medicaid reimbursement for covered special education services (e.g., assessment and occupational therapy) provided to an eligible student with disabilities pursuant to his or her individualized education plan.

The act allows a board of education with a student population of fewer than 1,000 students to conduct a cost benefit analysis, in a form DSS prescribes, to determine whether the cost of Medicaid participation exceeds the revenue it would generate for the board.

Under the act, a board of education may be exempted from these requirements after the cost benefit analysis (presumably, by DSS). But it must complete and submit the analysis to DSS every three years in order to remain exempt. (The act does not specify the circumstances under which DSS is authorized or required to exempt boards from the requirements.)

The act also requires, by September 1, 2018, the DSS commissioner to develop a cost benefit analysis model and determine the feasibility of directly certifying students as Medicaid eligible on behalf of a local or regional board of education.

EFFECTIVE DATE: Upon passage

§ 16 — VO-AG CENTER ENROLLMENT

The act prohibits a board of education from denying, or otherwise prohibiting, any student under its jurisdiction from enrolling in a vo-ag center for the 2018-19 school year provided the student:

1. was enrolled in a vo-ag center during the 2017-18 school year or
2. received a notice on or before April 1, 2018, that he or she was admitted for enrollment in a vo-ag center for the 2018-19 school year.

Vo-ag centers are regional high schools that provide vocational agricultural education. Each center serves a multi-town region with local districts sending students interested in agriculture to the vo-ag center.

EFFECTIVE DATE: Upon passage

BACKGROUND

Children's Committee Annual Report Card

By law, the Children's Committee must maintain an annual report card evaluating the progress of state policies and programs in promoting the result that all Connecticut children grow up in a stable living environment, safe, healthy, and ready to lead successful lives. Progress must be measured by primary indicators, such as statewide rates of child abuse, child poverty, low birth weight, and third grade reading proficiency. Each progress indicator presents data by specified characteristics, such as ethnicity and gender (CGS § 2-53m).

PA 18-183—sHB 5447

Education Committee

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE AUDITORS OF PUBLIC ACCOUNTS CONCERNING PRIVATE PROVIDERS OF SPECIAL EDUCATION

SUMMARY: This act requires, starting July 1, 2019, a local or regional board of education to have a written contract, instead of an agreement as under prior law, with a private special education provider in order to receive a state reimbursement grant for special education costs (known as the excess cost grant). Under the excess cost grant program, the state reimburses a board when the cost of a student's special education services exceeds four and a half times the average per pupil educational cost of that school district.

Under existing law, districts must follow certain requirements when they choose to enter into an agreement for private special education services. The act additionally requires such agreements to include an explanation of how the provider's tuition or costs for services provided are calculated. The act establishes the same requirement for any (1) agreement entered into or amended on or after July 1, 2018, but before June 30, 2019, and (2) contract entered into or amended on or after July 1, 2019.

The act also requires the State Department of Education (SDE) to develop standards and a process for documenting special education services provided by private providers that include the use of standard forms or other electronic reporting systems.

It also requires any private provider providing special education services for a local or regional board of education to annually submit its operating budget to SDE.

Lastly, the act also makes other minor, conforming, and technical changes.

EFFECTIVE DATE: July 1, 2018

§ 1 — CONTRACTS WITH SPECIAL EDUCATION PROVIDERS

The act prohibits a student's individualized education program from being considered a contract between a board of education and a private special education services provider for purposes of the excess cost grant.

It also specifies that the requirement to have a contract must not be construed to limit or interrupt the special education and related services provided to a student by a board or private provider.

§§ 2 & 3 — AUDITORS OF PUBLIC ACCOUNTS AND CONTRACTS

Under existing law, the auditors of public accounts have authority to audit and report on agreements between boards and private special education providers. The act extends this authority to include the contracts it requires in order to be eligible for the state reimbursement grant. Specifically, it:

1. requires boards that enter into these contracts to submit to an auditor examination of the board's student attendance monitoring at the provider's program to ensure that they are providing proper services and controlling costs;
2. authorizes the auditors to act as the board's agent to audit the private providers' records and accounts; and
3. requires the auditors to report their findings to the board of education that entered into the contract, the education commissioner, and the Education Committee.

§ 4 — DOCUMENTATION STANDARDS AND PROCESS FOR PRIVATE SPECIAL EDUCATION SERVICES

The act requires SDE to develop a process and standards for documenting special education services provided by private providers. The standards and process must include the use of standard forms or other electronic reporting systems that a private provider can use, as long as the forms or systems allow the provider to:

1. document the scope and type of services provided to an individual student on a daily, weekly, and monthly basis;
2. record the number of such services provided on a daily, weekly, and monthly basis; and
3. include, at a minimum, the student's name, the service being provided, the date and length of time the service was provided, and the provider's name and signature.

The department must consult with private special education services providers to develop the standards and process.

§ 5 — PROVIDER BUDGETS SUBMITTED TO SDE

Under the act, whenever any child is identified by a board of education as requiring special education and the board determines that the child's special education requirements could be met by a program provided by an agreement or a contract with a private special education services provider, the provider must submit its operating budget to SDE on or before October 1 of the school year in which the provider is providing the program. The private provider is not required to submit its operating budget more than once in a single school year and the requirement does not apply to the child's need for non-educational services (i.e., medical, psychiatric or institutional care or services).

PA 18-184—sHB 5449

Education Committee

Appropriations Committee

AN ACT CONCERNING THE ADMINISTRATION OF CERTAIN EARLY CHILDHOOD PROGRAMS AND THE PROVISION OF EARLY CHILDHOOD SERVICES BY THE OFFICE OF EARLY CHILDHOOD

SUMMARY: This act authorizes the Office of Early Childhood (OEC) to use up to 2% of the amount appropriated for five of its programs to carry out innovative and results-driven service delivery pilots and other specified purposes. The act limits, to no more than 2%, the amount OEC can expend for these purposes from any single program's appropriation. The act prohibits the OEC commissioner from using any of the funds for administrative or other overhead costs.

The act also:

1. adds promoting the delivery of infant and toddler services to ensure optimal health, safety, and learning of children from birth to three years of age to OEC's existing list of responsibilities (§ 1);
2. gives the commissioner discretion in ranking groups under the Care 4 Kids program waiting list prioritization law (§ 3);
3. beginning in FY 20, removes the fixed \$8,927 per-child cost in the school readiness program and instead allows the OEC commissioner to set per child cost rates (§ 8); and
4. expands how the OEC commissioner can use unexpended school readiness funds (§ 9).

EFFECTIVE DATE: July 1, 2018

§§ 2-7 — DIVERSION OF PROGRAM FUNDS FOR PILOTS, EVALUATION AND IMPROVEMENT

The act authorizes OEC to use up to 2% of the aggregated amount appropriated for five of its programs (listed below) to carry out purposes the act names. In the laws that authorize each of the five programs, the act adds the provision that OEC may not use more than 2% of the amount appropriated from any single program of the five.

OEC may use this money for innovative and results-driven service delivery pilots, program evaluation and improvement, performance-driven and results-accountable funding and procurement models, interagency coordination and collaboration, evaluative tools and infrastructure, and its other statutory duties. The act authorizes the commissioner to develop policies and procedures to implement these provisions.

The five programs are:

1. Care 4 Kids, a child care subsidy program for low-income families (§ 3);
2. the school readiness program, a state-supported preschool program with an educational component (§ 4);
3. the quality enhancement grant program for child care centers and school readiness programs (§ 5);
4. Nurturing Families Network, which seeks to reduce infant abuse and neglect by assisting new parents through hospital-based assessment and home visitation follow-up (§ 6); and
5. the financial assistance program for neighborhood facilities, including day care centers (§ 7).

The act requires that if the total amount of the 2% exceeds \$1 million, all funds in excess of \$1 million must be used for service delivery. The act prohibits the OEC commissioner from using any of the funds for administrative or other overhead costs.

Reporting Requirement

The act requires OEC to report, by January 1 of each year, to the Education Committee on how it has expended the funds, including:

1. the results of any program evaluations,
2. an assessment of the relationship between the cost and the value of the service delivery outcomes achieved, and
3. any policies and procedures OEC developed to implement these provisions.

§ 3 — CARE 4 KIDS WAITING LIST PRIORITIZATION

The act changes the Care 4 Kids law regarding waiting list prioritization. Under prior law, the commissioner had to establish the waiting list based on the following prioritization:

1. Temporary Family Assistance (TFA) recipients, who are either employed or in employment activities (training or career-focused education) under the Department of Social Services' Jobs First Employment Services (JFES) program (see BACKGROUND);
2. working families whose TFA was discontinued not more than five years before the date of the Care 4 Kids application;
3. teen parents;
4. low-income working families;
5. adoptive families of children adopted from the Department of Children and Families and who were granted an income standards waiver;
6. working families who are at risk of welfare dependency; and
7. any household with a child or children participating in the Early Head Start-Child Care Partnership federal grant program for up to 12 months based on Early Head Start eligibility criteria.

In addition to the above list, the act requires the commissioner to use discretion in prioritizing the waiting list within and between existing priority groups, including (1) households with an infant or toddler and (2) children who are homeless, from very low income families, or who have special needs or are part of a vulnerable population as defined by OEC (45 C.F.R. 98.46).

§ 8 — SCHOOL READINESS GRANT RATES

The act removes the fixed dollar amount of \$8,927 per child in the school readiness grant law for FY 19. Instead, for FY 20 and each following year, it allows the OEC commissioner to establish new rates, within available appropriations, for the school readiness program intended to improve program quality and access.

The review must examine the rates being used in school readiness child day care contracts. The commissioner may establish, within available appropriations, new rates based on the review results, provided the new rates are established to improve program quality and access.

§ 9 — UNEXPENDED SCHOOL READINESS GRANT FUNDS

Prior law authorized the commissioner to use unexpended school readiness grant funds only for, among other things, professional development for school readiness staff, assisting readiness programs in meeting accreditation requirements, developing and implementing strategies for children to transition from preschool to kindergarten, and other purposes.

The act additionally authorizes OEC to use such funds to (1) develop and implement strategies for children to transition to preschool and (2) assist transitions through parental engagement and whole-family supports through OEC's two generational initiative or other available resources.

BACKGROUND*TFA and JFES*

Unless exempted by law, TFA recipients generally have to participate in JFES to remain eligible for TFA. TFA generally provides up to 21 months of cash assistance to needy families with children. JFES provides services and support to help adult caretakers secure permanent employment within the time the recipient is receiving TFA.

PA 18-185—sHB 5452

Education Committee

AN ACT CONCERNING THE RECOMMENDATIONS OF THE TASK FORCE ON LIFE-THREATENING FOOD ALLERGIES IN SCHOOLS

SUMMARY: This act makes several changes to education laws addressing food allergies in schools. It allows any student with a medically diagnosed life-threatening allergic condition to (1) possess, (2) self-administer, or (3) possess and self-administer his or her medication. Correspondingly, the act requires the State Board of Education (SBE) to adopt implementing regulations.

The act requires the State Department of Education (SDE), in conjunction with the Department of Public Health (DPH), to revise, review, and update its guidelines for managing students with life-threatening food allergies or glycogen storage disease. It additionally requires SDE to update its health and physical education curriculum standards and apply for external funding to raise public awareness about food allergies.

The act requires school transportation carriers to provide related training to all school bus drivers. Finally, the act extends the protections of the “Good Samaritan” law to cover school bus drivers rendering certain emergency first aid in response to a student’s allergic reaction.

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2018, except the provisions relating to SDE's curriculum revisions and funding applications (§ 2) take effect upon passage.

§ 1 — GUIDELINES AND PLANS FOR STUDENTS WITH LIFE-THREATENING FOOD ALLERGIES & GLYCOGEN STORAGE DISEASE

SDE Management Guidelines

By January 1, 2020, the act requires SDE, in conjunction with DPH, to take certain steps regarding students with life-threatening food allergies and glycogen storage disease. It requires SDE to:

1. revise its management guidelines to include training for identifying and evaluating such students and protocols that comply with the protections and accommodations under federal law, and
2. begin biennially reviewing and updating, as the SDE commissioner deems necessary, these guidelines and make any updates available to each board of education.

Existing law requires SDE, in conjunction with DPH, to develop and make available to boards of education, management guidelines for students with life-threatening food allergies and glycogen storage disease. Local and regional boards of education must then implement a plan based on SDE’s management guidelines, annually attest to its implementation, and make the plan publicly available.

§ 2 — CURRICULUM STANDARDS & PUBLIC AWARENESS

By January 1, 2020, the act requires SDE to:

1. update its 2006 Healthy and Balanced Living (health and physical education) Curriculum Framework to include life-threatening food allergies;
2. update any culinary arts program or curriculum standards related to the National Family and Consumer Sciences Standards adopted by SBE to include dietary restrictions, cross-contamination, and allergen identification; and
3. apply for available federal or private funding, in consultation with DPH, to promote public awareness and education about food allergies.

§ 3 — SCHOOL BUS DRIVER TRAINING

By June 30, 2019, the act requires school transportation carriers to provide training to all school bus drivers, including instruction on (1) identifying the signs and symptoms of anaphylaxis, (2) administering epinephrine by a cartridge injector (e.g., “EpiPen”), (3) notifying emergency personnel, and (4) reporting an incident involving a student’s life-threatening allergic reaction. A cartridge injector is an automatic prefilled cartridge injector or similar automatic equipment used to deliver epinephrine in a standard dose for emergency first aid response to allergic reactions. The act allows the training to be completed online, provided the online module meets its requirements.

Beginning July 1, 2019, each carrier must provide the training to school bus drivers as follows:

1. following the issuance or renewal of a public passenger endorsement to operate a school bus for carrier employees, and
2. upon the hiring of a school bus driver who is not employed by such carrier (e.g., subcontractor), except a driver who received the training after the most recent issuance or renewal of his or her endorsement is not required to repeat it.

“Carriers” for these purposes include any (1) local or regional school district, educational institution providing elementary or secondary education or person, firm, or corporation under contract to the district or institution engaged in the business of transporting students or (2) person, firm, or corporation engaged in the business of transporting primarily persons under age 21 for compensation.

§§ 4-6 — ADMINISTRATION OF MEDICATION

Student Possession & Self-Administration (§ 6)

Under the act, any student with a medically diagnosed life-threatening allergic condition may possess, self-administer, or possess and self-administer his or her medication. To do so, the act requires written authorization for self-administration signed by (1) the student’s parent or guardian and (2) a qualified medical professional.

Existing law allows students diagnosed with asthma and students diagnosed with an allergic condition who require a cartridge injector to retain possession of their medication.

BOE Written Policies & Procedures (§ 4)

The act requires boards of education to adopt written policies and procedures governing how a student may possess, or possess and self-administer, his or her medication.

Existing law requires boards of education to adopt written policies and procedures governing the administration of medication in their schools, including self-administration by students. The policies and procedures must be approved by the school medical advisor or other qualified licensed physician.

State Board of Education Regulations (§ 5)

The act requires SBE to adopt additional regulations that specify conditions by which a student may possess, or possess and self-administer, his or her medication while attending school and, for students with cartridge injectors or similar devices, to also do so while receiving school transportation services.

Existing law requires SBE, in consultation with the DPH commissioner, to adopt regulations that specify conditions by which a student may self-administer his or her medication in school, including students diagnosed with asthma or an allergic condition retaining possession of an inhaler or cartridge injector or similar device. By law, these regulations must require written authorization for self-administration signed by (1) a parent or guardian and (2) an authorized prescriber.

§ 7 — SCHOOL BUS DRIVER IMMUNITY FROM CIVIL DAMAGES

The act generally immunizes school bus drivers from civil liability that may arise from administering a cartridge injector to a student with a medically diagnosed allergic condition requiring treatment on or near a school bus, which may constitute ordinary negligence. The immunity does not apply to acts or omissions by school bus drivers that constitute gross, willful, or wanton negligence.

BACKGROUND

Emergency First Aid Training for Allergic Reactions

By law, SDE and DPH must jointly develop, in consultation with the School Nurse Advisory Council, an annual training program for emergency first aid to students who experience allergic reactions and make it available to local and regional boards of education.

The program must include instruction in:

1. cardiopulmonary resuscitation (CPR),
2. first aid,
3. food allergies,

4. signs and symptoms of anaphylaxis,
 5. prevention and risk-reduction strategies regarding allergic reactions,
 6. emergency management and administration of epinephrine, and
 7. follow-up and reporting procedures after a student has experienced an allergic reaction.
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PA 18-18—SB 333

Energy and Technology Committee

AN ACT CONCERNING MUNICIPAL ELECTRIC UTILITIES AND RATE DESIGN STUDIES

SUMMARY: The law requires municipal electric companies to determine whether to implement various rate design standards (e.g., time of day rates, seasonal rates). Prior law required them to do so within two years, but did not specify when the two-year time frame began. This act requires them to do so by July 1, 2018.

The law also required municipal electric companies to determine, by June 1, 2017, whether to implement electric vehicle time of day rates. Under the act, any municipal electric company that completed a determination by July 1, 2017, on the rate design standards or electric vehicle time of day rates cannot be required to complete such a determination again. (PA 18-50, § 30 contains identical provisions.)

EFFECTIVE DATE: Upon passage

PA 18-50—sSB 9

Energy and Technology Committee

AN ACT CONCERNING CONNECTICUT'S ENERGY FUTURE

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§§ 1-4 — RENEWABLE PORTFOLIO STANDARD

Starting in 2020, annually increases the Class I RPS until it reaches 40% in 2030; allows PURA to establish procedures to reduce the RPS under certain circumstances; and starting in 2021, decreases the Class I ACP from 5.5 to 4 cents per kWh

Class I RPS Increase (§ 1)

The state's renewable portfolio standard (RPS) law requires the electric distribution companies (EDCs, i.e., Eversource and United Illuminating) and retail electric suppliers to procure an increasing portion of their power from certain renewable and other clean energy resources. They may meet the requirement by buying renewable energy credits (RECs) created by these resources when they generate power. By law, at least 17% of their power in 2018 must come from Class I renewable energy sources. Under prior law, the Class I RPS requirement would have reached 20% in 2020 and then stayed at that level.

The act generally increases the 2020 Class I RPS requirement to 21% starting on January 1, 2020. However, it maintains the 20% RPS requirement in 2020 for any electric supplier that entered into or renewed a retail electric supply contract before May 24, 2018 (the act's effective date).

The act further increases the Class I RPS to 22.5% starting on January 1, 2021, and to 24% starting on January 1, 2022. It then continues increasing the Class I RPS by 2% each January 1 until it reaches 40% on January 1, 2030.

By law, an additional 4% of power must come from either Class I or II sources. The act continues this requirement through 2030 and after.

PURA Adjustments to RPS (§§ 1 & 2)

The act requires the Public Utilities Regulatory Authority (PURA) to establish procedures for disposing the RECs purchased under the act's new renewable energy programs (see § 7). These may include procedures for (1) selling RECs consistent with the new programs or (2) reducing the Class I RPS requirements if the RECs procured through the new program are retired and never used for compliance (presumably with an RPS) in any other jurisdiction. Any such reduction must be based on the energy production that PURA forecasts will be procured under the new programs.

Under the act, if PURA decides to reduce the RPS, it must determine the reduction at least one year before it becomes effective. The act also exempts EDCs from responsibility for any administrative or other costs or expenses associated with any difference between the number of RECs planned to be retired under PURA's reduction and the actual number of RECs retired.

(The act also specifies that RPS requirements may be subject to PURA-required modifications for retiring RECs under certain laws that authorize DEEP to oversee certain power procurement solicitations. However, as these laws do not authorize PURA to determine how the RECs procured through these solicitations must be retired, it is unclear how this provision would apply.)

Alternative Compliance Payment (§§ 3 & 4)

The law requires retail electric suppliers and the wholesale electric suppliers who provide power for the EDCs to pay an alternative compliance payment (ACP) if they fail to meet the RPS requirement. (Wholesale suppliers must do so as part of their contracts with EDCs.) Starting on January 1, 2021, the act decreases the ACP for failing to comply with the Class I RPS from 5.5 cents per kilowatt-hour (kWh) to 4 cents per kWh.

By law, ACP payments must be refunded to EDC ratepayers to offset the costs to all EDC customers of contract costs from the state's current REC program (see § 6 below). The act expands the required ACP uses to include EDC costs for the tariffs entered into under the act's new renewable energy programs.

EFFECTIVE DATE: Upon passage

§ 3 — BIOMASS POWER PURCHASE CONTRACT

Requires an EDC to enter into a 10-year power purchase contract with certain energy biomass facilities

The act requires an EDC, by July 1, 2018, to file for PURA's approval a 10-year power purchase contract with a Class I renewable energy biomass facility that began operating after December 1, 2013, if such a facility is within the EDC's service territory (see BACKGROUND). The contract must be for generation equivalent to 7.5 megawatts (MW) of electric capacity and not exceed \$0.09 per kWh for energy and RECs.

Under the act, the costs the EDC incurs under the contract must be recovered on a timely basis through a non-bypassable, fully reconciling electric rate component for all of the EDC's customers.

EFFECTIVE DATE: Upon passage

§ 5 — MONTHLY NET METERING SUNSET

Sunsetts the state's traditional monthly net metering program for residential customers when the state's residential solar investment program expires, and for all other customers, when PURA approves the procurement plan for the new zero-emission, low-emission, and shared clean energy programs

Historically, the state's net metering program has generally allowed customers who own certain renewable energy resources to earn billing credits when they generate more power than they use (essentially "running the meter backwards"). These customers' generation and usage is netted on a monthly basis and the customer receives billing credits for their monthly excess generation at the retail electric rate.

The act sunsets this type of monthly net metering and replaces it with the act's new renewable energy programs (see § 7). More specifically, it ends opportunities to begin this type of net metering for (1) residential customers when the state's residential solar investment program expires (see BACKGROUND) and (2) all other customers when PURA approves the procurement plan for the act's new zero-emission, low-emission, and shared clean energy programs. (In general, the act's new renewable energy programs will allow customers to have their generation netted over a PURA-determined period (up to one-day) and receive billing credits for their excess generation at a PURA-determined rate.)

The act allows customers who are using traditional monthly net metering before it sunsets to continue doing so through December 31, 2039. It requires PURA to establish a rate on a cents-per-kWh basis for the EDC to buy electricity generated by these customers after December 31, 2039.

EFFECTIVE DATE: Upon passage

§ 6 — REC PROGRAM EXTENSION

Extends the state's REC program by one year

Under the state's REC program, EDCs must enter into 15-year contracts to procure \$8 million in RECs from certain low-emission (L-REC) and zero-emission (Z-REC) clean energy generation projects each year. The act extends this requirement, which was scheduled to expire after 2018, for an additional year.

As was required during each of the program's previous seven years, in year eight the EDCs must enter into 15-year contracts to procure \$8 million of RECs. And as in the previous two years, in year eight the act allows EDCs to procure (1) up to \$4 million in RECs from Class I generation projects that are less than 1 megawatt (MW) in size and emit no pollutants and (2) up to \$4 million in RECs from Class I technologies that are less than 2 MW in size and have emissions of no more than 0.07 pounds per megawatt-hour (MWh) of nitrogen oxides, 0.10 pounds per MWh of carbon monoxide, 0.02 pounds per MWh of volatile organic compounds, and one grain (presumably of particulate matter) per 100 standard cubic feet. All projects must also be on the customer's side of the meter and serve the EDC's distribution system.

Under the act, any unallocated money for the program's procurements expires when PURA approves the procurement plan for the act's new zero-emission, low-emission, and shared clean energy programs (see § 7).

When this program began in 2012, the law established a \$350 price cap per REC and allowed PURA to lower the cap by 3% to 7% annually in subsequent years. For contracts entered into in calendar year 2019, the act allows PURA to lower the price cap by 64% at least 90 days before the EDC solicitation (i.e., the same cap that applied in the previous year). As was the case for the program's first six years, PURA must (1) provide notice and an opportunity for public comment and (2) consider such factors as the actual bid results from the most recent solicitation and reasonably foreseeable reductions in the cost of eligible technologies.

EFFECTIVE DATE: Upon passage

§ 7 — NEW RENEWABLE ENERGY PROGRAMS

Establishes new tariff-based programs for low-emission, zero-emission, shared clean energy, and residential clean energy facilities

Low-Emission, Zero-emission, and Shared Clean Energy Programs

The act establishes tariff-based programs for EDCs to purchase energy and RECs from low-emission, zero-emission, and shared clean energy facilities. Under the act, eligible low-emission and zero-emission projects are new generation projects that:

1. customers own or develop on their own premises,
2. are under two megawatts in size,
3. serve the EDC's distribution system,
4. are built after the solicitation conducted under the process below, and
5. use a Class I renewable energy source.

Zero-emission projects, however, must emit no pollutants and low-emission projects must either (1) use anaerobic digestion or (2) emit no more than 0.07 pounds per MWh of nitrogen oxides, 0.10 pounds per MWh of carbon monoxide, 0.02 pounds per MWh of volatile organic compounds and one grain (presumably of particulate matter) per 100 standard cubic feet.

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. A subscription to such a facility is a contract for a beneficial use of a shared clean energy facility, including a percentage interest in the total amount of electricity the facility produces or a set amount of electricity the facility produces.

Under the act, eligible shared clean energy projects are not also eligible low-emission or zero-emission projects.

Procurement Plan. The act requires PURA, by September 1, 2018, to open a proceeding to establish a procurement plan for each EDC. Each EDC must develop the procurement plan in consultation with DEEP and submit it to PURA within 60 days after PURA opens the proceeding. The plan (1) may give a preference to technologies manufactured, researched, or developed in the state and (2) must be consistent with and contribute to the state's statutory requirement to reduce greenhouse gas emissions.

To allow for a diversity of selected projects, PURA may require the EDCs to conduct separate solicitations for low-emission, zero-emission, and shared clean energy projects based on their size.

Low-emission and Zero-emission Tariffs. The act requires PURA, by September 1, 2018, to begin a proceeding to establish tariffs that provide for 20-year terms of service for EDCs to apply to eligible low-emission and zero-emission facilities. In the proceeding, PURA must establish the period of time that will be used to calculate the net amount of energy produced by a facility and not consumed, which must be (1) in real time (i.e., simultaneous generation and use); (2) one day; or (3) in any fraction of a day. In doing so, it must also assess whether to incorporate time-of-use rates or

other dynamic pricing. The rate for the tariffs must be established by the solicitations for the programs.

Shared Clean Energy Tariffs. The act requires DEEP, by September 1, 2018, to initiate a proceeding to develop program requirements and tariff proposals for eligible shared clean energy facilities. DEEP must also establish one or both of the following tariff proposals for the facilities:

1. a proposal that includes a cents-per-kWh price cap based on the procurement results from any of the low-emission, zero-emission, or shared clean energy procurements and
2. a proposal that includes a tariff rate for customers that own eligible shared clean energy facilities based on energy policy goals identified by DEEP in the state's Comprehensive Energy Strategy (CES).

DEEP must submit the program's requirements and tariff proposals for PURA's review and approval by July 1, 2019. PURA must approve or modify them by January 1, 2020. If it approves both of the tariff proposals described above, PURA must determine how much of the total compensation authorized for shared clean energy facilities (presumably capacity under the aggregate procurement cap, see below) will be available under each tariff.

Shared Clean Energy Program Requirements. In developing the shared clean energy program, the act requires DEEP to do the following:

1. require the program to use one or more EDC tariff mechanisms for a term of up to 20 years, subject to PURA's approval, to pay for EDC purchases of any energy products and RECs produced by an eligible shared clean energy facility, or to deliver any of the facility's billing credits;
2. allow for cost-effective projects of various nameplate capacities so multiple projects may be constructed in each EDC's service area;
3. determine the billing credit for any shared clean energy facility's subscriber that may be issued through the EDC's monthly billing systems;
4. establish consumer protections for a facility's subscribers and potential subscribers, including disclosures made when selling or reselling a subscription;
5. limit subscribers to (a) low-income customers, (b) moderate-income customers, (c) small businesses, (d) state or municipal customers, (e) commercial customers, and (f) residential customers who can demonstrate, under DEEP-determined and PURA-approved criteria, that they are unable to use the tariffs offered under the act's residential renewable energy program; and
6. require at least 10% of a facility's total capacity to be sold, given, or provided to low income customers, and an additional 10% to be sold, given, or provided to low- or moderate-income customers or low-income service organizations.

DEEP may also (1) allow preferences for projects that serve low-income customers and facilities that benefit customers who reside in environmental justice communities, (2) create incentives or other financing mechanisms to encourage participation by low-income customers, and (3) require that no more than 50% of a shared clean energy facility's total capacity is sold to commercial customers.

Under the act:

1. a "low-income subscriber" is an in-state retail end user of an EDC (a) whose income does not exceed 80% of the area median income (AMI) defined by the U.S. Department of Housing and Urban Development, adjusted for family size, or (b) that is an affordable housing facility (i.e., where individuals with annual income at or below the municipality's AMI pay no more than 30% of their income for housing);
2. a "moderate income subscriber" is an in-state retail end user of an EDC whose income is between 80% and 100% of the AMI;
3. a "low-income service organization" is an organization that provides service or assistance to low-income individuals; and
4. an "environmental justice community" is (a) any U.S. census block group, as determined by the most recent census, for which at least 30% of the population consists of low-income people who are not institutionalized and have an income below 200% of the federal poverty level or (b) a distressed municipality (CGS § 22a-20a).

Annual Solicitations and Project Size Limits. The act requires each EDC to conduct an annual solicitation or solicitations, as determined by PURA, to purchase energy and RECs produced by eligible generation projects over each applicable tariff's duration. Low-emission and zero-emission projects must generally be sized so that they do not exceed the load (demand) at the customer's individual electric meter, or a set of electric meters if they are combined for billing purposes. The act specifies that the customer's applicable load is from the EDC serving the customer, as determined by the EDC.

If the customer is a state, municipal, or agricultural customer, the project's maximum size may also include the load of up to (1) five state, municipal, or agricultural beneficial accounts identified by the customer and (2) five non-state or municipal beneficial accounts if they are critical facilities (e.g., hospitals) connected to a microgrid. (Although undefined in the act, a beneficial account is generally a separately metered account to which a customer can assign certain billing

credits generated by his or her renewable energy facility.)

In any of these solicitations, an eligible low-emission or zero-emission project may choose to use either (1) a tariff for purchasing all energy and RECs on a cents-per-kWh basis or (2) a tariff for purchasing on a cents-per-kWh basis (a) any energy produced by the facility and not consumed in the PURA-established period of time and (b) all RECs generated by the facility.

The act requires each EDC, by July 1, 2020, and annually thereafter, to solicit and file for PURA's approval one or more projects selected under the procurement plans and consistent with the PURA-approved tariffs for eligible low-emission, zero-emission, and shared clean energy facilities and applicable to customers that own them.

Price Cap. For the first year's solicitations for eligible projects, the act requires PURA to establish a cap on the selected purchase price of energy and RECs on a cents-per-kWh basis. After the first year, the selected purchase price of energy and RECs on a cents-per-kWh basis in any given solicitation must not exceed the maximum selected purchase price for the same resources in the prior year's solicitation, unless PURA determines that circumstances have changed.

Aggregate Procurement Cap. The act caps the aggregate total megawatts available to customers using a procurement and tariff offered by an EDC under the act's low-emission, zero-emission, and shared clean energy programs. It sets the cap at 85 MW in year one and increases it by up to an additional 85 MW annually in years two through six of the applicable tariff. The act further caps the total megawatts available to customers within each program at 10 MW per year for the low-emission program, 50 MW per year for the zero-emission program, and 25 MW per year for the shared clean energy program.

The act requires PURA to monitor the competitiveness of any procurement authorized under these three programs and allows it to adjust the annual purchase amount or other procurement parameters to maintain competitiveness. Any megawatts unallocated in any given year must not roll into the next year's available megawatts. The obligation to purchase energy and RECs must be apportioned to the EDCs based on their respective distribution system loads, as determined by PURA.

Residential Program

The act requires PURA to open a proceeding, by September 1, 2019, to establish the following:

1. tariffs for each EDC's new residential clean energy program (see below);
2. a rate for the residential tariffs, which must be guided by the CES and may be based on (a) the results of the competitive solicitations for the zero-emission, low-emission, and shared clean energy programs tariff provisions or (b) the average cost of installing the generation project and a rate of return that is just, reasonable, and adequate, as determined by PURA; and
3. the period of time that will be used for calculating the net amount of energy produced by a facility and not consumed, which must be (a) in real time (i.e., simultaneous generation and use), (b) one day, or (c) in any fraction of a day, and whether to incorporate time-of-use rates or other dynamic pricing.

The act allows PURA to (1) modify the rate for new residential customers based on changed circumstances and (2) establish an interim tariff rate before the residential solar investment program expires as an alternative to that program. Any residential customer using this tariff at his or her electric meter may not receive any residential solar investment program incentives at the same meter. Similarly, any customers participating in the residential solar investment program may not use the new tariff at the same meter.

Under the act, residential customers are customers of a single-family dwelling or a multifamily dwelling with two to four units.

Residential Tariffs. When the state's residential solar investment program expires, the act requires each EDC to offer the following two options for residential customers to sell their products (i.e., electricity and RECs) generated from a Class I renewable energy source that has a nameplate (generating) capacity of 25 kW or less to the EDC for up to a 20-year term:

1. a "buy-all, sell-all" tariff for the EDC to purchase all energy and RECs generated by the customer's system on a cents-per-kilowatt-hour basis (and under which the customer pays regular retail rates for all energy used) and
2. a "net export" tariff for the EDC to purchase, on a cents-per-kilowatt-hour basis, (a) any energy produced and not consumed in the period of time PURA establishes as described above and (b) all RECs generated by the customer's system.

The act requires residential customers to select either option consistent with the act's requirements. Their generation projects must be sized so they do not exceed the load at the customer's individual electric meter, as determined by the customer's EDC.

The act requires the EDCs to offer these tariffs for six years. At the end of a "net export" tariff's term, residential customers using that tariff must be credited all cents-per-kWh charges under the customer's tariff rate for energy

produced by the Class I renewable energy source against any energy consumed in real time by the customer.

Other Provisions

PURA Tariffs upon Expiration. The act requires PURA to establish tariffs to purchase energy on a cents-per-kWh basis once any tariffs created under the act expire.

DEEP Review. At the beginning of year six of the procurements authorized under the act, DEEP, in consultation with PURA, must assess their related tariff offerings and determine if they are competitive compared to the cost of the technologies. DEEP must report the results of its determination to the legislature.

Adders. The act requires PURA, for any tariff established under the act, to examine how to incorporate the following energy system benefits into the rate established for the tariff:

1. energy storage systems that provide electric distribution system benefits,
2. a facility's location on the distribution system,
3. time of use rates or other dynamic pricing, and
4. other energy policy benefits identified in the CES.

REC Disposal. The act requires PURA to determine which of the following two options is in ratepayers' best interests and direct the EDCs to:

1. retire the RECs it purchases under the act's zero-emission, low-emission, shared clean energy, and residential programs on behalf of all ratepayers to satisfy the obligations of all electric suppliers and EDCs (in general, RECs are "retired" when they are used to satisfy RPS requirements and taken out of the REC market) or
2. sell the RECs purchased under the programs into the New England Power Pool Generation information system renewable energy credit market.

PURA must establish procedures for the retirement of the RECs. Any net revenues from the REC sales must be credited to customers through a non-bypassable fully reconciling electric rate component for all EDC customers.

EDC Cost Recovery. The act requires an EDC's costs from the act's zero-emission, low-emission, shared clean energy, and residential programs to be recovered on a timely basis through a non-bypassable, fully reconciling component of the electric rates charged to all EDC customers. Any net revenues from the sale of products purchased under the programs must be credited to customers through the same rate component.

EFFECTIVE DATE: Upon passage

§ 8 — REDUCED ENERGY CONSUMPTION

Makes it the state's policy to annually reduce energy consumption by at least 1.6 million MMBtus from 2020 through 2025

The act specifies that it is the state's policy to reduce energy consumption by at least 1.6 million MMBtu, or the equivalent megawatts of electricity, annually for each calendar year from 2020 through 2025. Under the act, MMBtu is one million BTU of heat input.

EFFECTIVE DATE: Upon passage

§§ 9, 11-24 & 32 — ENERGY EFFICIENCY

Reconfigures funding for the state's energy efficiency programs

Conservation and Load Management Plan and Services

By law, every three years the EDCs and gas companies must prepare and submit a combined Conservation and Load Management (CLM) Plan to implement cost-effective energy conservation programs and market transformation initiatives. The plan must be approved by the Energy Conservation Management Board and the DEEP commissioner. The act requires the plan to also include (1) demand management initiatives and (2) steps needed to reduce energy consumption by at least 1.6 million MMBtus, or the equivalent megawatts of electricity, annually for each calendar year from 2020 through 2025.

The law requires the services provided under the plan to be available to all customers of EDCs and gas companies. The act further specifies that an EDC's customers may not be denied these services based on the fuel the customer uses to heat his or her home. (In practice, customers who do not heat their homes with gas have only qualified for electricity-saving services, unless other funding is available.)

Energy Efficiency Funding

By law, the utility companies administer the programs and services provided under the CLM plan, which are funded, in part, through the conservation charges paid by EDC and natural gas customers (CGS § 16-245m). Prior law required EDC customers to pay a conservation charge of three mills per kWh of electricity used, plus an additional conservation adjustment charge of up to three mills per kWh if the CLM plan's budget for EDCs exceeded the revenues from the conservation charge. The funds from the conservation charge and conservation adjustment charges had to be deposited in the Energy Conservation and Load Management Funds, and EDCs had to apply to the Energy Conservation Management Board (ECMB) to be reimbursed for their expenditures under the plan.

On January 1, 2020, the act eliminates the (1) CLM funds, (2) EDC's three mill conservation charge and three mill conservation adjustment charge, and (3) requirement for EDCs to apply to the ECMB for reimbursements. It instead requires:

1. PURA, within 60 days after the DEEP commissioner approves a CLM plan, to ensure that the revenues required to fund the plan, rather than the plan's budget, are provided through a fully reconciling conservation adjustment mechanism (CAM) and
2. the EDCs to collect a CAM that ensures the CLM Plan is fully funded by collecting up to six mills per kWh of electricity sold to each of its end use customers during the three years of any CLM Plan.

The act does not change the conservation charge paid by gas company customers but requires the revenues from it to fund the plan, rather than the plan's budget. The act makes numerous similar conforming changes such as requiring funds currently required to be deposited in the CLM fund to instead be used to further the CLM Plan. (Presumably this will allow CLM funds to be used directly by the utility companies for CLM programs and services without first being deposited in the fund, which the act eliminates.)

It also makes a conforming change applicable to certain municipal electric company customers. Under prior law, if a municipal electric company was created or expanded its service area on or after July 1, 1998, it had to charge its new customers the same three mill conservation charge that EDC customers paid. Since the act eliminates the EDC conservation charge, it replaces the corresponding charge for these new municipal electric customers with a fixed three mill per kWh CAM.

EFFECTIVE DATE: January 1, 2020

§ 10 — GREEN BANK CONTRACTS

Requires the state's pledge to not limit or alter the bank's rights to be interpreted and applied broadly to maintain the bank's financial capacity; allows the bank to appropriate money sufficient to meet its contracts

Existing law specifies that Connecticut pledges and agrees, with any person with whom the Green Bank contracts, not to limit or alter the bank's rights unless (1) the bank has fully met its obligations under the contracts or (2) the state provides adequate provisions in law to protect the other parties to the contracts. The act requires this provision to be interpreted and applied broadly to effectuate and maintain the bank's financial capacity to perform its essential public and governmental function.

The act also (1) requires the bank's contracts and obligations to be obligatory on the bank and (2) allows the bank to appropriate in each year during the term of such contracts an amount of money that, together with the bank's other available funds, must be sufficient to pay the contracts or meet any contractual covenants or warranties.

EFFECTIVE DATE: Upon passage

§ 25 — MUNICIPAL ELECTRIC CONSUMER ADVOCATE AND INDEPENDENT CONSUMER ADVOCATE LIABILITY PROTECTION

Extends certain liability and indemnification protections to the municipal electric consumer advocate and independent consumer advocate positions

The act extends certain liability protections to the municipal electric consumer advocate and independent consumer advocate (see BACKGROUND). It does this by adding them to the list of state officers and employees who, by law, are not personally liable for damage or injury caused while discharging their duties within the scope of their employment, unless it was wanton, reckless, or malicious. Anyone with a complaint about such damage or injury must present it as a claim against the state under the law for such claims (CGS § 4-165).

Adding the two advocates to the list also requires the state to indemnify them from financial loss and expense arising

out of any claim, demand, suit, or judgment due to their alleged negligence or deprivation of someone's civil rights or other act or omission resulting in damage or injury. For the indemnity to apply, the advocates must have been discharging their duties or acting within the scope of their employment, and the act or omission must not have been wanton, reckless, or malicious. Among other things, the attorney general must represent the advocates in any related proceedings, unless he determines that it would be inappropriate to do so (CGS § 5-141d).

The addition also explicitly prohibits the advocates from taking or threatening any personnel action against any state or quasi-public agency employees (i.e., whistleblowers), or any employees of a large state contractor, in retaliation for providing information to certain public officials (CGS § 4-61dd).

EFFECTIVE DATE: Upon passage

§ 26 — CMEEC FORENSIC AUDITS

Eliminates a report requirement for certain CMEEC audits

The law requires the Connecticut Municipal Electric Energy Cooperative (CMEEC) to have a forensic examination, conducted by a certified forensic auditor, which includes a review of CMEEC's revenue and expenditures for the preceding five years. Prior law required the auditor to submit two reports: one that included an opinion on CMEEC's financial statements and a management letter, and one that included an opinion on the conformance of CMEEC's operating procedures with state law and CMEEC's bylaws and any recommendations for corrective actions needed to ensure conformance.

The act eliminates the requirement for these two reports and instead requires one report that includes a review of whether CMEEC's operating procedures comply with state law and CMEEC's bylaws and any recommendations for corrective actions needed to ensure conformance. It also specifies that the auditor is not required to perform a full financial audit of the five-year period or submit an opinion regarding the financial statements or a management letter.

EFFECTIVE DATE: Upon passage

§§ 27-29 — CLASS I EXPANSION

Expands the list of Class I renewable energy sources to include certain (1) zero-emission low grade heat power generation systems and (2) run-of-the-river hydropower facilities; prohibits EDCs and suppliers from meeting more than 1% of their RPS requirement with RECs generated by these hydropower facilities

The act expands the list of renewable energy technologies considered Class I renewable energy sources to include certain (1) zero-emission low-grade-heat power generation systems and (2) run-of-the-river hydropower facilities that received a new license after January 1, 2018, under the Federal Energy Regulatory Commission's rules for the takeover and relicensing of licensed water power projects.

By classifying them as Class I, the act allows EDCs and electric suppliers to use the RECs generated by these technologies to meet their Class I RPS requirements. But, the act also prohibits EDCs and suppliers from meeting more than 1% of their RPS requirement with RECs generated by these newly licensed hydropower facilities. It also makes conforming changes (§ 29).

It also allows these technologies to (1) participate in certain power procurements administered by the Department of Energy and Environmental Protection (DEEP), (2) qualify for certain property tax exemptions, and (3) when applicable, be exempt from municipal building permit fees (see BACKGROUND).

Zero-emission Low Grade Heat Power Generation Systems

The law classifies low emission advanced renewable energy conversion technologies as Class I sources. The act specifies that these technologies include zero-emission low grade heat power generation systems based on organic oil-free Rankine, Kalina, or other similar non-steam cycles that use waste heat from an industrial or commercial process that does not generate electricity. In general, these systems capture the waste heat from an industrial or commercial process and use it to run a turbine that produces electricity.

Small Hydropower

The law classifies a run-of-the-river hydropower facility as a Class I renewable energy source if it began operating after July 1, 2003, and has a generating capacity of no more than 30 megawatts (MW). The act further extends Class I status to run-of-river hydropower facilities that received a new license after January 1, 2018, under the Federal Energy

Regulatory Commission's rules for the takeover and relicensing of licensed water power projects (18 C.F.R. 16).

As under existing law, a hydroelectric facility that applies for Class I certification after January 1, 2013, must (1) not be based on a new dam or a dam identified by the DEEP commissioner as a candidate for removal and (2) meet applicable state and federal requirements, including applicable site-specific standards for water quality and fish passage.

EFFECTIVE DATE: October 1, 2018

§ 30 — MUNICIPAL ELECTRIC UTILITIES AND RATE DESIGN STUDIES

Establishes deadlines and limits certain report requirements for municipal electric companies

The law requires municipal electric companies to determine whether to implement various rate design standards (e.g., time of day rates, seasonal rates). Prior law required them to do so within two years, but did not specify when the two-year time frame began. The act instead requires them to do so by July 1, 2018.

The law also required municipal electric companies to determine, by June 1, 2017, whether to implement electric vehicle time of day rates. Under the act, any municipal electric company that completed a determination on the rate design standards or electric vehicle time of day rates by July 1, 2017, cannot be required to complete such a determination again. (PA 18-18 contains identical provisions.)

EFFECTIVE DATE: Upon passage

§ 31 — DEEP PROCUREMENT

Allows DEEP to direct the EDCs to enter into certain renewable energy contracts to meet up to 6%, rather than 4%, of their demand

The law allows the DEEP commissioner to solicit proposals from providers of certain Class I energy sources such as run-of-the-river hydropower, fuel cells, offshore wind, and anaerobic digestion facilities. If the commissioner finds the proposals meet certain conditions, he may direct the EDCs to enter into up to 20-year agreements to purchase energy, capacity, and environmental attributes, or any combination of them, to meet up to 4% of the EDCs' load (i.e., demand). (DEEP has already solicited and selected proposals for parts of this procurement.) The act increases the amount of power that may be procured this way by allowing the commissioner to direct the EDCs to enter into these agreements to meet up to 6%, rather than 4%, of their load.

By law, unchanged by the act, (1) the commissioner may not select proposals for more than 3% of the EDCs' load from offshore wind, (2) DEEP's reasonable costs for the solicitation and proposal review must be recovered through the non-bypassable federally mandated congestion charge on ratepayers' bills, and (3) the EDCs must recover their net costs from the agreements through a fully reconciling electric rate component for all EDC customers.

EFFECTIVE DATE: Upon passage

BACKGROUND

Provides additional information about Class I biomass facilities; the residential solar investment program; the Municipal Electric Consumer Advocate and Independent Consumer Advocate; DEEP's renewable energy-related procurements; the Class I property tax exemption; and Class I municipal building permit fee exemptions

Class I Biomass Facility

By law, a Class I renewable energy biomass facility must (1) use a sustainable biomass fuel (e.g., waste wood) and have an average emission rate of no more than 0.075 pounds of nitrogen oxides per million BTU of heat input per quarter or (2) be a biomass facility with a capacity under 500 kilowatts that began construction before July 1, 2003 (CGS § 16-1(a)(20)(xi)). The Plainfield Renewable Energy biomass facility is currently the state's only Class I biomass facility that began operating after December 1, 2013. It is within Eversource's service territory.

Residential Solar Investment Program

The Residential Solar Investment Program, administered by the Connecticut Green Bank, offers financial incentives to purchase or lease certain residential solar photovoltaic systems and requires the EDC to purchase the renewable energy credits produced through the program. By law, the program must expire on December 31, 2022, or when the program deploys 300 megawatts of residential solar photovoltaic installations, whichever occurs earlier.

Municipal Electric Consumer Advocate and Independent Consumer Advocate

PA 17-73 created the municipal electric consumer advocate position to act as an independent advocate for consumer interests in all matters, including electric rates, affecting CMEEC customers. Among other things, the advocate may appear and participate in CMEEC matters or any other federal or state regulatory or judicial proceeding that may involve CMEEC customers.

PA 17-1 established an independent consumer advocate position to advocate for and represent Metropolitan District Commission (MDC) customers in all matters that may affect them, including rates, water quality, water supply, and wastewater service quality. Among other things, the advocate may appear and participate in MDC matters and federal or state regulatory and judicial proceedings involving MDC consumers.

DEEP Procurements

The law requires the DEEP commissioner, under certain conditions, to solicit proposals from Class I renewable energy sources built on or after January 1, 2013. It also allows him, under certain conditions, to solicit proposals from (1) Class I resources built before January 1, 2013, or large-scale hydropower and (2) Class I run-of-the-river hydropower, landfill methane gas, or biomass resources. It additionally requires him to solicit proposals from operational Class I providers if he finds that a material shortage of Class I resources caused an electric company or electric supplier to fail to meet its RPS obligations (CGS §§ 16a-3f, -3g, -3h, -3i).

By law, if the commissioner finds that any of the above solicited proposals meet certain criteria, he may (or, in the case of an RPS-related shortage, must) direct the EDCs to enter into agreements with the providers to purchase energy, generating capacity, and RECs, subject to PURA's approval. (In practice, most, but not all, of these procurements have occurred.)

Property Tax Exemption

The law exempts from the property tax any Class I renewable energy source installed for generation or displacement of energy if it (1) is installed on or after January 1, 2014; (2) is for commercial or industrial purposes; and (3) has a nameplate capacity that does not exceed its location's load or, if it is a virtual net metering facility, the aggregated load of its beneficial accounts (CGS § 12-81(57)).

Municipal Building Permit Fees

By law, a municipality may, by ordinance adopted by its legislative body, exempt Class I renewable energy source projects from paying its municipally-imposed building permit fees (CGS § 29-263).

PA 18-180—sHB 5348*Energy and Technology Committee**Appropriations Committee***AN ACT REQUIRING THE CONSIDERATION OF CREATING A PORTFOLIO STANDARD FOR THERMAL ENERGY IN THE NEXT INTEGRATED RESOURCES PLAN**

SUMMARY: This act requires the Department of Energy and Environmental Protection (DEEP) to consider creating a thermal energy portfolio standard in the next approved Integrated Resources Plan (IRP) and allows DEEP to do so in subsequent IRPs. Generally, portfolio standards establish requirements for electric companies or other entities to support development of certain types of energy generation by producing a specified fraction of their energy from designated sources or purchasing certificates produced when a unit of such energy is generated.

Under the act, if DEEP includes biodiesel blended into home heating oil in the thermal energy portfolio standard it must consult with heating oil industry representatives and biodiesel producers.

Existing law requires DEEP, in consultation with the electric companies, to review the state's energy and capacity resources and develop an IRP for procuring energy resources every two years. By law, the plan must, among other things, indicate specific options to reduce electric rates and costs and assess the estimated lifetime cost and availability of potential energy resources (CGS § 16a-3a).

EFFECTIVE DATE: Upon passage

PA 18-7—SB 429
Environment Committee

AN ACT CONCERNING THE PASSPORT TO THE PARKS

SUMMARY: This act makes the passport to the parks account a non-lapsing General Fund account, rather than an appropriated account. By law, the account must be used for the care, maintenance, operation, and improvement of state parks and campgrounds; funding soil and water conservation districts and environmental review teams; and, beginning with FY 19, paying the expenses of the Council on Environmental Quality.

The act also makes technical and conforming changes.

EFFECTIVE DATE: Upon passage, except the technical and conforming changes are effective October 1, 2018.

PA 18-54—sSB 426
Environment Committee

AN ACT CONCERNING ABANDONED FISHING GEAR IN LONG ISLAND SOUND

SUMMARY: This act allows an authorized representative of the Department of Energy and Environmental Protection (DEEP) commissioner to seize derelict lobster gear. It requires the commissioner or his representative to try to notify the gear’s last known licensee within 30 days after seizing it. The act allows the commissioner to dispose of the gear if it goes unclaimed, its owner cannot be identified, or there is no identifying marker on it as required by law.

Under the act, “derelict lobster gear” means any lobster pot, trap, warp (a rope or line used to connect gear), or live car (a container used to store caught lobster in the water) found in state waters that does not have, as required, the (1) current Connecticut commercial license number branded on it and (2) current or previous year’s trap tag attached to it.

Existing law, unchanged by the act, allows the commissioner or his representative to seize and dispose of any lobster gear that is not branded with the Connecticut commercial license number (CGS § 26-157a). Existing regulations also allow DEEP to seize and dispose of a lobster pot, trap, or similar device with a defaced or obliterated license number (Conn. Agencies Regs. § 26-157c-2(f)).

EFFECTIVE DATE: October 1, 2018

PA 18-73—SB 106
Environment Committee

AN ACT CONCERNING THE SALE OF "CONNECTICUT GROWN" PRODUCTS AND AUTHORIZING CERTAIN AQUACULTURE SITE DESIGNATIONS FOR THE DEVELOPMENT OF AN ENVIRONMENTAL EDUCATION CURRICULUM

SUMMARY: This act requires anyone who sells a Connecticut-grown farm product through the Connecticut farm-to-school program (see BACKGROUND) to offer proof to the school district, school, or educational institution buying the product that it was produced in the state. The proof must, at a minimum, include the name of the person or business that produced the product and the name and address of the farm where it was produced.

The act also allows the agriculture commissioner to designate one or more suitable shellfish parcels for use by one or more nonprofit education or conservation organizations to develop an aquaculture site for an environmental education curriculum. A parcel cannot be (1) designated to or shared with another person or entity and (2) more than one-half acre in total area.

EFFECTIVE DATE: October 1, 2018, except the shellfish parcel provisions are effective upon passage.

BACKGROUND

Connecticut Farm-to-School Program

State law requires the Department of Agriculture, in consultation with the state Department of Education (SDE), to administer the Connecticut farm-to-school program to promote and facilitate the sale of Connecticut-grown farm products by farms to school districts, individual schools, and other educational institutions under SDE’s jurisdiction (CGS § 22-

38d).

PA 18-82—SB 7

Environment Committee

AN ACT CONCERNING CLIMATE CHANGE PLANNING AND RESILIENCY

SUMMARY: This act establishes a new greenhouse gas (GHG) emissions reduction requirement and integrates GHG reductions into various state planning documents and efforts, including the Integrated Resources Plan related to energy procurement, Comprehensive Energy Strategy, and plan of conservation and development.

The act integrates new sea level change projections, determined by UConn's Marine Sciences Division as an update of existing federal projections, into various municipal and state planning documents, including plans of conservation and development and municipal evacuation or hazard mitigation plans. It also applies these projections to the state's coastal management and flood management laws.

Lastly, the act makes several minor, technical, and conforming changes, including (1) decreasing how often the Department of Energy and Environmental Protection (DEEP) commissioner must prepare a state Comprehensive Energy Strategy from every three to every four years and (2) eliminating an obsolete requirement to develop a plan to increase natural gas use and availability.

EFFECTIVE DATE: Upon passage

GHG EMISSION REDUCTION

New Requirement

The act establishes a new GHG reduction requirement for the state. GHGs are chemical or physical substances emitted into the air that the DEEP commissioner may reasonably anticipate will cause or contribute to climate change, including substances such as carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride (CGS § 22a-200).

Existing law requires the state to reduce its GHG emissions to a level that is at least (1) 10% below 1990's emission level by January 1, 2020 and (2) 80% below 2001's emissions level by January 1, 2050. The act requires it to also reduce GHG emissions to a level that is at least 45% below 2001's emissions level by January 1, 2030. As for the existing reduction requirements, the DEEP commissioner determines the emissions level.

Integrating Emission Reduction Requirements

Integrated Resources Plan (IRP). By law, DEEP, in consultation with electric companies, must review the state's energy and capacity resource assessment and approve a comprehensive plan for procuring energy resources (i.e., the IRP).

Among other things, the law requires the IRP to be consistent with the state's environmental goals and standards which, under the act, must include the state's GHG reduction goals. The IRP must also seek to lower the cost of electricity, which the act requires it to do while meeting environmental goals and standards in the most cost-efficient manner.

And, by law, the IRP must indicate specific options to reduce electric rates and costs which, under the act, must achieve the state's GHG emission reduction requirements.

Comprehensive Energy Strategy (CES). By law, the DEEP commissioner prepares and updates the state's CES to assess and plan for the state's energy needs, including electricity, heating, cooling, and transportation. Under the act, he must prepare the next CES by October 1, 2020.

In addition to the incorporated content the law requires for the CES (e.g., an assessment and plan for the state's energy needs, findings from other energy-related documents), the act requires the CES to provide necessary analysis and recommendations to guide the state's energy policy to meet the GHG emission reduction requirements in the most cost-effective way. It also requires the CES to include a (1) statement of appropriate energy policies and long-term energy planning objectives and strategies to achieve, among other things, (a) the GHG emission reductions and (b) a least-cost combination of energy supply resources to meet the reductions and (2) strategy for meeting the state's energy efficiency goals.

State Plan of Conservation and Development. The act requires revisions made to the state plan of conservation and development after October 1, 2019, to consider the GHG emission reduction requirements.

SEA LEVEL CHANGE SCENARIOS

Updating Sea Level Change Scenarios

Prior law required UConn's Marine Sciences Division to, at least once every 10 years and within available resources, update the sea level change scenarios published in the National Oceanic and Atmospheric Administration's (NOAA) Technical Report OAR CPO-1 (see BACKGROUND). Under the act, the division must instead publish a sea level change scenario for Connecticut that is based upon the report's scenarios and other available scientific data that is necessary for creating a scenario that applies to the state's coast.

Under the act, both the division and DEEP, instead of only the division, must conduct at least one public hearing on the new scenario. The act requires the DEEP commissioner, within 60 days after the last public hearing, to post on DEEP's website (1) the sea level change scenario for the state and (2) a notice that the updated scenario supersedes previous ones.

Applying New Scenarios

Planning documents. Existing law requires considering sea level change when preparing various planning documents. And under the act, beginning October 1, 2019, the most recent sea level change scenario, rather than NOAA's OAR CPO-1, must be considered when developing or incorporated into:

1. municipal evacuation or hazard mitigation plans,
2. the state's civil preparedness plan and program,
3. municipal plans of conservation and development, and
4. revisions to the state's plan of conservation and development.

Revisions to the state's plan of conservation and development must address the risks and impacts associated with coastal flooding, in addition to coastal erosion, as required under existing law.

Coastal Management Act (CMA). The act incorporates the most recent sea level change scenario into the state's CMA, which provides guidance for and helps regulate activity along the state's coastline (CGS § 22a-90 et seq.). The CMA designates the state's coastal area and the "coastal boundary" within the area and subjects property within the coastal boundary to its regulatory, development, and planning requirements. By law, one of the CMA's general goals and policies is to consider in the planning process the potential impact of sea level rise on coastal development in order to minimize damage.

The act replaces the CMA's definition of "sea level rise" with the most recent sea level change scenario from the division. Prior law specified that sea level rise is the arithmetic mean of the most recent equivalent per decade surface level rise of the state's tidal and coastal waters, as documented by NOAA for its Bridgeport and New London tide gauges.

Flood-proofing. Under the state's flood management laws, "flood-proofing" is making changes that reduce or eliminate flood damage to real property, water and sanitary facilities, and to structures and their contents. For property located in the state's coastal boundary to be considered "flood-proofed," the act requires it to include at least two additional feet of freeboard above base flood level and any additional freeboard necessary to account for the most recent sea level change scenario. (Freeboard is a safety factor, expressed in feet above a calculated flood level, to compensate for unknown factors that contribute to flood heights greater than calculated (e.g., ice jams, debris, wave action).)

The DEEP commissioner has the authority, under the flood management laws, to (1) determine how many and where state-owned structures and state uses may be in the floodplain and (2) identify how to make them less susceptible to flooding, including by flood-proofing. In addition, any state agency proposing an activity within or affecting a floodplain must submit information to the commissioner about the use of flood-proofing techniques (CGS §§ 25-68c and 25-68d).

BACKGROUND

NOAA Technical Report OAR CPO-1

The 2012 NOAA Technical Report OAR CPO-1, titled "Global Sea Level Rise Scenarios for the United States National Climate Assessment," provides sea level rise scenarios for analyzing vulnerability, impacts, and adaptation strategies. It identifies four global mean sea level rise scenarios and specifies that they should be used with local and regional information on climatic, physical, ecological, and biological processes and the coastal communities' culture and economy.

PA 18-84—sSB 104*Environment Committee***AN ACT PROHIBITING THE USE OF RESIDENTIAL AUTOMATIC PESTICIDE MISTING SYSTEMS**

SUMMARY: This act prohibits, beginning January 1, 2019, installing or utilizing a residential automatic pesticide misting system in Connecticut.

Under the act, a “residential automatic pesticide misting system” is a device designed to automatically spray pesticide solution at timed intervals and be installed on, near, or around the exterior or grounds of a residential dwelling.

The act authorizes the energy and environmental protection commissioner to adopt regulations to implement the ban, which may include establishing a fine for a violation.

EFFECTIVE DATE: October 1, 2018

PA 18-97—sHB 5130*Environment Committee***AN ACT CONCERNING THE SEWAGE SPILL RIGHT-TO-KNOW ACT AND EXPANDING CONTINUING EDUCATION PROGRAMS FOR WASTEWATER OPERATORS**

SUMMARY: This act (1) adds to the reporting requirements that apply to sewage treatment plants or collection systems and establishes civil and criminal penalties for failing to electronically report in accordance with the act, (2) requires any report required under the state’s regulations on general conditions for water discharge permits to be submitted electronically, and (3) establishes continuing education requirements for certified wastewater treatment facility operators.

Beginning July 1, 2018, sewage treatment plant or collection system operators must, within two hours after becoming aware of a sewage spill, submit an electronic report about it to the Department of Energy and Environmental Protection (DEEP) and if a spill exceeds 5,000 gallons, or is anticipated to do so, notify certain municipal officials.

Beginning October 1, 2018, the act requires certified wastewater treatment facility operators to annually obtain at least six hours of continuing education. The operators and their work facilities must keep a record of the continuing education and make it available if the DEEP commissioner requests it. Existing law and regulations require operators to pass an examination and meet certain education requirements as part of their certification.

Lastly, the act makes several technical changes.

EFFECTIVE DATE: Upon passage for the sewage spill notice provisions and October 1, 2018 for the wastewater facility operator requirements.

ELECTRONIC REPORTING*Sewage Spill*

The act’s sewage spill notice requirements apply to sewage treatment plants, water pollution control facilities, related pumping stations, collection systems, or other public sewage works. A “sewage spill” is waste diverted from a sewage treatment plant or collection system, such as during a bypass event, that results in reasonable public health, safety, or environmental concerns.

Under the act, in addition to the notice to DEEP, if a spill exceeds 5,000 gallons or is anticipated to do so, an operator also must notify the chief elected official in the municipality where the spill occurred within two hours of becoming aware of the spill. The municipality must then, as soon as practicable, notify the public and downstream public officials, as appropriate.

Existing regulations on reporting bypass events already require facilities to report the events to DEEP within two hours of becoming aware of them and provide a written report, within five days after they occur, on the cause, duration, and corrective actions (Conn. Agencies Regs. § 22a-430-3).

Other Reports

Under the act, each report that must be submitted to DEEP under the existing regulations on water discharge permits must be submitted electronically. Some of the reports required by the regulations include monitoring reports, permit-mandated reports, and reports on discharges that exceed certain thresholds.

Penalties

The act requires that electronic reports be made on a form the DEEP commissioner prescribes. Failing to do so is a violation and subject to civil or criminal penalties, as applicable.

Civil. Under the act, failing to file an electronic report related to wastewater discharge, including sewage spills, is punishable by a civil penalty of up to \$25,000 for each violation. The court determines the amount, but each violation is a separate offense. For continuing violations, each day a violation continues is a separate offense.

Criminal. The act subjects anyone who, with criminal negligence, fails to file an electronic report related to wastewater discharge, including sewage spills, to a fine of up to \$25,000 per day of violation, up to one year in prison, or both. A subsequent violation is punishable by a fine of up to \$50,000 per day of violation, up to two years in prison, or both.

Anyone who knowingly fails to file a required report is punishable by a fine of up to \$50,000 per day of violation, up to three years in prison, or both. A subsequent conviction for a violation is a class C felony, punishable by a fine of up to \$100,000, up to 10 years in prison, or both.

PA 18-101—HB 5129

Environment Committee

Finance, Revenue and Bonding Committee

AN ACT ESTABLISHING A "SAVE OUR LAKES" NUMBER PLATE TO COMBAT AQUATIC INVASIVE SPECIES AND CYANOBACTERIA BLOOMS

SUMMARY: This act requires the Department of Motor Vehicles (DMV) commissioner, beginning January 1, 2020, to issue “Save Our Lakes” commemorative license plates. The DMV and Department of Energy and Environmental Protection (DEEP) commissioners must agree on a plate design that enhances public awareness of efforts to preserve and protect the state’s lakes and ponds from aquatic invasive species and cyanobacteria (e.g., blue-green algae) blooms.

The act creates a Connecticut lakes and ponds preservation account to be used by the DEEP commissioner for, among other things, restoring and rehabilitating state lakes and ponds; educating the public on the need to protect and preserve lakes and ponds; and reimbursing DMV for the cost of producing, issuing, renewing, and replacing Save Our Lakes plates.

The act requires the DMV commissioner to adopt regulations establishing a (1) fee to be charged for Save Our Lakes plates that is in addition to the regular fees required for registering a motor vehicle and (2) voluntary lakes and ponds preservation donation. It also allows the DMV commissioner to collect an additional voluntary \$15 donation at registration renewal for any vehicle with a Save Our Lakes plate. Fees and most donations collected must be deposited into the Connecticut lakes and ponds preservation account.

The act prohibits using Save Our Lakes plates for anything other than official registration marker plates, but allows DEEP to reproduce and market the plate’s image on clothing, recreational equipment, posters, mementos, or other products or programs that the commissioner deems suitable to support the Connecticut lakes and ponds preservation account. Any money received from such marketing must be deposited into the account.

Lastly, the act requires the DMV commissioner, in consultation with the DEEP commissioner, to adopt regulations establishing standards and procedures for issuing, renewing, and replacing Save Our Lakes plates.

EFFECTIVE DATE: October 1, 2018

CONNECTICUT LAKES AND PONDS PRESERVATION ACCOUNT

The act establishes the Connecticut lakes and ponds preservation account as a separate, nonlapsing General Fund account. It requires the DEEP commissioner to use the money in the account for the following purposes:

1. restoring and rehabilitating Connecticut lakes and ponds;
2. DEEP programs to eradicate aquatic invasive species and cyanobacteria blooms;
3. education and public outreach programs to enhance the public’s understanding of the need to preserve and protect the states’ lakes and ponds;
4. allocating grants to state and municipal agencies and nonprofit organizations to conduct research and provide public education and awareness campaigns;
5. funding services that support the protection and conservation of the state’s lakes and ponds; and
6. reimbursing DMV for the cost of producing, issuing, renewing, and replacing Save Our Lakes plates, including

administrative expenses.

The act allows the DEEP commissioner to receive private donations to the account. Any such donations received must be deposited in the account.

FEES AND DONATIONS

The act requires the DMV commissioner to adopt regulations establishing the fee to be charged for Save Our Lakes plates, which is in addition to the regular fees required for registering a motor vehicle. The fee must be for Save Our Lakes plates with letters and numbers selected by the DMV commissioner, but he may charge a higher fee, in addition to fees permitted by law, for plates that (1) contain letters in place of numbers or (2) are low-number plates. The renewal fee for all Save Our Lakes plates, including letter-only and low-number plates, must be the same.

The act also requires the DMV commissioner to adopt regulations establishing a voluntary lakes and ponds preservation donation. Any such donations must be deposited in the Connecticut lakes and ponds preservation account.

Additionally, under the act, the DMV commissioner may request a voluntary \$15 donation when a person renews a registration for a vehicle with Save Our Lakes plates. Of this, \$5 may be applied to DMV's administrative costs and \$10 must be deposited in the Connecticut lakes and ponds preservation account.

Lastly, the act prohibits DMV from charging a transfer fee for transferring an existing registration to or from a registration with Save Our Lakes plates.

PA 18-112—sHB 5364

Environment Committee

AN ACT CONCERNING THE PROTECTION OF HORSESHOE CRABS

SUMMARY: This act prohibits hand-harvesting horseshoe crabs from any Stratford shoreline area between Stratford Point and Sniffen Point. It makes a violation an infraction, which is payable by mail.

The act also requires the Department of Energy and Environmental Protection (DEEP) commissioner, by January 1, 2020, to submit recommendations to the Environment Committee on (1) establishing restricted areas for horseshoe crab harvesting and (2) any changes to the horseshoe crab harvesting season. These recommendations are intended to preserve Connecticut's horseshoe crab population.

EFFECTIVE DATE: Upon passage

BACKGROUND

The DEEP commissioner regulates horseshoe crab harvesting under state law and regulation (CGS § 26-159a and Conn. Agencies Regs. § 26-159a-17). The regulation (1) generally prohibits a person from taking, possessing, or landing horseshoe crabs without a current license and endorsement and (2) establishes the horseshoe crab fishing season and other restrictions. It also prohibits hand-harvesting horseshoe crabs in certain designated areas of Westbrook, West Haven, and Milford. By law, a violation of the regulation is an infraction.

PA 18-113—HB 5356

Environment Committee

AN ACT CONCERNING EMERGENCY ACTION PLANS FOR DAMS

SUMMARY: By law and regulation, the owner of a high or significant hazard dam or similar structure must have an emergency action plan and update it at least every two years, or more frequently if necessary to reflect a significant change (CGS § 22a-411a, Conn. Agencies Regs. § 22a-411a-2). Under this act, an owner must update the plan by amending only the parts of it that changed, rather than by providing a new, complete plan.

By law, copies of the original plans and updates to them must be filed with the energy and environmental protection commissioner and the chief executive officer of any municipality that could be affected in an emergency.

A high hazard dam is one whose failure would result in probable loss of life, damage to major utilities and roadways, or great economic loss. A significant hazard dam is one whose failure would result in possible loss of life, damage to local utilities and roads, or significant economic loss (Conn. Agencies Regs. § 22a-409-2).

EFFECTIVE DATE: October 1, 2018

PA 18-114—sHB 5354
Environment Committee

AN ACT CONCERNING SNAPPING TURTLES AND RED-EARED SLIDER TURTLES

SUMMARY: This act prohibits the commercial trade of snapping turtles until the Department of Energy and Environmental Protection (DEEP) adopts applicable regulations. The act also (1) establishes limited conditions under which red-eared slider turtles may be imported to or commercially traded in the state and (2) bans releasing red-eared slider turtles to Connecticut's land or waters.

By law, violating the commercial trade ban or applicable regulations is a class C misdemeanor (see Table on Penalties). The act extends this penalty to its ban on importing or releasing red-eared slider turtles.

EFFECTIVE DATE: October 1, 2018

SNAPPING TURTLE TRADE

Under the act, no one can engage in the commercial trade of snapping turtles unless DEEP adopts applicable regulations. Prior law exempted snapping turtles from the law that generally bans, absent applicable DEEP regulations, such things as exporting, selling, or exchanging live wild birds, quadrupeds, reptiles, or amphibians. The act eliminates the exemption.

Existing DEEP regulations allow possessing up to 10 wild adult snapping turtles at a time. The daily and seasonal snapping turtle bag limits are five and 10, respectively. The open season for taking snapping turtles extends from July 15 to September 30 annually (Conn. Agencies Regs. §§ 26-55-3 and 26-66-14).

RED-EARED SLIDER TURTLES

Under the act, the commercial trade and import bans do not apply to (1) scientific or educational institutions using red-eared slider turtles for research or educational purposes and (2) those involved in the sale or exchange of red-eared slider turtles with distinctive aberrant color patterns, including albino or amelanistic (i.e., lacking skin pigment) turtles. The latter exemption only applies if the turtle seller keeps a record of the purchaser's name and address on a form the agriculture commissioner prescribes.

PA 18-118—sHB 5453
Environment Committee
Insurance and Real Estate Committee

AN ACT CONCERNING THE RENEWAL OF LIABILITY INSURANCE POLICIES FOR UNDERGROUND STORAGE TANKS

SUMMARY: This act prohibits an insurance company from cancelling or not renewing a general liability insurance policy solely because it applies to an underground storage tank. It applies to any policy issued for or applicable to an underground storage tank that is issued or eligible for renewal on or after the act's passage.

EFFECTIVE DATE: Upon passage

PA 18-121—sHB 5454
Environment Committee

AN ACT CONCERNING NINETY-DAY PERMIT TURNAROUND TIMES FOR THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

SUMMARY: This act requires the Department of Energy and Environmental Protection (DEEP) to make best efforts to review and make a final determination on certain permit applications within 90 days after receiving a completed

application. DEEP must identify, and notify an applicant in writing of, all deficiencies in an application within 90 days of receiving it. The applicant may grant DEEP additional time for its review in writing. The act applies to permit applications received by DEEP before, on, or after the act's passage.

Under prior law, specified applications were automatically approved if DEEP did not make a final determination on them within 90 days. The act eliminates this automatic approval provision.

The act's 90-day turnaround time provision applies to 29 specified types of permit applications, as shown in Table 1. Prior law's automatic approval provision applied to 45 types of applications, some of which were not for permits.

Lastly, the act requires DEEP's commissioner to establish a pilot program to expedite the issuance of permits. Under the program, he may use up to two licensed environmental professionals (LEPs) (see BACKGROUND) or other qualified environmental professionals he certifies as experts on relevant environmental protection regulations and principles. The commissioner may establish fees for the expedited service and must retain authority for issuing the permits.

EFFECTIVE DATE: Upon passage

PERMIT APPLICATIONS AFFECTED

Table 1 identifies the 29 types of permit applications subject to the act's 90-day turnaround time provision and their applicable statutory or regulatory citations, as identified in the act. Most of these applications were subject to the prior law's automatic approval provision.

Table 1: Permit Applications Subject to the Act's 90-Day Turnaround Time Provision

	<i>Permit Application</i>	<i>Citation</i>
1	Air permits for the temporary use of radiation DTX or RMI	CGS § 22a-150
2	Aquifer protection registration	Conn. Agencies Regs. § 22a-354i-7
3	Certificate of permission	CGS § 22a-363b
4	Disposal of special waste	CGS § 22a-209 and related regulations
5	Collecting waste oil, petroleum, chemical liquids, or hazardous waste	CGS § 22a-454
6	E-waste manufacturer	CGS § 22a-630
7	Emergency discharge authorization	CGS § 22a-6k(a)
8	Online sportsmen licensing system	None specified
9	State park passes and bus permits	CGS § 23-26
10	State parks and forests special use licenses	CGS § 23-11
11	Camping site leases	CGS §§ 23-16 & 23-16a
12	Boating permits	CGS § 15-140b
13	Safe boating certifications	CGS § 15-140e
14	Marine event permits	Conn. Agencies Regs. § 15-121-A6

Table 1 (continued)

	<i>Permit Application</i>	<i>Citation</i>
15	Marine dealer certificates	Conn. Agencies Regs. § 15-121-B5
16	Navigation marker permit	Conn. Agencies Regs. § 15-121-A5
17	Regulatory marker permit	Conn. Agencies Regs. § 15-121-A5
18	Water ski slalom course or jump permit	CGS § 15-134
19	Inland fishing licenses	CGS § 26-112
20	Marine recreational and commercial licenses	None specified
21	Hunting and trapping	CGS § 26-30
22	Non-shooting field trial	Conn. Agencies Regs. § 26-51-2
23	Private land shooting preserve permit	CGS § 26-48
24	Regulated hunting dog training	CGS §§ 26-49, 26-51, & 26-52
25	Scientific collection permit for aquatic species, plants, and wildlife and for educational mineral collection	CGS § 26-60
26	Commercial fishing licenses and permits	CGS § 26-142a
27	Nuisance wildlife control operator	CGS § 26-47(b)
28	Taxidermist	CGS § 26-58
29	Wildlife rehabilitator	CGS § 26-54

Prior law's automatic approval provision also applied to the following applications, which are not subject to the act's 90-day turnaround time provision:

1. aquifer protection (but see aquifer protection registration in Table 1),
2. coastal management consistency review form for federal authorization,
3. emergency authorization to discharge to groundwater to remediate pollution,
4. property transfers,
5. marine terminals,
6. pesticide application by aircraft,
7. pesticides in state waters,
8. waste transportation,
9. E-waste covered recycler,
10. campground reservations and other camping permits (but see camping site leases in Table 1),
11. fishing tournaments,
12. commercial arborists,
13. LEPS,

14. pesticide certification and registration,
15. solid waste facility operator,
16. wastewater treatment facility operator certification, and
17. forest practitioner.

BACKGROUND

Licensed Environmental Professional

An LEP is a person qualified by experience and education to engage in activities associated with investigating and remediating pollution, including the release of hazardous waste or petroleum products into soil or groundwater, who has passed a state examination (CGS § 22a-133v).

PA 18-181—sHB 5360

Environment Committee

AN ACT CONCERNING REVISIONS TO CERTAIN ENVIRONMENTAL QUALITY AND CONSERVATION PROGRAMS OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION AND CERTAIN FARMLAND PRESERVATION PROGRAMS OF THE DEPARTMENT OF AGRICULTURE AND ESTABLISHING A WORKING GROUP ON MICROFIBER POLLUTION, AUTHORIZING SCHOOL INSTRUCTION AND CURRICULUM ON CLIMATE CHANGE, REQUIRING UPDATED HAZARDOUS MITIGATION PLANS FOR CERTAIN HAZARDOUS CHEMICAL FACILITIES, PERMITTING SUNDAY BOW HUNTING OF DEER THROUGHOUT THE STATE AND ESTABLISHING A PILOT PROGRAM ON THE SEPARATE COLLECTION OF GLASS FROM OTHER RECYCLING PROGRAMS

SUMMARY: This act makes several revisions to the Department of Energy and Environmental Protection's (DEEP) environmental quality and conservation programs.

The act also (1) creates a limited circumstance under which the development rights of agricultural land owned by the state may be included with a sale of the land (§ 5); (2) requires the State Board of Education (SBE) to encourage and help school boards include climate change consistent with the Next Generation Science Standards as part of the program of instruction the law allows them to offer in public schools (§ 8); and (3) makes several technical changes, including updating two references to federal law in the laws governing the farmland preservation and community farms programs (§§ 10 & 11).

Regarding DEEP's environmental quality programs, the act:

1. expands the exemption from obtaining solid waste and water discharge permits for leaf composting facilities to include those facilities that add a certain amount of grass clippings to the leaf compost (§ 1);
2. requires the commissioner to convene a working group to develop a consumer awareness and education program on synthetic microfiber pollution and report on it to the Environment Committee (§ 6);
3. requires owners or operators of certain facilities with hazardous chemicals to update the facility's hazard mitigation plan and any applicable evacuation plan to address risks of flooding, severe weather, or sea level rise (§ 7); and
4. requires DEEP, if asked, to authorize a municipal glass collection pilot program and report on it to the Environment Committee (§ 12).

And the act makes the following changes to DEEP's conservation programs:

1. requires anyone possessing, breeding, propagating, or selling more than one fallow deer to obtain a game breeder's license (§ 2);
2. allows the commissioner to adopt regulations on establishing and issuing lifetime hunting and fishing authorizations (§ 3);
3. requires the commissioner to adopt regulations on taking carp by bow and arrow in certain waters and designates no closed season for taking carp by such means in those waters until the regulations are adopted (§ 4); and
4. expands the areas where Sunday bow and arrow deer hunting is permitted to include private land throughout the state, instead of only in overpopulated deer management zones (§ 9).

EFFECTIVE DATE: October 1, 2018, except the microfiber pollution working group provision and the technical updates referring to the federal agricultural programs are effective upon passage.

§ 1 — COMPOSTING LEAVES AND GRASS CLIPPINGS

By law, facilities that only compost leaves are exempt from needing to obtain a solid waste facility or water discharge permit from DEEP. The act expands the exemption to include facilities that add grass clippings to the leaf compost, but in an amount no greater than 25% of the compost (a 3:1 ratio of leaves to clippings).

The act correspondingly requires the DEEP commissioner to adopt regulations on the exempt facilities that compost leaves and grass clippings; current regulations address only leaf composting facilities. The regulations set out registration, siting, operation, and reporting requirements (Conn. Agencies Regs. § 22a-208i(a)-1).

§ 2 — FALLOW DEER

Existing law prohibits breeding, propagating, or possessing more than one live specimen of certain wild game quadrupeds without a game breeder's license from DEEP. The restriction under prior law applied to two members of the Cervidae (deer) family: sika (*Cervus nippon*) and white-tailed deer (*Odocoileus virginianus*). The act expands the restriction by also applying it to fallow deer (*Dama dama*).

Under existing law, anyone seeking a game breeder's license must apply in writing to DEEP. The license costs \$27 and is renewed annually. The law sets reporting requirements for licensees.

§ 3 — LIFETIME HUNTING AND FISHING AUTHORIZATION

The act allows the DEEP commissioner to adopt regulations for establishing and issuing lifetime hunting and fishing licenses, permits, and stamps, or combinations of them. Under existing law, DEEP generally issues hunting and fishing licenses, permits, and stamps annually, subject to specified fees (CGS § 26-27 *et seq.*).

§ 4 — CARP FISHING

The act requires the DEEP commissioner to adopt regulations on taking carp by bow and arrow in the following waters:

1. Thames River;
2. Connecticut River and its coves downstream of the Arrigoni Bridge;
3. Coginchaug River downstream of Route 3, including the Cromwell Meadows Wildlife Management Area;
4. Quinnipiac River downstream of Route 40; and
5. Housatonic River downstream of the Derby Dam.

Until the regulations are adopted, the act provides that there is no closed season for taking carp in these areas.

(Current regulations provide that people may take carp for commercial purposes throughout the year from the river systems of the above mentioned rivers, except the Coginchaug River, as well as the French, Quinebaug, and Shetucket rivers. But they prohibit taking carp by bow and arrow in streams stocked with trout, charr, or salmon. The regulations generally limit the daily creel limit for carp to five, with no more than one carp exceeding 30 inches in length. More restrictive requirements apply in Trophy Carp Waters (Conn. Agencies Regs. §§ 26-112-45 & 26-142a-4).)

§ 5 — AGRICULTURAL LAND PRESERVATION AND SALES

By law, the agriculture commissioner may, with the State Property Review Board's approval, acquire agricultural land and any associated personal property by purchase or gift. After acquiring title to the property, prior law required the commissioner to sell the property, but not its development rights, for agricultural purposes (but the law allows him to lease, transfer, assign, or manage it for certain purposes until the sale occurs).

The act creates a limited circumstance under which the agricultural land's development rights may be included in the sale. Under the act, if the purchaser is a municipality or nonprofit organization with one of its purposes being preserving agricultural lands, the development rights may also be sold with the property. But the sale is subject to the state's future purchase of the development rights, and the commissioner must enter into an agreement concerning the development right's purchase.

§ 6 — MICROFIBER POLLUTION WORKING GROUP

Working Group Purposes

The act requires the DEEP commissioner, by July 1, 2018, and in consultation with the consumer protection commissioner, to convene a working group of representatives from the apparel industry and the environmental community to develop a consumer awareness and education program about synthetic microfiber pollution. Under the act, the program must include at least the following:

1. consumer oriented information on how clothing sheds synthetic microfibers that end up in the state's waterways;
2. best practices for consumers to reduce and eliminate microfiber dispersal into the waterways; and
3. information on how apparel industry members, including brand labels, are working to reduce or eliminate microfibers in clothing.

Industry Representatives

The act designates the following eight industry organizations for inclusion in the working group, the:

1. Sustainable Apparel Coalition;
2. American Apparel and Footwear Association;
3. American Apparel and Producer's Network;
4. Fashion Group International;
5. National Retail Federation;
6. Council of Fashion Designers of America;
7. Fashion Business, Inc.; and
8. Outdoor Industry Association.

Report

The act requires the DEEP commissioner to report to the Environment Committee, by January 1, 2019, on the group's efforts and any recommendations for legislation on the consumer information program and reducing microfibers in the state's waterways.

§ 7 — CHEMICAL FACILITY SAFETY PLANS

The act requires, by January 1, 2019, owners or operators of certain facilities with hazardous chemicals to update the facility's hazard mitigation plan and any applicable evacuation plan to address risks of flooding, severe weather, or sea level rise. The requirement applies to facilities that DEEP identifies as being in areas at high risk of these circumstances.

The act also requires the updated hazard mitigation and evacuation plans to be submitted to the applicable local emergency planning committee within 60 days after the updates. The committee must review the plans and determine if there should also be changes to the community's plans for chemical emergencies, such as enhanced community notification or evacuation procedures.

Under the act, sea level rise is based on sea level change scenarios as published by the National Oceanic and Atmospheric Administration (NOAA) in Technical Report OAR CPO-1 and updated, within available resources, by UConn's Marine Sciences Division at least every ten years. (PA 18-82 requires the division to publish a sea level change scenario for the state that is based on NOAA's report and other available scientific data that is necessary for creating a scenario that applies to the coast.)

§ 8 — CLIMATE CHANGE EDUCATION

The act requires SBE to encourage and help school boards include climate change instruction consistent with the Next Generation Science Standards as part of the program of instruction the law allows them to offer in the public schools. SBE must do this within available appropriations and using available resource materials, but the act additionally requires DEEP to be available to school boards to develop climate change curricula.

The public school program of instruction required by law includes science. The act specifies that science instruction may include the climate change curriculum provided in the Next Generation Science Standards.

The Next Generation Science Standards are K-12 research-based science content standards. Its foundational document provides that climate changes are significant and persistent changes in the average or extreme weather conditions of an area (National Research Council. 2012. *A Framework for K-12 Science Education: Practices,*

Crosscutting Concepts, and Core Ideas, Washington, DC: The National Academies Press). SBE adopted the standards in 2015 with the intent of implementing them over a five-year period.

§ 9 — SUNDAY BOW AND ARROW HUNTING

The act expands the area where Sunday bow and arrow deer hunting is permitted to include private land throughout the state, instead of only in overpopulated deer management zones determined by DEEP. (Currently, 10 of DEEP's 13 deer management zones are considered overpopulated.) The act also eliminates a related provision requiring the hunting to be done in accordance with DEEP's wildlife management principles and practices.

As under existing law, the hunter must have the private landowner's written permission to hunt there and carry it while hunting. The hunting also cannot take place within 40 yards of a blazed (i.e., clearly marked) hiking trail. By law, no one can hunt deer by bow and arrow without first obtaining a DEEP bow and arrow permit. Hunters must also comply with associated deer hunting regulations, which address such things as the open season, reporting requirements, and bag limits. A violation of the Sunday hunting law is a class D misdemeanor (see Table on Penalties) (CGS § 26-81).

§ 12 — GLASS COLLECTION PILOT PROGRAMS

The act requires DEEP, if asked by a municipality, to authorize a two-year glass collection pilot program that is separate from the municipality's existing curbside recycling collection program. Under the act, the glass must be collected by at least one third party. The program must prohibit glass from being recycled through the existing curbside program and also include the following:

1. at least one location where glass is collected at no charge to residents,
2. information about the program for residents,
3. data collection for DEEP to measure the program's outcomes, and
4. any other elements DEEP requires.

The act requires DEEP to submit a report to the Environment Committee on such pilot programs, including any legislative recommendations, after they end.

PA 18-25—sHB 5429

Finance, Revenue and Bonding Committee

AN ACT CONCERNING INCREASED PENALTIES FOR CERTAIN CIGARETTE AND TOBACCO TAX VIOLATIONS, A CONTINUING EDUCATION OPTION FOR CERTAIN EMBALMERS OR FUNERAL DIRECTORS AND THE IMPOSITION OF THE TOBACCO PRODUCTS TAX ON CIGARS

SUMMARY: This act increases civil and criminal penalties for various offenses related to cigarette and tobacco products sales.

Among other things, the act increases, from a class D to a class C felony (see Table on Penalties), the penalties for:

1. repeat violations of the cigarette shipment or transport law;
2. willful attempt to evade cigarette taxes or failure to pay the taxes on 20,000 or more cigarettes;
3. illegal sales of untaxed tobacco products that would be taxed at least \$2,500 and willful attempt to evade tobacco products taxes or failure to pay tobacco product taxes of \$2,500 or more; and
4. willful delivery or disclosure to the Department of Revenue Services (DRS) of fraudulent or false cigarette or tobacco products tax documents.

The act (1) expands the definition of racketeering activity under the Corrupt Organizations and Racketeering Act (CORA) to include willfully attempting to evade cigarette taxes or failing to pay the taxes on 20,000 or more cigarettes and (2) removes from the definition possessing, transporting for sale, selling, or offering for sale 20,000 or more cigarettes in certain stamped or illegally stamped packages.

The act also (1) exempts from the tobacco products tax cigars that are exported from Connecticut and owned by a distributor located on the premises of a company performing “fulfillment services” for the distributor and (2) changes the point at which cigars owned by such distributors are subject to the tax if they are shipped, delivered, or transferred to a Connecticut address.

Lastly, under specified conditions, the act allows funeral directors and embalmers whose national board examination scores were invalidated to complete 45 extra hours of continuing education, instead of retaking the examination, in order to avoid disciplinary action.

EFFECTIVE DATE: July 1, 2018, except the funeral director and embalmer provisions are effective upon passage.

§ 1 — ILLEGALLY SHIPPING OR TRANSPORTING CIGARETTES

The act increases, from a class D to a class C felony, the penalty for second or subsequent violations of the cigarette shipping and transporting law. The law:

1. prohibits companies that sell cigarettes from shipping them to anyone in Connecticut who is not (a) a state-licensed cigarette distributor or dealer, (b) an export warehouse proprietor or customs bonded warehouse operator, or (c) a local, state, or federal government employee, officer, or agent acting within his or her official duties;
2. prohibits common or contract carriers or anyone else from knowingly delivering cigarettes to a residence or to someone in Connecticut they reasonably believe is not one of the entities authorized to receive them;
3. requires sellers to plainly and visibly mark packages with the word “cigarettes” when they do not ship them in the cigarette manufacturer’s original container or wrapping; and
4. requires sellers shipping cigarettes to make delivery to an authorized recipient conditional on the recipient’s signing an acknowledgement of receipt and presenting proper proof of age.

By law, unchanged by the act, a first violation of these provisions is a class A misdemeanor and any cigarettes sold in violation of this law are contraband and subject to confiscation.

The act also increases, from \$5,000 to \$10,000, the maximum civil penalty the DRS commissioner may impose for each shipment or delivery of cigarettes that violates these provisions.

§ 2 — SALE OF CIGARETTES OR TAXED TOBACCO PRODUCTS WITHOUT A DRS LICENSE

The act increases the penalties for selling, offering to sell, or possessing with intent to sell cigarettes or taxed tobacco products without a license from DRS. Taxed tobacco products include snuff, cigars, cheroots, pipe tobacco, and similar products.

Under prior law, the penalty for each knowing violation was a fine of up to \$500, up to three months in prison, or both. The act increases the penalty to a fine of up to \$1,000, up to six months in prison, or both. As under existing law, each day of unauthorized operation may be counted as a separate offense.

In the case of a cigarette dealer who operates for up to 90 days after his or her license expires, the act increases the

penalty from an infraction, with a \$90 fine, to a \$350 fine.

§ 3 — SALE OF UNSTAMPED CIGARETTES

By law, it is generally illegal to sell, offer or display for sale, or possess with intent to sell cigarettes without the required Connecticut tax stamp. The act additionally makes it illegal to transport cigarettes for sale under these same conditions.

Under prior law, the penalty for any knowing violation of the stamp requirements was a fine of up to \$1,000, up to a year in prison, or both (except for certain licensed dealers, as described below). The act increases the penalty for knowing violations involving more than 1,000 cigarettes. Under the act, the penalty is:

1. a fine of up to \$1 per cigarette, up to a year in prison, or both, if the violation involves 1,001 to 19,999 unstamped cigarettes and
2. a fine of up to \$1.50 per cigarette, up to five years in prison, or both, if the violation involves 20,000 or more unstamped cigarettes.

Under prior law, possessing, transporting for sale, selling, or offering for sale 20,000 or more cigarettes (1) in unstamped or illegally packaged stamped packages or (2) that may not legally be stamped, was a class D felony (see Table on Penalties).

Under the act, if it is a licensed dealer's first violation and he or she possesses no more than 1,000 unstamped cigarettes, the penalty is reduced to a \$350 fine. Under prior law, this reduced penalty was an infraction with a \$90 fine and applied in cases where such dealers possessed no more than 600 unstamped cigarettes.

The act also increases, from a class D to a class C felony, the penalty for willfully attempting to evade cigarette taxes or failing to pay the taxes on 20,000 or more cigarettes.

§§ 4 & 7 — CIGARETTE OR TOBACCO PRODUCTS TAX FRAUD

The act increases, from a class D to a class C felony, the penalty, under both the cigarette and tobacco products tax laws, for willfully delivering or disclosing to the DRS commissioner any list, report, account, statement, or other document known to be fraudulent or false in any material matter. This penalty is in addition to any other penalty the law provides.

§ 5 — CIGARETTE PACKAGING VIOLATIONS

The law prohibits the sale of cigarettes in any form other than in sealed packages of 20 or more that bear the federally required health warning (i.e., loose cigarettes). The act increases the civil penalty for violations of this law from (1) \$50 to \$150 for a first offense, (2) \$250 to \$500 for a second offense, and (3) \$500 to \$1,000 for a third or subsequent offense. It also subjects any violators, rather than just dealers and distributors, to the penalty. But as under existing law, dealers and distributors who violate these provisions are subject to license suspension or revocation.

The act also deems any cigarettes sold in violation of this law to be contraband and subject to confiscation.

§ 6 — SALE OF UNTAXED TOBACCO PRODUCTS

By law, anyone, other than a licensed distributor or importer, who knowingly manufactures, buys, imports, receives, or acquires any untaxed tobacco products is subject to a fine, up to three months in prison, or both, for each offense. The act increases the maximum fine from \$500 to \$750.

The act also increases, from a class D to a class C felony, the penalty for (1) transporting for sale, selling, or offering for sale untaxed tobacco products that would be taxed at least \$2,500 or (2) willfully attempting to evade the tobacco products tax or failing to pay the taxes on products that would be taxed at least \$2,500.

§ 8 — RACKETEERING ACTIVITY

The act expands the definition of racketeering activity under CORA to include willfully attempting to evade cigarette taxes or failing to pay the taxes on 20,000 or more cigarettes. In doing so, it subjects a person or entity that engages in a pattern of this violation to prosecution under CORA. The act also removes from the definition of racketeering activity possessing, transporting for sale, selling, or offering for sale 20,000 or more cigarettes (1) in any unstamped or illegally packaged stamped packages or (2) that the law prohibits from bearing a tax stamp (see § 3 above).

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 in, security of, claim against, or property or contractual right of any kind affording a source of influence over any enterprise the violator established, operated, controlled, conducted, or participated in to violate CORA. Violators are also subject to the fines and penalties associated with the underlying crimes.

§ 9 — FUNERAL DIRECTORS AND EMBALMERS

The act expands the circumstances under which funeral directors and embalmers are protected from disciplinary actions based on the invalidation of their national board examination score.

Existing law prohibits the Department of Public Health (DPH) and the Connecticut Board of Examiners of Embalmers and Funeral Directors from taking disciplinary action against any funeral directors or embalmers notified on or before October 1, 2017, that their scores were invalidated, if the licensee retakes and passes the exam by October 1, 2018.

The act additionally prohibits DPH or the board from taking related disciplinary action against any such individual who completes 45 hours of continuing education and submits certificates of course completion to DPH by July 1, 2019. These 45 hours of continuing education must be in addition to the standard continuing education requirement for these professions (six hours annually).

At least six of the 45 hours must be in ethics, and the remainder must be in areas related to the licensee's practice, such as bereavement care, business management and administration, religious customs and traditions related to funerals, cremation or cemetery services, natural sciences, pre-need services, restorative arts and embalming, counseling, funeral service merchandising, sanitation and infection control, organ donation, or hospice care. The continuing education must consist of courses offered or approved by the Academy of Professional Funeral Service Practice, educational offerings sponsored by a licensed health care institution, or courses offered by a regionally accredited higher education institution.

Under prior law, if a licensee with such an invalidated score failed to retake and pass the exam by October 1, 2018, his or her license was annulled, subject to the Uniform Administrative Procedure Act. Under the act, this penalty applies if the licensee fails to retake the exam by that date or complete the 45 hours of continuing education by July 1, 2019.

§ 10 — FULFILLMENT HOUSE EXEMPTION FOR CERTAIN EXPORTED CIGARS

The act exempts from the tobacco products tax cigars that are (1) exported from Connecticut and (2) owned by a distributor located on the premises of a company performing "fulfillment services" for the distributor. A company provides "fulfillment services" when it receives orders from a distributor or its agent, fills them with the distributor's inventory stored on its premises, and ships them to the distributor's customers. Under prior law, all tobacco products were subject to the tax at the time they were manufactured, purchased, imported, received, or acquired in the state. By law, exported tobacco products are exempt from the tobacco products tax and any taxes paid on such products may be refunded.

Under the act, cigars owned by such distributors are subject to the tax if they are shipped, delivered, or transferred to a Connecticut address. The tax must be (1) imposed on the date the cigars are shipped, delivered, or transferred and (2) reported and paid on the tobacco products tax return corresponding to the month the shipment, delivery, or transfer occurred.

The act authorizes the DRS commissioner to require the fulfillment company to file a quarterly informational return, containing the information the commissioner prescribes, for the cigars located on the company's premises.

PA 18-26—sHB 5433

Finance, Revenue and Bonding Committee

AN ACT CONCERNING MINOR AND TECHNICAL CHANGES TO THE TAX AND RELATED STATUTES

SUMMARY: This act makes various unrelated changes in state tax laws. The act:

1. modifies the method used to determine the amount of income tax withholding from pension and annuity payments (§ 7);
2. makes permanent the income tax exemption for pension and annuity income for eligible taxpayers that was previously scheduled to end after 2025 (§ 27);
3. expands the types of transactions subject to an existing penalty for income tax underpayments attributable to a taxpayer's failure to disclose potentially abusive tax avoidance transactions (§§ 5 & 6);
4. explicitly authorizes the Department of Revenue Services (DRS) commissioner to use electronic signatures for

any filing authorized under the law concerning liens on personal property for delinquent state taxes (i.e., Uniform Commercial Code filings) (§ 1);

5. clarifies that taxpayers issued a Green Building tax credit prior to the program's sunset date (December 1, 2017) may claim the credits (§ 2);
6. eliminates a requirement that the DRS commissioner notify the comptroller of any errors in insurance premiums tax returns that are disclosed during his examination of the returns (§ 3);
7. limits succession tax filing requirements to the estates of decedents who died on or before January 1, 2005, that filed a succession tax return or were assessed the succession tax before October 1, 2018 (existing law eliminates the tax for the estates of decedents who died on or after January 1, 2005) (§ 4); and
8. makes numerous technical changes and corrections (§§ 8-26 & 28-33).

EFFECTIVE DATE: Upon passage, except the technical changes and corrections (excluding corrections to an estate and gift tax rate calculation) are effective October 1, 2018.

§ 7 — PENSION AND ANNUITY INCOME WITHHOLDING

Payers Subject to the Withholding Requirement

Prior law required income tax withholding by payers of pension and annuity distributions that (1) maintain an office or transact business in Connecticut and (2) make taxable payments to resident individuals. The act specifies that the withholding requirement applies to any such payers that make distributions (1) from a profit-sharing plan, stock bonus, deferred compensation plan, individual retirement arrangement, endowment, or life insurance contract or (2) of pension payments or annuities. Under prior law, the pension or annuity distributions subject to withholding included these distribution types.

Withholding Amount

The act requires the method used to determine the amount of income tax withholding to be determined according to instructions the DRS commissioner provides, rather than the same method employers use for payroll withholding.

Prior law generally required lump sum distributions to be taxed at the highest marginal rate. The act instead generally requires the amount withheld from lump sum distributions to be equal to the distribution's taxable portion multiplied by the highest marginal rate. Additionally, it exempts from withholding lump sum distributions that are direct rollovers in the form of a check made payable to another qualified account. As under existing law, a lump sum distribution is also exempt from withholding if any portion of it was previously taxed or it is a rollover effected as a direct trustee-to-trustee transfer.

The act also provides that the withholding requirements must not result in the nonpayment of any distribution to a resident individual.

Penalty for Estimated Income Tax Underpayment

For the 2018 calendar year, the act prohibits the DRS commissioner from assessing interest on taxpayers for underpaying estimated taxes based solely on the payer's failure to comply with the withholding requirements.

§§ 5 & 6 — POTENTIALLY ABUSIVE TAX SHELTER TRANSACTIONS

By law, a separate penalty applies to state personal income tax underpayments attributable to a taxpayer's failure to disclose transactions on his or her federal tax return (as required under federal law) that the Internal Revenue Service (IRS) has determined are potentially abusive tax shelters. The penalty is 75% of the underpayment.

For income tax audits beginning on or after January 1, 2018, the act applies the underpayment penalty to the taxpayer's failure to disclose a "reportable transaction," rather than a "listed transaction." Under federal law, a "reportable transaction" is one required to be disclosed because the IRS has determined, under its regulations, that it is potentially a tax avoidance or evasion transaction. A "listed transaction" is a reportable transaction that is the same as, or substantially similar to, a type of tax avoidance transaction. Reportable transactions also include other specified transaction types, including confidential transactions (i.e., transactions offered to a taxpayer under conditions of confidentiality and for which the taxpayer has paid a minimum advisor fee) and loss transactions (i.e., certain losses, including individual losses of at least \$2 million in a single tax year or \$4 million in any combination of tax years).

§ 27 — INCOME TAX DEDUCTION FOR PENSION AND ANNUITY INCOME

The act makes permanent the personal income tax deduction for pension and annuity income which was previously scheduled to phase in from the 2019 to 2025 tax years, and end after 2025. Under the act, eligible taxpayers may deduct 100% of such income for tax years beginning in 2025, and each tax year thereafter. By law, the deduction applies to taxpayers with federal adjusted gross incomes below (1) \$75,000 for single filers, married people filing separately, and heads of households and (2) \$100,000 for married people filing jointly.

PA 18-42—sHB 5574

Finance, Revenue and Bonding Committee

AN ACT CONCERNING THE FAILURE TO FILE FOR CERTAIN GRAND LIST EXEMPTIONS, VALIDATING A CONNECTICUT GREEN BANK AGREEMENT AND CERTAIN ACTIONS OF THE CITY OF DERBY, CONCERNING PAYMENT OF A GRANT-IN-AID TO THE TOWN OF DARIEN AND THE CRITERIA OF CERTAIN MEMBERS OF SCHOOL GOVERNANCE COUNCILS AND EXTENDING A PROVISION CONCERNING REEMPLOYMENT OF CERTAIN TEACHERS

SUMMARY: This act:

1. extends the statutory deadlines for taxpayers in Bristol, New Britain, Norwich, and Wallingford to file required claims for certain property tax exemptions;
2. authorizes the Connecticut Green Bank to use a special capital reserve fund (SCRF) to secure its obligations under an equipment lease-purchase agreement it entered into in December 2017, even though it did not receive the statutorily-required approvals before entering into the agreement;
3. validates certain actions taken by Derby's board of aldermen and officers and officials related to a personal services agreement (PSA) between the state and the town of Derby, and requires the Office of Policy and Management (OPM) to pay the city \$89,906.50 for specified invoices related to the PSA;
4. requires the OPM secretary to pay \$464,289 as a grant to Darien from the Small Town Economic Assistance Program (STEAP) to reimburse it for certain project costs, regardless of contract provisions between the town and the Department of Energy and Environmental Protection (DEEP);
5. specifies that elementary, middle, and high school governance councils may include students' parents or guardians who are public officials (§ 8); and
6. extends, by two years, a provision allowing certain retired teachers and administrators to exceed the annual earnings limit without having to pay back the excess to the Teachers Retirement System (TRS).

EFFECTIVE DATE: July 1, 2018, except the provisions concerning the Green Bank, Derby, Darien, and retired teachers and administrators are effective upon passage.

§§ 1-4 — FAILURE TO FILE FOR CERTAIN PROPERTY TAX EXEMPTIONS

The act allows taxpayers in four municipalities to claim a property tax exemption, for the property and grand lists shown in Table 1, even though they missed the November 1 filing deadline.

Table 1: Exemption Deadline Waivers

§	<i>Municipality</i>	<i>Exemption</i>	<i>Grand List</i>
1	New Britain	Machinery and equipment used for manufacturing, biotechnology, and recycling (§ 12-81(76))	2016
2	Bristol	Machinery and equipment used for manufacturing, biotechnology, and recycling (§ 12-81(76))	2016 & 2017
3	Wallingford	Specified new commercial motor vehicles used exclusively to transport freight for hire (§ 12-81(74))	2016
4	Norwich	Property owned, or held in trust for, any corporation organized exclusively for scientific, educational, literary, historical, or charitable purposes and used exclusively for such purposes or preserving open space land (§ 12-81(7))	2016 & 2017

It does so by waiving the deadline if the taxpayer files for the exemption by July 31, 2018, and pays the statutory late filing fee. In each case, the tax assessor must confirm that he or she received the fee, verify the property's eligibility for the exemption, and subsequently approve the exemption. The municipality must refund any taxes paid on the property as if the claim was filed in a timely manner. In the case of Norwich, the municipality must also refund any interest and penalties paid on the property as if the claim was filed in a timely manner.

§ 5 — CONNECTICUT GREEN BANK

Existing law allows the Green Bank to issue bonds secured by a SCRF, subject to the (1) approval of the OPM secretary and state treasurer, or their deputies, and (2) Green Bank determining and documenting that project revenue will be sufficient to pay the bond principal and interest and other specified costs. The act authorizes the Green Bank to secure, with a SCRF, its obligations to make basic rental payments, consisting of principal and interest, under the equipment lease-purchase agreement it entered into in December 2017 for the installation of solar equipment at various locations of the Connecticut State Colleges and Universities. The authorization applies as long as the Green Bank obtains the required approvals after the obligation's issuance and regardless of whether the obligation is established in the form of a lease agreement.

§ 6 — PSA BETWEEN THE STATE AND DERBY

The act validates all acts, votes, and proceedings of Derby's board of alderman and officers and officials on and after April 27, 2017, relating to the PSA (CPAP 2017-04) between the state and Derby for the Atlantic Field Project (DEPA00029210012). It requires OPM to pay Derby a grant of \$89,906.50 to reimburse it for four invoices for goods and services rendered before September 2, 2017, in reliance on the project's PSA.

§ 7 — STEAP GRANT TO DARIEN

The act requires the OPM secretary to pay a \$464,289 STEAP grant to Darien to reimburse the town for dredging Gorham Pond on the Goodwives River, installing a fish ladder, and repairing the Upper Gorham Pond dam. OPM must do so regardless of contract provisions between the town and DEEP (contracts 14208 and 14209).

§ 9 — REEMPLOYMENT PAY FOR RETIRED TEACHERS AND ADMINISTRATORS

The TRS law generally limits the amount a retired teacher or administrator can earn working at a school district while still receiving his or her TRS pension. With certain exceptions, such a retiree may earn up to 45% of the maximum salary for his or her assigned position and still receive a TRS pension; if the retiree's earnings exceed the limit on an annual basis, he or she must reimburse the TRS for the excess.

The act extends by two years, from July 1, 2018 to July 1, 2020, an exception that allows a reemployed teacher or administrator to exceed this 45% limit if he or she (1) was receiving retirement benefits based on 34 or more years of service, (2) was reemployed in an alliance district, and (3) was employed in that district on July 1, 2015.

PA 18-49—sSB 11

Finance, Revenue and Bonding Committee

AN ACT CONCERNING AN AFFECTED BUSINESS ENTITY TAX, VARIOUS PROVISIONS RELATED TO CERTAIN BUSINESS DEDUCTIONS, THE ESTATE AND GIFT TAX IMPOSITION THRESHOLDS, THE TAX TREATMENT OF CERTAIN WAGES AND INCOME AND A STUDY TO IDENTIFY BEST PRACTICES FOR MARKETING THE BENEFITS OF QUALIFIED OPPORTUNITY ZONES

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Requires taxpayers to spread out the federal bonus depreciation and asset expensing deductions over four and five years, respectively; establishes a deduction for contributions made by the state or local governments; requires that expenses related to dividends equal 5% of all dividends received by a corporation during an income year; and decouples the state corporation business tax from the new federal limitation on business interest expenses

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Beginning in 2020, sets the estate and gift tax threshold at \$5.49 million and imposes a marginal rate schedule for gifts and estates over that amount

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Allows Connecticut residents to take an income tax credit for certain payroll taxes paid to other jurisdictions

§ 20 — “CONVENIENCE OF THE EMPLOYER” TEST FOR NONRESIDENT TAXPAYERS

Subjects residents of states with a “convenience of the employer” test to similar rules for work done for a Connecticut employer

§ 21 — OPPORTUNITY ZONES STUDY

Requires the economic and community development commissioner to study and report on the best practices for marketing the benefits of qualified opportunity zones to increase investment in distressed census tracts and municipalities

§§ 1-8 — PASS-THROUGH ENTITY TAX

Imposes a new income tax on most pass-through businesses, levied at the top personal income tax rate (6.99%) and offset by a credit at the personal or corporate income tax level

The act imposes a new income tax on most pass-through businesses (i.e., “affected business entities”) at the entity-level. The tax is (1) levied at the top personal income tax rate of 6.99% and (2) offset by a credit at the personal or corporate income tax level.

Under prior law, pass-through businesses doing business in the state did not pay income tax at the entity level; instead, their profits “passed-through” to their owners and were taxed as part of the owners’ personal income tax returns. Paying taxes at the entity level as required under the act, instead of at the personal income tax level, may provide pass-through income with favorable federal tax treatment, given recent tax changes that limit the amount of state and local taxes (SALT) that can be deducted for federal personal income tax purposes (see BACKGROUND).

Under the act, the entity tax applies to each pass-through business that is required by state law to file a return with the Department of Revenue Services (DRS) containing information about its finances and its resident and nonresident members (CGS § 12-726). Such businesses must file an entity tax return on or before the 15th day of the third month following the close of each entity’s taxable year for federal income tax purposes (i.e., taxable year).

EFFECTIVE DATE: Upon passage, and applicable to taxable years beginning on or after January 1, 2018, except that the conforming change to the volatility cap bond covenant provision is effective May 15, 2018 (§ 8); and certain other minor and conforming changes are effective upon passage (§§ 3, 4 & 7).

Affected Business Entities and Members

Under the act, an “affected business entity” (i.e., pass-through business) is (1) any entity, including a limited liability company (LLC), that is considered a partnership for federal income tax purposes or (2) any corporation treated as an S corporation for federal tax purposes. It does not include publicly-traded partnerships that have agreed to file an annual return reporting the name, address, Social Security or federal employer identification number, and other DRS-required information for each unitholder whose income from Connecticut sources was more than \$500.

“Member” refers to (1) an S corporation shareholder; (2) a partner in a general partnership, limited partnership, or limited liability partnership; or (3) a member of an LLC treated as a partnership or an S corporation for federal tax purposes.

Tax Calculation

Under the act, a business’s entity tax liability equals its taxable income, determined under the standard base method or alternative base method (see below), multiplied by 6.99% (i.e., the top marginal personal income tax rate).

Standard Base Method. Under the standard base method, the business’s taxable income (hereafter “Connecticut source income”) equals the business’s separately and nonseparately computed items determined under federal tax law (i.e., the income, gains, losses, and deductions used to determine pass-through business members’ federal income tax liability), adjusted by any modification to taxable income that applies to the Connecticut personal income tax, to the extent the items and modifications are derived from or connected to Connecticut sources.

In determining their Connecticut source income, pass-through businesses must use sourcing rules applicable to the Connecticut personal income tax to determine whether their income, gains, losses, or deductions are derived from or connected to Connecticut sources. If the business’s net income results in a net loss, the business may carry the loss forward until it is fully used.

The act also requires pass-through businesses calculating their tax under the standard base to adjust their Connecticut source income to account for instances where one business is a member of another business. Specifically, if a pass-through business (which the act calls the lower-tier entity) is a member of another pass-through business (which the act calls the upper-tier entity), the lower-tier entity must subtract or add, as applicable, its distributive share of the upper tier entity’s loss or income from Connecticut sources when calculating such income.

Alternative Base Method. The alternative tax base equals a business’s “modified Connecticut source income” plus its “resident portion of unsourced income.”

The act defines “modified Connecticut source income” as the business’s Connecticut source income, calculated as described above, multiplied by a percentage equal to the sum of ownership interests in the business that are held by members that are (1) subject to Connecticut personal income tax or (2) pass-through businesses subject to the entity tax, to the extent such businesses are directly or indirectly owned by people subject to the income tax. Members that are pass-through businesses are assumed to be directly or indirectly owned as such, unless the business can establish otherwise through clear and convincing evidence satisfactory to the DRS commissioner.

Under the act, the “resident portion of unsourced income” equals “unsourced income” multiplied by a percentage equal to the sum of the ownership interests in the pass-through business that belong to Connecticut residents. Generally speaking, unsourced income is a pass-through business’s income that is not sourced to Connecticut or another state in which the business has a significant presence (i.e., nexus). Specifically, “unsourced income” equals the business’s separately and nonseparately computed items, as determined under federal tax law, adjusted by any modification applicable to the Connecticut personal income tax, regardless of the location from which the income and adjustments are derived, or to which they are connected, minus the:

1. business’s Connecticut source income, calculated as described above, but without any adjustments for tiered business entities; and
2. separately and nonseparately computed items, adjusted by any modification applicable to the Connecticut personal income tax, to the extent the items or adjustments are connected to or derived from another state with jurisdiction to tax the entity.

Each taxable year, any business electing to calculate entity tax on the alternative basis must notify the DRS commissioner, in writing, by the tax’s due date or extended due date (if applicable). The act specifies that the election does not affect the calculation of any other state taxes due, except for the calculation of the tax credits the act authorizes (see “offsetting credits” below).

Nonresidents

Under the act, nonresident members of pass-through businesses are generally not required to file a Connecticut personal income tax return for taxable years in which (1) the pass-through business is the only source of Connecticut income for the member or the member's spouse and (2) the pass-through business has paid the entity tax. However, nonresident members must still file a return if the (1) member's personal income tax liability would not be entirely satisfied by the offsetting credit the member earns for the business's entity tax payment and (2) pass-through entity of which they are a member chooses to file on a combined basis (see below).

Under prior law, a pass-through business was generally required to file an income tax return and pay the tax on behalf of any nonresident member for whom the business is the only source of Connecticut income. The act eliminates these requirements for taxable years beginning on or after January 1, 2018.

Offsetting Credits

The act authorizes offsetting personal income and corporate tax credits for individuals and companies that are members of pass-through businesses that pay the entity tax or a substantially similar tax in another state.

Personal Income Tax. If the pass-through business member is an individual subject to the personal income tax and a Connecticut resident or part-time resident, the act allows the person to claim a credit equal to his or her direct and indirect pro rata share of the tax paid by the pass-through business of which he or she is a member, multiplied by 93.01%. The act makes this credit refundable and requires the DRS commissioner to treat the amount by which the person's credit exceeds his or her personal income tax liability as a tax overpayment, unless the excess must be held for certain obligations (e.g., past due taxes).

The act also authorizes a personal income tax credit for members of pass-through businesses that have paid taxes to other states or the District of Columbia that are substantially similar, in the DRS commissioner's determination, to the entity tax imposed under this act. The credit is for the member's direct and indirect pro rata share of such taxes paid by the pass-through business and is calculated in a manner prescribed by the DRS commissioner, which must be consistent with the calculation for the credit for personal income taxes paid to another state.

Under the act, neither of these tax credits may be applied against the withholding tax.

Corporation Business Tax. If a pass-through business member is a company subject to the corporation tax, the act allows the company to claim a credit equal to its direct and indirect pro rata share of the tax paid by the pass-through business of which it is a member, multiplied by 93.01%.

The company must apply this credit after all other tax credits are applied, and the credit is not subject to the corporation business tax credit cap, which generally prohibits a business from using tax credits to reduce its corporation tax liability by more than a specified percentage (e.g., 65% for the 2018 income year) (CGS § 12-217zz). Unused credits must be carried forward, indefinitely, until fully used.

Tax Collection, Enforcement, and Penalties

Upon the failure of any pass-through business to pay the entity tax within 30 days of its due date, the act allows the DRS commissioner to collect the entity tax by taking any action that he can take to collect money owed to the state. This means that he (or another authorized agent) can, among other things, seize property or sign a warrant to take control of the business, including operating it to secure its income for the state and forcing an end to its operations. Additionally, the attorney general may start civil proceedings to collect the tax.

From the last day of the last month of a business's taxable year immediately prior to the tax's due date until the tax is paid, the tax plus the interest and penalty act as a lien against any real estate the taxpayer owns in the state. A lien certificate, signed by the commissioner, may be recorded on the land record in the town where the property is located. However, the lien is not effective against a bona fide purchaser or the interest of any qualified encumbrancer. When the tax has been paid, the commissioner, on the request of any interested party, must issue a certificate discharging the lien.

Under the act, the attorney general can foreclose the lien by bringing an action in the Superior Court of the judicial district where the property is located. If located in two or more districts, the attorney general may file suit in any one. At the conclusion of any such action, the court can limit the redemption period, order the property sold, or issue any other equitable decree.

If entity taxes are not paid by their due date, the act imposes an interest penalty of 1% per month or part of a month.

The act additionally applies certain tax collection and enforcement provisions that apply to the income tax under existing law. Among other things, these provisions cover (1) tax payment and return filing deadline extensions; (2)

deficiency and jeopardy assessment procedures; (3) refunds for tax overpayments, including applicable hearing and appeals processes; and (4) penalties for certain willful violations or fraud.

Combined Return Election

The act allows pass-through businesses to file a combined return with one or more commonly-owned pass-through businesses that are subject to the entity tax. (“Commonly-owned” means that more than 80% of the voting control of a pass-through business is directly owned or indirectly owned, as determined under federal tax law, by a common owner or owners.) Each taxable year, any business that chooses to file in this manner must notify the DRS commissioner in writing, along with the written consent of the other commonly-owned businesses, by the tax’s due date or extended due date (if applicable).

The act generally requires pass-through businesses filing a combined return to net their taxable incomes after such amounts are separately allocated by each business. If the combined group elects to calculate the tax due on the alternative basis (see above), the businesses must instead net their alternative tax bases.

Under the act, each business electing to file a combined return is jointly and separately liable for the entity taxes due. The election does not affect the calculation of any other state taxes due except for the calculation of the tax credits the act authorizes.

Reporting of Members’ Shares of Entity Tax Payments

The act requires pass-through businesses to report for each taxable year each member’s (1) direct pro rata share of entity tax imposed on the business and (2) indirect pro rata share of the entity tax imposed on any upper-tier entities of which the business is a member.

Businesses that elect to file a combined report must report to the DRS commissioner the direct and indirect pro rata share of the entity tax paid under the combined return that is allocated to each of their members. The report must be filed with the combined return, and the allocation is irrevocable.

The act additionally requires that this information be included in the returns that pass-through businesses doing business in the state must file with the DRS commissioner. It also moves up, from the fourth to the third month following the taxable year, the date by which these returns must be filed.

Estimated Payments

By law, Connecticut personal income taxpayers must make income tax payments throughout the tax year through withholding, quarterly estimated payments, or both (CGS § 12-722). Prior to this act’s passage, members of pass-through businesses typically made estimated payments on the income they expected to receive from such businesses.

The act requires pass-through businesses to make estimated entity tax payments on a quarterly basis, in a similar manner to the estimated income tax payments under existing law. (Because taxpayers may take expected tax credits into account when calculating their quarterly estimated income tax payments, many pass-through business members will no longer need to make such payments on their pass-through business income.)

Under the act, these businesses’ quarterly estimated payments are (1) generally equal to 25% of the “required annual payment” and (2) due on the 15th day of the taxable year’s fourth, sixth, and ninth month, and on the 15th day of the first month of the next taxable year. The “required annual payment” means the lesser of (1) 90% of the entity tax reported or due for the current taxable year or (2) 100% of the entity tax reported on the entity tax return for the preceding taxable year, if the pass-through business filed a return for that year that covered a 12-month period.

The act allows businesses to make payments based on the “annualized income installment” calculation if such a calculation results in a lower installment payment for any required installment. Under the act, the annualized income installment is the amount by which the product of the applicable percentage (see Table 1) and the amount of entity tax that would be due if the business’s taxable income for the months in the taxable year prior to the installment’s due date exceeds the aggregate amount of any prior required installments for the taxable year. Any installment reduction that results from such a calculation must be recaptured by increasing the next required installment and, if the reduction has not been recaptured, subsequent installments.

Table 1: Applicable Percentages of Annualized Installment Calculation

<i>Installment</i>	<i>Applicable Percentage</i>
First	22.5%
Second	45%
Third	67.5%
Fourth	90%

If a pass-through business underpays the required estimated tax, the act imposes an interest penalty of 1% of the underpayment amount per month, or part of a month, of the underpayment period. The underpayment amount is the amount by which the required installment exceeds the payment made, if any, on or before the installment's due date. The underpayment period runs from the installment's due date to the earlier of (1) the 15th day of the third month of the next taxable year or (2) the date on which the underpayment is paid. Estimated tax payments must be credited against unpaid or underpaid installments in the order in which the installments must be paid.

The act allows businesses to make any required payment before its due date. Under the act, estimated entity tax payments are considered payments toward the business's annual entity tax liability.

For taxable years of fewer than 12 months, the act specifies that its provisions apply in a manner consistent with the income tax regulations for the relevant taxable years.

BACKGROUND

SALT Deduction

The federal SALT (i.e., state and local taxes) deduction allows taxpayers to reduce their taxable income by the amount they paid in certain state and local taxes during the tax year. Under prior law, taxpayers could claim the deduction (with no dollar limit) for four types of nonbusiness taxes, including state personal income taxes and property taxes. Under the federal Tax Cuts and Jobs Act, for the 2018 to 2025 tax years, the deduction is limited to \$10,000 (\$5,000 for married taxpayers filing separately) for such taxes paid or accrued in the tax year. Taxpayers may still claim a deduction with no dollar limit for state and local property taxes related to a business (e.g., property taxes paid for rental property) (26 U.S.C. § 164, as amended by P.L. 115-97, § 11042).

Volatility Cap

Established in the 2018-2019 biennial budget act, the "volatility cap" is a mechanism for diverting volatile tax revenue to the Budget Reserve Fund (BRF). It effectively caps the amount of personal income tax estimated and final payments that may be used to balance the budget, thus requiring any excess amounts to be transferred to the BRF after the close of General Fund accounts each fiscal year. By law, certain state bonds must include a pledge to bondholders that the state will comply with certain state laws, including the volatility cap, except in limited circumstances.

§ 9 — DEADLINE FOR RECORDING TAX RECEIPTS AS REVENUE FOR A FISCAL YEAR

Moves up the deadline by which DRS must receive certain tax receipts in order for the comptroller to record them as revenue for a fiscal year

The act moves up the deadline by which DRS must receive corporate income tax receipts in order for the comptroller to record them as revenue for a fiscal year, applying the same deadline as that of other taxes (i.e., five business days after July 31, rather than after August 15, immediately following the fiscal year). The act also applies this deadline to pass-through entity tax receipts.

EFFECTIVE DATE: Upon passage

§ 10 — PROPERTY TAX CREDIT FOR DONATIONS TO COMMUNITY SUPPORTING ORGANIZATIONS

Allows municipalities to provide a residential property tax credit to eligible taxpayers who make voluntary payments to municipally-approved organizations

The act allows municipalities to provide a residential property tax credit to eligible taxpayers who make voluntary, unrestricted, and irrevocable contributions to a community supporting organization approved by the municipality.

Under the act, a “community supporting organization” (hereinafter “organization”) is a charitable nonprofit that is organized exclusively to support municipal spending on programs and services such as public education. A “municipality” is any town, city, borough, consolidated town and city, or consolidated town and borough.

Under the act, the credit applies only to taxes on “residential property,” which the act defines as (1) buildings with three or fewer dwelling units, the parcel of land on which the building is situated, and any accessory buildings or other improvements on the parcel; (2) residential condominiums; and (3) common interest communities.

EFFECTIVE DATE: July 1, 2018

Municipal Approval of Credit

In order to provide the credit authorized under the act, a municipality must annually approve it by a vote of its legislative body or the board of selectman if the municipality’s legislative body is a town meeting. In its approval, the municipality may include a residency requirement or other requirement that it deems necessary or desirable. The municipality must approve the credit by October 1 in order to provide the tax credit in the following fiscal year.

Under the act, the municipality determines the tax credit amount, which may not exceed the lesser of:

1. the amount of property tax owed or
2. 85% of the taxpayer’s donation, or the amount donated on his or her behalf, to an organization during the calendar year before the year in which the tax credit application is filed.

Organization Designation and Municipal Grant Process

Any municipality that approves a credit must designate a single organization to receive qualifying cash donations, and the municipality’s chief executive and the designated organization must enter into an agreement. The agreement must require the organization to:

1. accept only voluntary, unrestricted, and irrevocable cash donations;
2. give the municipality, on or after July 1 but no later than July 31 in each fiscal year for which a credit has been approved, (a) a grant equal to the amount of all donations it received in the prior fiscal year and (b) a written statement of all the donations it received, including each donor’s name and residential address; the name and residential address of the property owner if the donation was made on his or her behalf; and donation date; and
3. give donors a contemporaneous written contribution receipt.

The agreement must require the municipality to (1) give the organization a written statement of the municipal programs and services supported by the grant by December 31 following the end of a fiscal year in which an organization paid a grant to the municipality; and (2) serve as the organization’s administrative and fiscal agent (the act limits administrative expenses to 15% of the total grant amount).

Under the act, a municipality can appropriate and spend grant funds it receives from the organization.

Donations and Credit Application

Upon the municipality’s approval of the tax credit, the act allows a residential property owner, or a person on his or her behalf, to make a donation to the organization designated by the municipality.

In order to receive the property tax credit, the act requires a taxpayer to apply to the tax collector in the municipality where the property is located between January 1 and April 1 of the fiscal year prior to the fiscal year for which the taxpayer will claim the credit. The application must include (1) evidence, satisfactory to the tax collector, of the amount of the taxpayer’s donations to the organization in the prior calendar year and (2) an affidavit on an Office of Policy and Management-prescribed form affirming that the taxpayer’s donations were made in cash and were voluntary, unrestricted, and irrevocable.

Upon receiving the application and required documentation, the tax collector must apply the tax credit, subject to any limits the municipality applied to the tax credit in its authorizing ordinance, to the property tax due for the fiscal year for

which the application was made. The act prohibits taxpayers from using a donation made to an organization to claim a tax credit for more than one fiscal year.

Under the act, a taxpayer who knowingly submits false records or makes a false affidavit in order to claim a tax credit must (1) pay a fine of up to \$500 and (2) refund to the municipality the entire amount of the tax credit the taxpayer improperly received.

§§ 11-13 — BUSINESS TAX DEDUCTIONS

Requires taxpayers to spread out the federal bonus depreciation and asset expensing deductions over four and five years, respectively; establishes a deduction for contributions made by the state or local governments; requires that expenses related to dividends equal 5% of all dividends received by a corporation during an income year; and decouples the state corporation business tax from the new federal limitation on business interest expenses

Bonus Depreciation (§ 11)

Beginning with the 2017 tax year, the act requires individuals receiving income from pass-through businesses to add back the federal bonus depreciation deduction for property placed in service after September 27, 2017, when calculating their Connecticut adjusted gross income for the state personal income tax. But it allows them to deduct 25% of the disallowed deduction for each of the four succeeding tax years. Existing law, unchanged by the act, disallows the federal bonus depreciation deduction for state corporation business tax purposes.

The federal Tax Cuts and Jobs Act of 2017 authorizes a first-year bonus depreciation deduction of 100% on qualified new and used property businesses place in service after September 27, 2017, and before January 1, 2023 (the rate phases down by 20% each year thereafter) (26 U.S.C. § 168(k)). Prior law generally provided for a 50% bonus depreciation deduction in 2017, 40% in 2018, and 30% in 2019.

Section 179 Property (§§ 11 & 12)

The act requires individuals and corporations, for state personal income and corporation business tax purposes respectively, to apportion the federal deduction for the cost of qualifying property (“section 179 property”) over a five-year period. They must do so for tax years (for personal income tax) or income years (for corporation business tax) beginning on or after January 1, 2018. Under the act, individuals and corporations (1) must add back 80% of the federal deduction in the first year and (2) may deduct 25% of the disallowed portion of the deduction in each of the four succeeding tax years (i.e., 20% a year for five years).

Under federal law, businesses can elect to treat the cost of section 179 property as a deductible expense rather than a capital expenditure, subject to a maximum deduction and investment limitation (26 U.S.C. § 179). The federal Tax Cuts and Jobs Act of 2017 expands the type of property that taxpayers may elect to treat as section 179 property and increases the (1) maximum deduction for section 179 expensing from \$510,000 to \$1 million and (2) investment limitation from \$2.03 million to \$2.5 million.

State or Local Government Contribution Deduction (§ 13)

The act establishes a corporation business tax deduction for the amount of any contributions made by the state of Connecticut or its political subdivisions on or after December 23, 2017, to the extent that such contributions are included in a corporation’s gross income under federal law. (PA 18-169, § 41, contains an identical provision.)

The federal Tax Cuts and Jobs Act of 2017 generally requires a corporation to include in its gross income any contribution made after December 22, 2017, by a government entity or civic group (other than a contribution made by a shareholder as such) (26 U.S.C. § 118(b)(2)). These contributions could include, for example, state grants to a corporation for meeting certain employment or investment requirements.

Dividends Received Deduction (§ 13)

Existing law generally allows corporations to deduct from their gross income the dividends they receive from other corporations in which they have an ownership stake, but not the expenses related to those dividends. The act specifies that expenses related to dividends equal 5% of all dividends received by a company during an income year. For multi-state companies or financial service companies, it requires the net income associated with the disallowed expenses to be apportioned according to the existing requirements for doing so. (PA 18-169, § 41, contains an identical provision.)

Business Interest Deduction (§ 13)

The federal Tax Cuts and Jobs Act of 2017 generally limits the amount of business interest a company may deduct from gross income to 30% of its adjusted taxable income. (The limitation generally applies to all taxpayers, except small businesses with average gross receipts of \$25 million or less, adjusted for inflation.)

For income years beginning on or after January 1, 2018, the act requires the business interest deduction for state corporation business tax purposes to be determined as provided under federal law, except that the limitation does not apply. (PA 18-169, § 13, contains an identical provision.)

EFFECTIVE DATE: Upon passage and applicable to income years (for the corporation tax provisions) or tax years (for the personal income tax provisions) beginning on or after January 1, 2017, except that the corporation asset expensing deduction is effective upon passage (§ 12).

§§ 14-18 — GIFT AND ESTATE TAX

Beginning in 2020, sets the estate and gift tax threshold at \$5.49 million and imposes a marginal rate schedule for gifts and estates over that amount

Beginning in 2020, the act sets the estate and gift tax threshold at \$5.49 million and imposes a marginal rate schedule for gifts and estates over that amount. Prior law set the threshold, beginning in 2020, at the federal basic exclusion amount (hereafter “federal threshold”) and applied a single rate to the excess over the federal threshold, depending on the value of the taxable estate or gift. The federal Tax Cuts and Jobs Act of 2017 doubled the federal threshold to \$11 million in 2018, after adjusting for inflation. (However, PA 18-81, §§ 66-68, instead sets the gift and estate threshold at \$5.1 million for 2020, \$7.1 million for 2021, \$9.1 million for 2022, and the federal basic exclusion amount for 2023 and thereafter.)

Table 2 shows the act’s threshold and rate changes.

Table 2: Estate and Gift Tax Rates, 2020 and Thereafter

<i>Prior Law</i>		<i>Act</i>	
<i>Value of Taxable Estate and Gift</i>	<i>Rates</i>	<i>Value of Taxable Estate and Gift</i>	<i>Marginal Rates</i>
Up to federal threshold	None	Up to \$5,490,000	None
Federal threshold to \$6,100,000	10% of the excess over the federal threshold	\$5,490,001 to \$6,100,000	10%
\$6,100,001 to \$7,100,000	10.4% of the excess over the federal threshold	\$6,100,001 to \$7,100,000	10.4%
\$7,100,001 to \$8,100,000	10.8% of the excess over the federal threshold	\$7,100,001 to \$8,100,000	10.8%
\$8,100,001 to \$9,100,000	11.2% of the excess over the federal threshold	\$8,100,001 to \$9,100,000	11.2%
\$9,100,001 to \$10,100,000	11.6% of the excess over the federal threshold	\$9,100,001 to \$10,100,000	11.6%
Over \$10,100,000	12% of the excess over the federal threshold	Over \$10,100,000	12%

The act makes conforming changes to requirements for filing tax returns with DRS and the probate court. By law, all estates, regardless of their gross value, must file an estate tax return. If the estate’s value is more than the taxable threshold, the executor must file the return with DRS, with a copy to the probate court for the district where the decedent lived or, if the decedent was not a Connecticut resident, where the Connecticut property is located. If the estate’s value is below the tax threshold, the return must be filed only with the appropriate probate court. The probate judge must review the return and issue a written opinion to the estate’s representative if the judge determines it is not subject to the estate tax.

Under prior law, for deaths on or after January 1, 2020, the threshold for filing an estate tax return only with the probate court was the federal estate tax threshold. The act instead sets the threshold at \$5.49 million.

EFFECTIVE DATE: Upon passage

§ 19 — INCOME TAX CREDIT FOR TAXES PAID TO OTHER JURISDICTIONS

Allows Connecticut residents to take an income tax credit for certain payroll taxes paid to other jurisdictions

Existing law authorizes Connecticut full- and part-time residents to take a credit against their personal income tax for income taxes paid to another U.S. state, political subdivision, or the District of Columbia on income that is also subject to Connecticut income taxes. The act allows residents to claim this credit for certain payroll taxes paid to other jurisdictions. It does so by providing that, for purposes of calculating the credit, a tax on wages that is paid to another jurisdiction for which a credit is allowed by that jurisdiction must be considered an income tax, and resident taxpayers may claim a comparable credit in the form and manner the DRS commissioner prescribes, subject to the credit's existing limitations. (PA 18-169, § 42, contains an identical provision.)

EFFECTIVE DATE: Upon passage, and applicable to tax years beginning on or after January 1, 2019.

§ 20 — “CONVENIENCE OF THE EMPLOYER” TEST FOR NONRESIDENT TAXPAYERS

Subjects residents of states with a “convenience of the employer” test to similar rules for work done for a Connecticut employer

By law, people who reside in other states must pay Connecticut income taxes on income they derive from a business, trade, profession, or occupation conducted here. The act specifies that such income includes income from days the nonresident taxpayer worked outside Connecticut for his or her convenience if the taxpayer's domicile state imposes a similar requirement. (PA 18-169, § 43, contains an identical provision.)

States using such a test, commonly referred to as a “convenience of the employer” test, generally allocate a taxpayer's income to the state of his or her principal place of employment, even if it is attributable to work performed outside the state, if the taxpayer was performing the work outside of the state for his or her convenience, rather than at the employer's direction.

EFFECTIVE DATE: Upon passage and applicable to tax years beginning on or after January 1, 2019.

§ 21 — OPPORTUNITY ZONES STUDY

Requires the economic and community development commissioner to study and report on the best practices for marketing the benefits of qualified opportunity zones to increase investment in distressed census tracts and municipalities

The act requires the Department of Economic and Community Development commissioner to conduct a study identifying best practices for marketing the benefits of qualified “opportunity zones,” as defined by federal law, to increase investment in distressed census tracts and municipalities. By January 1, 2019, the commissioner must report the findings to the Commerce; Planning and Development; and Finance, Revenue and Bonding committees.

The federal Tax Cuts and Jobs Act of 2017 allows state chief executive officers to nominate low-income communities for designation as qualified opportunity zones and establishes tax incentives for investing in the designated zones through a qualified fund.

EFFECTIVE DATE: Upon passage

PA 18-136—sHB 5591

Finance, Revenue and Bonding Committee

AN ACT CONCERNING THE MACHINERY RENTAL SURCHARGE RATE, CERTAIN MUNICIPAL FILING FEES AND THE PROPERTY TAX EXEMPTION FOR CERTAIN PAINT MIXING MACHINERY AND EQUIPMENT

SUMMARY: This act makes the following tax and fee related changes:

1. increases the fees municipalities must charge for various permits and filings;
2. increases, from 1.5% to 2.75%, the surcharge on rental machinery; and
3. requires retailers claiming a property tax exemption for machinery and equipment used to color or mix paint for in-state sales to apply to local assessors, on a form the assessors prescribe, annually by November 1 (§ 2).

EFFECTIVE DATE: July 1, 2018, and the rental surcharge is applicable to machinery rented on or after July 1, 2018.

§§ 3-6 — MUNICIPAL FEE INCREASES

The act increases the fees municipalities must charge for various permits and filings, as shown in Table 1.

Table 1: Municipal Fee Increases

<i>Fee Description</i>	<i>Prior Law</i>	<i>Act</i>
Liquor permit filing	\$2	\$20
Filing any document with town clerk	5	10
Survey or map filing and indexing	10	20
Subdivision survey or map filing and indexing	20	30
Notary public: commission and oath recording	10	20
Notary public: character certification	2	5
Marriage license (including surcharge)	30	50
Burial or removal, transit, and burial permit	3	5
Cremation permit	3	5

§ 1 — RENTAL MACHINERY SURCHARGE

By law, the state imposes a surcharge on certain machinery rentals and requires rental companies to annually remit to the Department of Revenue Services the amount of the surcharge collected that exceeds the local property taxes and Department of Motor Vehicles registration and titling fees they paid on the equipment. The act increases the surcharge from 1.5% to 2.75%.

By law, the surcharge applies to (1) businesses generating at least 51% of their total annual revenue from rentals, excluding retail or wholesale sales of rental equipment, and (2) rentals for less than 365 days or for an undefined period under an open-ended contract.

PA 18-152—SB 417

Finance, Revenue and Bonding Committee

AN ACT CONCERNING THE DEPARTMENT OF REVENUE SERVICES' RECOMMENDATIONS REGARDING STATE TAXATION AND COLLECTION

SUMMARY: This act expands the conditions under which certain out-of-state retailers must collect and remit Connecticut sales tax. Among other things, it modifies the sales threshold above which out-of-state retailers soliciting sales in Connecticut must collect and remit sales tax on their sales in the state.

It makes “marketplace facilitators” retailers for the sales they facilitate for sellers on their forum and requires them to collect and remit sales tax on those sales. Marketplace facilitators are generally businesses that (1) facilitate retail sales for sellers by providing a forum that lists or advertises the sellers’ goods and services and (2) collect receipts from customers and remit payments to sellers. The act also establishes notice and reporting requirements for “referrers” (i.e., people and businesses who connect sellers and consumers for a commission or fee).

Lastly, the act decreases, from \$5,000 to \$2,000, the value of lottery prize claims above which the Connecticut Lottery Corporation (CLC) must deduct and withhold delinquent taxes. The decrease applies to claims redeemed at the central CLC office beginning July 1, 2018. By law, the offset is for state taxes, including penalties and interest, more than 30 days overdue that are not the subject of a timely filed (1) administrative appeal to the commissioner or (2) appeal pending before a court.

EFFECTIVE DATE: December 1, 2018, except the lottery provision is effective July 1, 2018.

§§ 2 & 3 — SALES TAX NEXUS

State law requires “retailers” to collect Connecticut sales tax if they are engaged in the business of making retail sales in the state. If a retailer is engaged in business in Connecticut, it is said to have a significant presence (i.e., nexus) here. The act modifies the circumstances under which out-of-state retailers are required to collect and remit sales tax in Connecticut, as described below. It also provides that the definition of “engaged in business in the state” applies to the

extent that it is not prohibited by the U.S. Constitution.

Out-of-State Retailers Soliciting Sales in Connecticut

Under prior law, out-of-state retailers that regularly or systematically solicited sales of tangible personal property in Connecticut by various means had to collect and remit sales tax if their Connecticut sales exceeded a threshold of 100 retail sales during the preceding 12-month period (ending September 30). The act replaces the 100 sales threshold with a threshold of at least (1) 200 retail sales and (2) \$250,000 in gross receipts during the 12-month period.

Previously, the requirement to collect and remit sales tax applied to out-of-state retailers with no place of business in Connecticut. The act eliminates this condition, thus applying the requirement to all out-of-state retailers soliciting sales in Connecticut that exceed the threshold described above.

The act also specifies that the Internet is one of the means by which such retailers are considered to be soliciting sales in Connecticut. By law, out-of-state retailers are also considered to be soliciting sales in Connecticut if they regularly and systematically solicit sales by:

1. displaying billboards or other outdoor advertisements;
2. distributing catalogs, periodicals, advertising flyers, or other print, radio, or television media; or
3. mail, telegraphy, telephone, computer database, cable, optic, microwave, or other communication.

Out-of-State Retailers Repairing or Servicing Goods under Warranty in Connecticut

Under prior law, out-of-state retailers with no place of business in Connecticut had to collect and remit state sales tax if they repair or service tangible personal property under warranty in Connecticut, either directly or through an agent, independent contractor, or subsidiary. The act requires such retailers to collect and remit sales tax under these conditions regardless of whether they have a place of business in Connecticut.

Remote Sellers with “Click-Through” Nexus

By law, retailers selling tangible personal property or services through certain agreements with people located in Connecticut must collect and remit sales tax on their taxable sales in the state. The agreements must provide that in return for the person in Connecticut referring potential customers to the retailer (directly or indirectly by any means, including a website link), the person will receive a commission or other compensation from that retailer.

Under prior law, this requirement applied to any retailer that annually earned more than \$2,000 in gross receipts from sales in the state under such referral agreements in the preceding four quarters. The act increases this sales threshold from \$2,000 to \$250,000.

Fulfillment House Exclusion

The act limits the out-of-state retailers that are exempt from collecting and remitting state sales tax under the existing “fulfillment house exclusion.”

Under prior law, an out-of-state retailer not otherwise engaged in business in Connecticut was not required to collect and remit Connecticut sales tax solely because it purchased fulfillment services from an unaffiliated in-state company or owned property stored on that company’s premises. The act excludes retailers who own property stored on a marketplace facilitators’ premises from the fulfillment house exclusion (see below).

Under prior law, a company provided “fulfillment services” when it received orders from a retailer or its agent, filled them from the retailer’s inventory stored on its premises, and shipped them to the retailer’s customers. The act limits the fulfillment services that qualify for this exclusion to those shipping orders outside of Connecticut.

§§ 2, 4 & 5 — MARKETPLACE FACILITATORS

Sales Tax Collection and Remittance Requirement

The act requires marketplace facilitators to be considered retailers for the sales they facilitate for sellers on their forum. A marketplace facilitator must:

1. collect and remit sales tax on each such sale;
2. be responsible for all of the obligations state sales and use tax law imposes on retailers as if it were the retailer of the sale; and
3. keep the records and information the Department of Revenue Services (DRS) commissioner requires to ensure

proper sales tax collection and remittance, in accordance with the existing sales tax record-keeping requirements.

Definitions

Under the act, a “marketplace facilitator” is any person who:

1. during the prior 12-month period, facilitates retail sales of at least \$250,000 by marketplace sellers by providing a “forum” that lists or advertises taxable tangible personal property or taxable services, including digital goods, for sale by such sellers;
2. collects receipts from customers and remits payments to marketplace sellers, directly or indirectly, through agreements or arrangements with third parties; and
3. receives compensation or other consideration for such services.

A “marketplace seller” is any person who has an agreement with a marketplace facilitator regarding his or her retail sales, whether or not the person is required to obtain a sales tax permit. A “forum” is a physical or electronic place where tangible personal property or taxable services are offered for sale, including a store, booth, website, catalog, or dedicated sales software application.

Marketplace Sellers with Sales Tax Permits

The act establishes conditions under which marketplace sellers with valid sales tax permits are not required to collect and remit sales tax on their taxable sales.

Under the act, any marketplace seller with a valid sales tax permit is not required to collect sales tax for a particular sale and include the receipts from the sale in its taxable receipts for purposes of its sales tax return if:

1. the seller can show that the sale was facilitated by a marketplace facilitator (a) with whom the seller has a contract that explicitly provides that the facilitator will collect and remit on all taxable sales that it facilitates for the seller or (b) from whom the seller requested and received in good faith a properly completed certificate of collection certifying that the facilitator is registered to collect sales tax and will do so on all of the seller’s taxable sales it facilitates, and
2. the facilitator’s failure to collect the proper amount of tax for the sale was not due to the seller providing the facilitator with incorrect information.

The act requires the DRS commissioner to administer these provisions (1) in a manner consistent with the existing state sales tax law on the presumption of taxability and (2) as if the law’s language expressly referred to a certificate of collection under these provisions.

Refunds

The act allows purchasers who overpaid sales or use tax to a marketplace facilitator to submit a refund claim with the DRS commissioner, in accordance with existing law, in the form and manner he prescribes. The act provides that such purchasers do not have a cause of action against a marketplace facilitator to recover the overpayment.

Limit on Liability for Sales Occurring Between December 1, 2018, and January 1, 2020

The act limits a marketplace facilitator’s liability for failing to collect sales tax on a taxable sale during the first 13 months after the requirement takes effect. It authorizes the DRS commissioner to prescribe the form and manner in which marketplace facilitators may request this relief.

Under the act, for taxable sales occurring on or after December 1, 2018, and before January 1, 2020, the commissioner must limit a marketplace facilitator’s sales and use tax liability if the facilitator can show, to the commissioner’s satisfaction, that the:

1. facilitator and marketplace seller are not affiliated persons (i.e., one does not directly or indirectly own more than 5% of the other, and a third entity or a group of affiliated entities does not directly or indirectly own more than 5% of both),
2. failure to collect sales tax was not due to an error in sourcing the sale, and
3. sale occurred before January 1, 2020.

If the commissioner deems that the marketplace facilitator satisfies these conditions, he must reduce by 5% the total amount of tax it owes on taxable sales it facilitated that are sourced to Connecticut. He must also reduce the interest due by a corresponding amount and waive any associated penalties.

The act also authorizes the commissioner to limit a marketplace seller’s sales and use tax liability for taxable sales made through a marketplace facilitator. He may do so to the same extent described above, as long as he deems that the

seller has satisfied the three conditions described above.

§ 8 — REFERRER NOTICE REQUIREMENT

Referrers

The act requires referrers to notify sellers and consumers that sales or use tax is due on certain purchases. It defines a “referrer” as anyone who:

1. contracts or otherwise agrees with a seller to list or advertise one or more items of tangible personal property for sale by any means, including a website or catalog, as long as the listing or advertisement includes the seller’s “shipping terms” or a statement of whether the seller collects sales tax;
2. offers a comparison of similar products offered by multiple sellers;
3. received commissions, fees, or other consideration of more than \$125,000 from a seller or sellers for such listings or advertisements during the preceding 12-month period;
4. refers, by telephone, web link, or other means, a potential customer to a seller or the seller’s affiliated person (described above); and
5. does not collect payments from the customer for the seller.

The act specifies that “shipping terms” does not mean a seller’s mere mention of general shipping costs in the seller’s own listing or advertisement.

Under the act, “referral” or “refer” is the transfer by a referrer of a potential purchaser to a seller who advertises or lists tangible personal property for sale on or in the referrer’s medium.

Notice to Consumers

The act requires referrers, to the extent not prohibited by the U.S. Constitution, to post a conspicuous notice on or in the referrer’s medium (e.g., website) informing consumers of the following:

1. sales or use tax is due from Connecticut purchasers on certain purchases,
2. the seller might not collect and remit sales tax on a purchase,
3. Connecticut requires Connecticut purchasers to file a use tax return if the seller does not impose sales tax at the time of the sale,
4. the instructions for obtaining additional information from DRS regarding the remittance of sales and use taxes on purchases made by Connecticut purchasers, and
5. the notice is being provided pursuant to the requirements established under the act.

Quarterly Notice to Sellers

Beginning by July 1, 2019, the act requires referrers to provide a quarterly notice to each seller to whom they transferred a potential Connecticut purchaser during the previous calendar year. The notice must contain:

1. a statement that Connecticut imposes a sales or use tax on sales made to Connecticut purchasers,
2. a statement that a seller making sales to Connecticut purchasers must collect and remit sales and use taxes to DRS, and
3. instructions for obtaining from DRS additional information regarding Connecticut sales and use taxes.

Report to DRS

Beginning by January 31, 2020, each referrer must submit an annual report to DRS that contains the following information:

1. the name and address of each seller who received a notice from the referrer, as described above; and
2. the name and address of each seller which the referrer knows that the seller (a) listed or advertised its tangible personal property on or in the referrer’s medium and (b) collected and remitted Connecticut sales and use taxes.

They must submit the report electronically and in the form and manner the commissioner prescribes.

PA 18-157—SB 528 (VETOED)*Finance, Revenue and Bonding Committee***AN ACT CONCERNING STATE CONTRACT ASSISTANCE PROVIDED TO CERTAIN MUNICIPALITIES**

SUMMARY: This act makes changes in the law that provides state assistance to financially distressed municipalities if they agree to state fiscal oversight and control. The assistance includes funding to pay down debt or restructure finances and statutory authority to issue deficit funding bonds. The type of assistance and degree of state fiscal oversight and control reflect the severity of a municipality's financial condition, which is determined according to a four-tier classification scheme with each tier subjecting the municipality to a higher degree of state oversight and control.

The act requires the legislature to exercise specific powers with respect to the most severely distressed municipalities that request state funding to repay bonds and other debt (i.e., contract assistance). By law, this assistance is available only to a municipality that applies for and receives designation as a tier III or tier IV municipality. The act (1) requires the Appropriations and Finance, Revenue and Bonding committees' approval of the contracts for providing the assistance that are proposed after the act's effective date and (2) prohibits the state from signing and executing them without the committees' approval.

Beginning in the sixth year after a municipality receives contract assistance, the act requires the legislature to annually reduce the municipality's total appropriated statutory aid, excluding education cost sharing (ECS) grants, by the amount of contract assistance for that fiscal year, unless the legislature appropriates alternative aid to the municipality. But the reduction must happen sooner if the municipality runs consecutive operating deficits, based on the act's criteria.

In addition to approving contracts, the act requires the legislature to perform specific oversight tasks for tier III and IV municipalities, including approving their total annual state aid and changing a municipality's designation from tier III to tier IV if the municipality's fiscal condition worsens. The act also sets fiscal criteria that trigger such a change without legislative action.

Funds from the Municipal Restructuring Fund (MRF) are another form of state assistance available to tier II, III, and IV municipalities. With respect to this fund, the act requires the (1) Municipal Accountability Review Board (MARB) to make recommendations to the governor and the Appropriations Committee about the MRF's status, and (2) Appropriations and Finance, Revenue and Bonding committees to hold a joint hearing on MARB's recommendations. MARB is the 11-member state board that oversees the designated tier municipalities.

EFFECTIVE DATE: Upon passage

STATE DEBT SERVICE ASSISTANCE TO TIER III AND TIER IV MUNICIPALITIES*Appropriations and Finance Committees' Approval of State Debt Service Assistance Contracts*

The act adds the Appropriations and Finance, Revenue and Bonding committees to the existing statutory process for deciding whether to provide contract assistance to a tier III or IV municipality. By law, the Office of Policy and Management (OPM) secretary and the state treasurer may enter into contracts with these designated municipalities to help them repay debt if they agree to state oversight and control. OPM designates a municipality as tier III or IV based on statutory criteria.

If a designated tier III or IV municipality requests contract assistance, it must, by law, certify its projected debt service payments and bond issuance costs to the OPM secretary and the treasurer, who may rely on expert reports or estimates to evaluate the feasibility of refunding the debt. The act also (1) requires the municipality to certify these payments and costs to the Appropriations and Finance, Revenue and Bonding committees and (2) allows the committees to rely on expert reports or estimates to evaluate the feasibility of refunding the debt.

The act also requires the committees to approve each contract under which the state provides this assistance before the OPM secretary and treasurer may sign or execute it. But before this step can occur, the act requires the municipality to ask the secretary and the treasurer to enter into the contract.

Offsetting State Aid Reductions to Contract Assistance Recipients

The act generally requires the state to reduce its total annual appropriated statutory aid, excluding ECS grants, to a tier III or IV municipality that receives contract assistance by the amount of contract assistance it received for that year. The reductions must begin in the sixth year of contract assistance, but may occur sooner if the municipality has an operating budgetary deficit as described below. The total annual reduction must equal the total amount of contract assistance the municipality received for the applicable fiscal year, unless the legislature appropriates alternative aid to the municipality, which may be more or less than the total amount of contract assistance.

Under the act, the reductions in appropriated statutory aid must occur in the first five years of contract assistance if the municipality has consecutive annual operating deficits created by a cumulative negative unassigned fund balance in its general fund of 2% or more of its general fund revenues and operating transfers into the general fund. The reduction applies to the subsequent fiscal year's appropriated statutory aid. But the legislature may approve alternate appropriated municipal aid.

To determine if the deficit meets or exceeds the 2% threshold, the legislature must rely on financial statements audited by an independent auditing firm. But the act excludes cumulative negative unassigned fund balances that result from changes in financial accounting standards or reductions in state municipal aid.

MRF FUNDING RECOMMENDATIONS

The act requires MARB to make recommendations to the governor and the Appropriations Committee regarding the amount of funds the MRF needs to provide financial assistance to designated tier II, III, and IV municipalities under approved restructuring plans. MARB must make its recommendations in time for the governor to prepare his budget proposal.

Under the act, the Appropriations and Finance, Revenue and Bonding committees must hold a joint hearing on MARB's recommendations and, after the hearing make recommendations to MARB and the legislature.

LEGISLATIVE OVERSIGHT OF TIER III AND TIER IV MUNICIPALITIES

The act requires the legislature to perform several oversight tasks with respect to tier III and tier IV municipalities.

Approval of Total Annual State Aid to Tier III and Tier IV Municipalities

The legislature must approve the total amount of annual state aid to tier III and tier IV municipalities. In determining the appropriate level of annual aid to these municipalities, the legislature must consider MARB's recommendations about maintaining the funding level of the MRF.

Designating Tier III Municipalities as Tier IV Municipalities

The act authorizes the Appropriations and Finance, Revenue and Bonding committees to recommend that the legislature designate a tier III municipality as tier IV. The committees may do this for tier III municipalities that receive MRF assistance if the tier change is needed to meet the fiscal needs specified in their plan. By law, a tier III municipality can become a tier IV municipality if (1) it requests it and the OPM secretary approves or (2) MARB, after following a specified process, recommends it to the governor, and he agrees (CGS § 7-576e(a)(1) & (2)).

AUTOMATIC DESIGNATION CHANGES

Besides setting conditions under which the legislature may change a municipality's designation from tier III to tier IV, the act also establishes fiscal criteria that automatically trigger such a change for a tier III municipality that receives contract assistance. The criteria are based on municipal deficits that are caused by factors other than cuts in municipal state aid. Applying those criteria, a municipality's tier must change from III to IV if the municipality has an annual general fund operating budgetary deficit of:

1. 2% or more of its general fund revenue in its most recently completed fiscal year or
2. 1% or more of its general fund revenue for two consecutive fiscal years.

The deficit determination must be based on financial statements for the applicable fiscal year, as audited by an independent auditing firm.

PA 18-169—sHB 5028

Finance, Revenue and Bonding Committee

AN ACT CONCERNING CHILD CARE LICENSING, CERTAIN MUNICIPAL PENSION DEFICIT FUNDING BONDS, RECIPROCAL LICENSING OF ITINERANT FOOD VENDING ESTABLISHMENTS, FUNCTIONS OF THE DEPARTMENT OF REHABILITATION SERVICES, BUSINESS DEDUCTIONS AND TAXATION OF CERTAIN WAGES AND INCOME, ORAL HEALTH ASSESSMENTS REQUESTED BY LOCAL OR REGIONAL BOARDS OF EDUCATION, PROPERTY TAX TREATMENT OF CERTAIN CONVERTED CONDOMINIUM AND COMMON INTEREST COMMUNITY UNITS, AND PAYMENT OF CERTAIN GRANTS, ADVANCES AND TRANSFERS

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Transfers the functions, powers, duties, and personnel of the former State Department on Aging from DSS to DORS

§§ 24-28 — LONG-TERM CARE OMBUDSMAN

Transfers the Office of the Long-Term Care Ombudsman from OPM to DORS

§ 41 — CORPORATION BUSINESS TAX DEDUCTIONS

Establishes a deduction for contributions made by the state or local governments; requires that expenses related to dividends equal 5% of all dividends received by a corporation during an income year for purposes of calculating gross income; decouples the state corporation business tax from the new federal limitation on business interest expenses

§ 42 — INCOME TAX CREDIT FOR PAYROLL TAXES PAID TO OTHER JURISDICTIONS

Allows Connecticut residents to take an income tax credit for certain payroll taxes paid to other jurisdictions

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Subjects residents of states with a “convenience of the employer” test to similar rules for work done for a Connecticut employer

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Provides that the presence of a child's parent or guardian is not required during an oral health assessment that occurs at an outpatient clinic on school grounds

§ 45 — HARTFORD PROPERTY TAX ASSESSMENT RATIO ADJUSTMENTS

Modifies the definitions of residential and apartment properties in Hartford for assessment purposes

§ 1 — CHILD CARE SERVICES LICENSING EXEMPTION

Exempts programs administered by a specified nonprofit organization from child care services licensing requirements

The act exempts from licensing requirements the child care services administered by Organized Parents Make a Difference, Inc., a Hartford-based nonprofit organization that is exclusively for school-aged children.

As with other programs exempt from licensure, the organization must inform the enrolled children's parents and guardians that its programs are not licensed by the Office of Early Childhood to provide such services (CGS § 19a-77(c)).

EFFECTIVE DATE: Upon passage

§ 2 — MUNICIPAL PENSION DEFICIT FUNDING BONDS

Modifies the required amount of pension plan contributions for certain municipalities that issued pension deficit funding bonds

The law generally requires municipalities that issue pension obligation bonds to contribute to their pension plans the actuarially required contribution (ARC) for each year in which the bonds are outstanding. But it creates an exception for any municipality in New Haven County with a population of less than 65,000 that issued pension obligation bonds before July 1, 2015, allowing it to contribute less than the ARC for a specified number of years. The act extends, by two years, the period during which such a municipality is exempt from contributing the full ARC amount and decreases its required contributions in the fourth, fifth, and sixth fiscal years following the bonds' issuance, as shown in Table 1.

Table 1: ARC Requirements

<i>Fiscal Year</i>	<i>Required Contribution</i>	
	<i>Prior Law</i>	<i>Act</i>
1 (fiscal year in which the bonds are issued)	At least 50% of the ARC	No change
2	Lesser of (1) 55% of the ARC or (2) \$5 million more than the first year's contribution	No change
3	Lesser of (1) 70% of the ARC or (2) \$5 million more than the second year's contribution	No change
4	Lesser of (1) 80% of the ARC or (2) \$5 million more than the third year's contribution	55% of the ARC
5	100% of the ARC	Lesser of (1) 70% of the ARC or (2) \$3 million more than the fourth year's contribution
6		Lesser of (1) 85% of the ARC or (2) \$3 million more than the fifth year's contribution
7 and each fiscal year thereafter		100% of the ARC

EFFECTIVE: Upon passage

§ 3 — GRANT TO STUDY SCHOOL CONSOLIDATION

Authorizes a grant to the Naugatuck Valley Council of Governments for a school consolidation study

The act authorizes a \$168,000 grant to the Naugatuck Valley Council of Governments from the regional planning incentive account to fund a school consolidation study.

EFFECTIVE: July 1, 2018

§ 4 — COMMUNITY INVESTMENT ACCOUNT (CIA) FUNDS TRANSFER

For FY 19, requires the \$5 million transfer from the CIA to the General Fund to be on a pro rata basis

PA 17-2, June Special Session (§ 697) transfers \$5 million from the CIA to the General Fund for FY 19. This act requires the transfer to be done on a pro rata basis, presumably from the CIA's designated recipients.

The CIA is a separate, nonlapsing General Fund account that contains land use document recording fees town clerks remit to the state treasurer (CGS §§ 4-66aa & 7-34a(e)). By law, the treasurer distributes quarterly \$10 of each recording fee credited to the CIA to the agriculture sustainability account and then she distributes equally the remaining funds for specified purposes to the departments of Agriculture, Economic and Community Development, Energy and Environmental Protection, and Housing.

EFFECTIVE DATE: July 1, 2018

§ 5 — ITINERANT FOOD VENDOR LICENSURE RECIPROCITY

Requires the DPH commissioner and local health directors to develop and implement a process allowing for licensure by reciprocity for itinerant food vendors

The act requires the Department of Public Health (DPH) commissioner to collaborate with local health directors to develop a process allowing for reciprocal licensing of itinerant food vending establishments that (1) have a valid license or permit from a local health director and (2) seek to operate in a different municipality.

By January 1, 2019, the commissioner must report to the Public Health Committee on the reciprocity process he develops in collaboration with local health directors. By February 1, 2019, the commissioner and each local health director must implement such licensure by reciprocity.

EFFECTIVE DATE: Upon passage

§ 6 — CONNECTICUT RETIREMENT SECURITY AUTHORITY (CRSA) ADVANCE FUNDS

Allows CRSA to request an advance of up to \$1 million from the General Fund if its expenses exceed its available funds

The act allows CRSA's board of directors to request an advance from the General Fund if it determines that the authority's current expenses exceed the amount of available funds. The board may make a written request to the Office of Policy and Management (OPM) secretary for up to \$1 million to pay these expenses.

If he approves the request, OPM must notify the state treasurer and comptroller of the advance amount, and the comptroller must draw a warrant to disburse the funds. The treasurer and CRSA board must determine the advance's terms, including its authorized uses and the payback period, which must not exceed 10 years. The authority must include information on any advances in its annual report.

By law, CRSA is a quasi-public agency created to design, implement, and administer a program providing private-sector employees with retirement savings accounts if their employers do not offer one. Among other things, CRSA may (1) charge participants for CRSA's administrative costs and expenses and (2) borrow working capital funds and other funds needed for start-up and operational costs, as long as they are borrowed in CRSA's name only (CGS §§ 31-416 to -429).

EFFECTIVE DATE: Upon passage

§§ 7-23 & 29-40 — DEPARTMENT OF SOCIAL SERVICES (DSS) AGING-RELATED FUNCTIONS TO DORS

Transfers the functions, powers, duties, and personnel of the former State Department on Aging from DSS to DORS

The act (1) transfers the functions, powers, duties, and personnel of the former State Department on Aging (SDA) (or any similar subsequent division) to the Department of Rehabilitation Services (DORS); (2) makes DORS, rather than DSS, a successor to SDA; and (3) adds DORS to the statutory list of executive branch agencies.

The act transfers to DORS the statutory authority and framework to implement the policies and programs that originated in SDA and were transferred to DSS. It does so mainly by replacing DSS with DORS as the agency charged with implementing these policies and programs. This change applies to responsibilities regarding the following aging programs and activities:

1. state responsibilities under the federal Older Americans Act;
2. nutrition programs for elderly persons;
3. fall prevention programs;
4. the CHOICES program, which provides free information and assistance related to health insurance issues;
5. the Aging and Disability Resource Center Program;
6. the Alzheimer's Respite Program;
7. the Connecticut Partnership for Long-Term Care; and
8. guidelines for municipal agents for elderly persons.

The act adds services for older persons and their families to the types of services DORS must provide and requires the agency to describe such services in its annual report to the governor. Under the act, DORS must continuously study the conditions and needs of older people in the state, including needs related to nutrition, transportation, home care, housing, income, employment, health, and recreation.

The act also authorizes the governor, with the Financial Advisory Committee's approval, to transfer funds between DSS and DORS during FY 18 and eliminates a similar authorization for fund transfers between SDA and DSS.

Councils and Commissions

The act adds the DORS commissioner as a member of the Connecticut Alcohol and Drug Policy Council, the Council on Medical Assistance Program Oversight, and the Connecticut Homecare Option Program for the Elderly advisory committee. The act also adds one person from DORS, appointed by the commissioner, to the Long-Term Care Planning Committee.

Consultations and Requirements Involving Other Agencies

The act requires other agencies to consult with DORS on various programs. Under the act, the housing commissioner must consult with DORS for the provision of services under its congregate housing program. The act also adds DORS to the agencies with which DSS may adopt regulations on nursing home financial reporting.

By law, the Long-Term Care Ombudsman must issue informational letters on patients' rights that accompany a nursing home's notice of terminating a service or decreasing bed capacity. The act requires the ombudsman to issue the letter jointly with DORS, rather than DSS.

The act also requires the Department of Consumer Protection to collaborate with DORS, rather than DSS, on a public awareness campaign to educate elderly consumers and caregivers on ways to resist aggressive marketing tactics and scams.

EFFECTIVE DATE: Upon passage, except for a technical provision effective July 1, 2019.

§§ 24-28 — LONG-TERM CARE OMBUDSMAN

Transfers the Office of the Long-Term Care Ombudsman from OPM to DORS

The act transfers the Office of the Long-Term Care Ombudsman from OPM to DORS, thereby requiring DORS to (1) appoint the State Long-Term Care Ombudsman, whose duties include identifying, investigating, and resolving complaints involving long-term care facilities, and (2) adopt regulations related to the office.

The act also authorizes DORS to seek funding for the office from public or private sources.

EFFECTIVE DATE: Upon passage

§ 41 — CORPORATION BUSINESS TAX DEDUCTIONS

Establishes a deduction for contributions made by the state or local governments; requires that expenses related to dividends equal 5% of all dividends received by a corporation during an income year for purposes of calculating gross income; decouples the state corporation business tax from the new federal limitation on business interest expenses

State or Local Government Contribution Deduction

The act establishes a corporation business tax deduction for the amount of any contributions made by the state of Connecticut or its political subdivisions on or after December 23, 2017, to the extent that such contributions are included in a corporation's gross income under federal law. (PA 18-49, § 13, contains an identical provision.)

The federal Tax Cuts and Jobs Act of 2017 generally requires a corporation to include in its gross income any contribution made after December 22, 2017, by a governmental entity or civic group (other than a contribution made by a shareholder as such) (26 U.S.C. § 118(b)(2)).

Dividends Received Deduction

Existing law generally allows corporations to deduct from their gross income the dividends they receive from other corporations in which they have an ownership stake, but not the expenses related to those dividends. The act specifies that expenses related to dividends equal 5% of all dividends received by a company during an income year. For multi-state companies or financial service companies, it requires the net income associated with the disallowed expenses to be apportioned according to the existing requirements for doing so. (PA 18-49, § 13, contains an identical provision.)

Business Interest Deduction

The federal Tax Cuts and Jobs Act of 2017 generally limits the amount of business interest a company may deduct from gross income to 30% of its adjusted taxable income. (The limitation generally applies to all taxpayers, except small businesses with average gross receipts of \$25 million or less, adjusted for inflation.)

For income years beginning on or after January 1, 2018, the act requires the business interest deduction for state corporation business tax purposes to be determined as provided under federal law, except that the limitation does not apply. (PA 18-49, § 13, contains an identical provision.)

EFFECTIVE DATE: Upon passage and applicable to income years beginning on or after January 1, 2017.

§ 42 — INCOME TAX CREDIT FOR PAYROLL TAXES PAID TO OTHER JURISDICTIONS

Allows Connecticut residents to take an income tax credit for certain payroll taxes paid to other jurisdictions

Existing law authorizes Connecticut full- and part-time residents to take a credit against their personal income tax for income taxes paid to another U.S. state, political subdivision, or the District of Columbia on income that is also subject to Connecticut income taxes. The act allows residents to claim this credit for certain payroll taxes paid to other jurisdictions. It does so by providing that, for purposes of calculating the credit, a tax on wages paid to another jurisdiction that allows a credit must be considered an income tax. Under the act, resident taxpayers may claim a comparable credit in the form and manner the DRS commissioner prescribes, subject to the credit's existing limitations. (PA 18-49, § 19, contains an identical provision.)

EFFECTIVE DATE: Upon passage, and applicable to tax years beginning on or after January 1, 2019.

§ 43 — “CONVENIENCE OF THE EMPLOYER” TEST FOR NONRESIDENT TAXPAYERS

Subjects residents of states with a “convenience of the employer” test to similar rules for work done for a Connecticut employer

By law, people who reside in other states must pay Connecticut income taxes on income they derive from a business, trade, profession, or occupation conducted here. The act specifies that such income includes income from days the nonresident taxpayer worked outside Connecticut for his or her convenience if the taxpayer's domicile state uses a similar test for allocating income. (PA 18-49, § 20, contains an identical provision.)

States using such a test, commonly referred to as a “convenience of the employer” test, generally allocate a taxpayer's income to the state of his or her principal place of employment, even if it is attributable to work performed

outside the state, if the taxpayer was performing the work outside of the state for his or her convenience, rather than at the employer's direction.

EFFECTIVE DATE: Upon passage and applicable to tax years beginning on or after January 1, 2019.

§ 44 — STUDENT ORAL HEALTH ASSESSMENTS

Provides that the presence of a child's parent or guardian is not required during an oral health assessment that occurs at an outpatient clinic on school grounds

PA 18-168 (§ 80) requires school boards to request that students have an oral health assessment, meeting specified criteria, prior to public school enrollment and in specified grades. It prohibits such an assessment from being performed unless (1) the child's parent or guardian consents and (2) the assessment is made in the presence of the parent or guardian or another school employee.

This act provides that the presence of the child's parent or guardian is not required when the assessment is conducted by a licensed outpatient clinic on school grounds.

EFFECTIVE DATE: July 1, 2018

§ 45 — HARTFORD PROPERTY TAX ASSESSMENT RATIO ADJUSTMENTS

Modifies the definitions of residential and apartment properties in Hartford for assessment purposes

The law generally requires municipalities to assess all property at 70% of its fair market value (assessment ratio), but it requires any municipality that was implementing a special property tax relief program in the 2010 assessment year (i.e., Hartford) to make certain annual adjustments to its assessment ratio for residential property based on the growth in property taxes levied. Beginning with the 2017 assessment year, the act modifies the types of properties that qualify as residential and apartment properties for assessment purposes in Hartford. (PA 18-170, §§ 3 & 4, delays the effective date of these changes to the 2018 assessment year.)

Common Interest Community and Condominium Units Under Common Ownership

Under prior law, all common interest communities, including condominiums used for residential purposes, were included in the definition of residential property and thus qualified for the residential assessment ratio (33.82% for 2017, compared to 70% for all other property types). The act excludes common interest community and condominium units from being taxed as residential property if four or more of such units are under common ownership, thus increasing the assessment ratio on such units to 70%. (PA 18-170, § 3, repeals this provision.)

Under the act, the units are under common ownership if more than 50% of their voting control is owned, directly or indirectly, by a common owner or owners (corporate or noncorporate). Indirect ownership is based on federal stock ownership laws.

Converted Condominium and Common Interest Community Units

The act specifies that condominiums converted after July 1, 2018, (presumably from apartment units) qualify as apartment property and are thus subject to the apartment assessment ratio of 70%, except as described below. However, the act also specifies that all common interest community units and condominiums used for residential purposes, including those converted from apartment properties before July 31, 2018, are classified as residential property. (PA 18-170, § 3, changes this date to July 1, 2018.) Thus, it is unclear whether condominium units converted after July 1, 2018, are classified under the act as apartment or residential property.

The act carves out an exception for property owners that purchase buildings with four or more residential units and make certain investments in the buildings. Under the act, if such a property owner invests more than 35% of the building's purchase price within three years after the purchase date is recorded on the land records, the property must be treated as residential property for tax purposes. The act requires assessors to verify the investments made and authorizes the owners to appeal an assessor's decision to the Superior Court. The act does not specify the nature of the investments required.

The act also specifies that the owners of such properties may convert the buildings into common interest communities. However, existing law already authorizes property owners to convert eligible properties to common interest communities, subject to Common Interest Ownership Act requirements.

Capital Region Development Authority (CRDA) Apartments

The act specifies that no provision of Hartford's property tax assessment law changes the assessment of apartment properties constructed or converted by CRDA pursuant to existing law. It requires such apartment property to continue to be assessed as residential property.

Existing law requires Hartford to assess all apartments with four or more units that CRDA constructs or converts in the statutorily designated Capital City Economic Development District the same way it assesses residential property with three or fewer units throughout the city (CGS § 32-610a). The act incorrectly references this law.

EFFECTIVE DATE: July 1, 2018, and applicable to assessment years beginning on or after October 1, 2017.

PA 18-178—sHB 5590*Finance, Revenue and Bonding Committee*

AN ACT AUTHORIZING AND ADJUSTING BONDS OF THE STATE FOR CAPITAL IMPROVEMENTS, TRANSPORTATION AND OTHER PURPOSES, CONCERNING THE BOND CAPS, ESTABLISHING THE APPRENTICESHIP CONNECTICUT INITIATIVE AND CONCERNING THE FUNCTIONS OF CTNEXT AND CONNECTICUT INNOVATIONS, INCORPORATED

SUMMARY: This act authorizes up to \$182 million in new state general obligation (GO) bonds for FY 19 for various state projects and grants, including school security infrastructure, dredging, and trails. It also cancels or reduces approximately \$466.3 million in prior GO bond authorizations, including \$100 million for grants to hospitals for capital improvements (\$20 million per year, for FYs 18 through 22) and \$360 million for school construction.

The act authorizes the State Bond Commission to allocate up to \$500 million in state GO bonds for transportation projects in 2018 and 2019 and deems any bond authorizations for GO or special tax obligation (STO) bonds to have authorized such bonds to be issued as either GO or STO bonds. It exempts these transportation GO bonds from the state's caps on bond authorizations, allocations, issuances, and expenditures (see BACKGROUND). It also excludes from the caps on bond issuances and expenditures (1) refunding bonds and (2) bonds and other notes issued in anticipation of certain revenue.

The act limits the amount of STO bonds the treasurer may issue in FYs 19 and 20 for transportation projects to \$750 million in total each fiscal year (§ 44). It also restores approximately \$6.7 million in bonds cancelled in PA 17-2, June Special Session (JSS) and adjusts the purposes of several existing bond authorizations.

The act earmarks \$50 million in existing Manufacturing Assistance Act (MAA) bonds for transfer to the Department of Labor (DOL) to fund a new Apprenticeship Connecticut initiative that develops workforce pipeline programs for training qualified entry-level workers for jobs with manufacturers and employers in sectors experiencing workforce shortages.

The act revamps and expands the statutory mission of CTNext, a subsidiary of the state's quasi-public venture capital agency, Connecticut Innovations, Inc. (CI). It expands the mission from fostering innovation and business startups and growth to address the macro-level ecosystem that supports these activities. The act also requires CTNext's board to elect its chairperson from among its members and specifies how members must avoid conflicts of interest.

The act also authorizes three new programs to help entrepreneurs and provide the capital needed to develop commercial applications for research and grow early stage businesses.

Lastly, the act gives businesses with unused research and development tax credits (i.e., stranded tax credits) the option of exchanging them under the stranded tax credit program or selling, assigning, or transferring them to another business for exchange under the program.

EFFECTIVE DATE: July 1, 2018, except a technical correction to PA 17-2, JSS, is effective upon passage (§ 39).

§§ 1-15 — NEW BOND AUTHORIZATIONS FOR STATE AGENCY PROJECTS AND GRANTS

The act authorizes up to \$46.5 million in new GO bonds for FY 19 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.

Table 1: New GO Bond Authorizations for State Projects and Grant Programs

<i>Agency</i>	<i>§</i>	<i>Purpose</i>	<i>Authorized Amount</i>
Capital Region Development Authority	2	Design and construct parking garages to support development in Hartford	\$16,000,000
Office of Policy and Management (OPM)	9	Grants for dredging and navigational improvements for economic development	25,000,000
OPM	15	Grants to reimburse municipalities for revenue loss from enterprise zone property tax exemptions	5,500,000

§ 16 — BOND ISSUANCES AND EXPENDITURE CAPS

Existing law imposes a \$1.9 billion aggregate cap on the amount of GO bonds or notes and credit revenue bonds (1) the treasurer may issue in any fiscal year, beginning with FY 19, and (2) for which the governor may approve allotment requisitions (i.e., expenditures) in any fiscal year, beginning with FY 17.

The act excludes from these caps (1) any bonds, notes, or other evidences of indebtedness for borrowed money that are issued to refund other debt (i.e., refunding bonds) and (2) obligations issued in anticipation of revenues to be received by the state during the 12 calendar months following a debt issuance (e.g., bond anticipation notes). It also excludes transportation GO bonds from these caps, as described below.

By law, GO bonds issued as part of the Connecticut State Colleges and Universities 2020 or UConn 2000 infrastructure programs are also excluded from these caps.

§§ 16 & 41-43 — GO BONDS FOR TRANSPORTATION PURPOSES

The act authorizes the Bond Commission to allocate up to \$250 million in GO bonds for transportation projects for each of the 2018 and 2019 calendar years. It deems any STO or GO bond authorization enacted before, on, or after July 1, 2018, as authorizing such bonds to be issued as either STO or GO bonds under this provision, up to the amount authorized under the original authorization.

Under the act, the transportation GO bonds are exempt from the state's caps on GO bond and credit revenue bond authorizations, allocations, issuances, and expenditures.

§§ 17, 19 & 26 — 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 FY 19, as shown in Table 2.

Table 2: Statutory Bond Authorizations for FY 19

<i>Agency</i>	<i>§</i>	<i>Purpose/Fund</i>	<i>Additional Amount Authorized for FY 19</i>
OPM	17	Urban Action (economic and community development project grants)	\$100,000,000
Department of Energy and Environmental Protection	19	Bikeway, walkway, recreational trail, and greenway grants	3,000,000
Department of Education (SDE)	26	School security infrastructure competitive grant program	10,000,000

§§ 18, 20-25, 27-38 & 40 — CHANGES TO PRIOR BOND AUTHORIZATIONS

Restored Authorizations and Language Changes

The act restores the entire amount of a GO bond authorization, and a portion of another, cancelled in PA 17-2, JSS, as shown in Table 3, and makes conforming changes to the corresponding bond supertotals. It also adjusts the purposes of several existing authorizations, as shown in Table 4.

Table 3: Restored Bond Authorizations

<i>Agency</i>	<i>§</i>	<i>Purpose</i>	<i>Prior Authorization</i>	<i>Amount Restored</i>	<i>New Total Authorization</i>
Department of Mental Health and Addiction Services	23	Grants to nonprofits for community-based residential and outpatient facilities for purchases, repairs, alterations, and improvements	\$3,956,164	\$318,975	\$4,275,139
SDE	25	Grants for alterations, repairs, improvements, technology, equipment, and capital start-up costs to expand high-quality school models and help implement the common CORE state standards and assessments	18,554,746	6,334,200	24,888,946

Table 4: GO and STO Bond Authorization Language Changes

<i>Agency</i>	<i>§</i>	<i>Purpose</i>
Department of Administrative Services (DAS)	18	Earmarks up to \$5 million of the existing authorization for school construction projects for school security projects administered by the School Safety Infrastructure Council that involve multimedia interoperable communication systems (see Table 5 below for related cancellation)
Judicial Branch	20	Eliminates a \$5 million authorization for a new criminal and juvenile courthouse in New Haven and transfers the bonds to an authorization for repairs to existing judicial branch facilities in New Haven, thus increasing the latter authorization from \$4.5 million to \$9.5 million
Board of Regents (BOR)	21	Replaces a \$2.5 million authorization to plan, design, and build a new facility at Charter Oak State College with one to design, build, renovate, and make improvements related to the college's relocation
BOR	27	Replaces a \$4.8 million authorization to plan, design, and build a new academic building at Middlesex Community College with one to renovate and add to the college's Wheaton and Snow classroom buildings
Department of Housing (DOH)	32	Earmarks up to \$12 million authorized for housing development and rehabilitation for state-assisted affordable housing and housing-related financial assistance programs to be used for the Down Payment Assistance Program, administered by the Connecticut Housing Finance Authority, including providing financial assistance to those with incomes of up to 120% of the area median income
DOH	37	Earmarks \$7 million and \$3 million, respectively, of an existing \$10 million FY 19 bond authorization for lead abatement to be used for (1) residential lead abatement in any municipality and (2) grants to remediate housing blight conditions, provided such grants are for first-time homebuyers, may not exceed \$40,000, and the conditions must constitute blight under the applicable municipal ordinance or regulation (PA 18-52 designated the purpose of the \$3 million earmark for various environmental health and safety concerns)
Department of Transportation (DOT)	38	Specifies that projects funded by a \$64 million authorization for DOT's local transportation capital program (STO bonds) include those located at Grumman Hill Road in Wilton

Bond Cancellations and Reductions

The act cancels all or part of prior bond authorizations for the projects and grants shown in Table 5. It also makes conforming changes to the corresponding bond supertotals.

Table 5: Bond Cancellations and Reductions

<i>Agency</i>	<i>§</i>	<i>Purpose</i>	<i>Prior Authorization</i>	<i>Amount Cancelled</i>
DAS	18	School construction projects for FY 19	\$450,000,000	\$360,000,000
SDE	29	Grants for alterations, repairs, improvements, technology, equipment, and capital start-up costs to expand high-quality school models and help implement the common CORE state standards and assessments	10,000,000	1,334,200
SDE	31	Grants for alterations, repairs, improvements, technology, equipment, and capital start-up costs to expand high-quality school models and help implement the common CORE state standards and assessments	5,000,000	5,000,000
OPM	40	Grants to hospitals for capital improvements (\$20 million per year for five years)	100,000,000	100,000,000

Increases to Existing Authorizations

The act increases two existing bond authorizations, as shown in Table 6.

Table 6: Increases to Existing GO Bond Authorizations

<i>Agency</i>	<i>§</i>	<i>Purpose</i>	<i>Prior Authorization</i>	<i>Increased Amount</i>	<i>Act's Authorization</i>
OPM	34	Information technology capital investment program	\$25,000,000	\$20,000,000	\$45,000,000
State Library	36	Grants to public libraries for construction, renovations, expansions, energy conservation, and handicapped access	2,500,000	2,500,000	5,000,000

§§ 45 & 51 — APPRENTICESHIP CONNECTICUT

The act earmarks \$50 million in existing MAA bonds for transfer to DOL to fund a new Apprenticeship Connecticut initiative that develops workforce pipeline programs to train qualified entry-level workers for jobs with manufacturers and employers in sectors experiencing workforce shortages. The act requires the program to include, where practicable,

outreach to underserved populations, including youth, to successfully complete the program and support the state's economic development.

The act also requires each of the state's regional workforce development boards to submit to the General Assembly a report indicating its region's most pressing workforce needs and the industry sector or sectors with the greatest needs. They must do so before the deadline DOL sets for the program proposals described below.

Regional Industry Partnerships

By January 1, 2019, the act requires the DOL commissioner to issue a request for qualifications (RFQ) soliciting proposals for the program from regional industry partnerships for workforce pipeline programs serving the workforce needs of manufacturers and other employers in the region.

Eligible partnerships may include entities, organizations, or institutions that support the partnership's and initiative's goals and must include:

1. entities and organizations with expertise in regional economic and workforce development, including those offering apprenticeship or other workforce training programs;
2. the regional workforce development board for the applicable region; and
3. at least one educational institution (e.g., a vocational-technical school or higher education institution) or employer in the region.

Under the act, the partnerships must submit their proposals through their regional workforce development board.

Core Components

The act requires each proposal to include the core components described below.

Targeted Goal, Training Needs, and Sectors. Each proposal must demonstrate the targeted goal of preparing qualified entry-level workers for careers providing a living wage. It must also identify the region's most pressing workforce needs and the industry sector or sectors with the greatest needs, which were reported by the workforce development board to the General Assembly, and include a detailed plan of how it will serve the employment needs of workers living in all of the towns in the region while focusing on the areas in the region with the most concentrated employment needs.

Recruitment, Screening, and Assessment of Participants. The proposals must include recruitment and outreach efforts and a screening and assessment process for participants. The screening must assess individuals' work readiness, aptitude for the relevant work skills, and other metrics the partnership specifies or DOL recommends. Those determined not to be suited for the program must be redirected to or connected with alternative career resources or services available to state residents that may be better suited to them.

Training Programs. The proposals must include separate training programs, one for participants who are in 11th or 12th grade and another for those who are at least 18-years-old and not currently enrolled in 11th or 12th grade. The training programs must last between five and 26 consecutive weeks and be provided by partnership members or with help from other identified parties. They must be periodically developed and revised through ongoing consultation with employers targeted for job placements.

At least one program offered for each age group must be provided through a certified pre-apprenticeship program offered by DOL. Other programs may (1) include a pre-apprenticeship component or (2) award industry-recognized certificates, as proposed by the partnership.

Job Placement. Each proposal must include a mechanism for placing selected participants who successfully complete the training program with an employer identified by the partnership. The selected employer must commit to hiring one or more participants and may offer additional on-the-job training or other in-house training opportunities. The partnership must seek to leverage any such employer training or opportunities, apprenticeship programs, DOL's subsidized training and employment program, and other wage-subsidy programs with such employers, and may seek program funding for retention services.

Duration. The workforce pipeline programs must last at least four years.

Resources. For each program core component, the partnership must identify the existing resources available to it from the following sources: the regional workforce development board, the U.S. DOL's American Job Center system, the state DOL, employers, apprenticeship or other workforce training programs, state educational institutions, and other public or private sources. If the partnership proposes using program funds for any core component, it must demonstrate for each component that (1) there will be leveraged funding support from existing resources and (2) using program funds for such purposes will not affect the availability of the existing resources.

The act limits the partnerships' use of program funds as follows:

1. up to 70% for training programs;

2. up to 20% for program support services, including recruitment and outreach, screening and assessment, transportation, stipends, workplace tools or equipment, and pre-employment supports; and
3. up to 10% for other purposes, including administrative costs.

The act also authorizes the partnerships to (1) leverage tuition or financial assistance programs for workforce pipeline programs and to benefit program participants and (2) pursue charitable and employer investments to meet the program's hiring goal and support the retention of program participants.

Selected Proposals

The act requires the commissioner to review all qualifying RFQ responses and select as many proposals as he deems well-planned and submitted by partnerships capable of implementing them. He must select proposals to achieve a goal of at least 10,000 individuals placed into new jobs over the program's first four years, one-third of which must be in the 11th or 12th grade and two-thirds of which must be at least 18-years-old and not currently enrolled in 11th or 12th grade.

Awarded Funds

The commissioner must award funds to the selected partnerships in proportion to the magnitude of their region's workforce needs, relative to the other regions' comparable needs. He may also (1) weigh the distribution according to the partnership's proposed total cost per program participant (that the commissioner deems reasonable) and (2) give preference to a partnership with a lower per participant cost.

The act caps at \$20 million the amount of funds any one partnership may receive in total funding. It also requires the commissioner to (1) reserve, from any awarded funds, an amount sufficient to support the use of DOL's certified pre-apprenticeship program and (2) transfer the reserved funds to the appropriate DOL account to be used for such purpose.

§§ 46 & 47 — CTNEXT

Expanded Mission

The act revamps and expands CTNext's statutory mission by requiring it to focus on the macro-level ecosystem that supports innovators and entrepreneurs. Specifically, it requires CTNext to:

1. oversee the growth and continuous improvement of a statewide entrepreneurial ecosystem that supports the state's innovators and entrepreneurs,
2. change practices the CTNext board deems outdated to improve this ecosystem,
3. maintain an active and conspicuous presence at the ecosystem's nodes and continuously increase their connections,
4. regularly reassess the ecosystem's health,
5. identify its changing needs,
6. adopt initiatives or adapt existing ones to meet those needs, and
7. regularly inform the legislature about the ecosystem's needs and recommend legislation the board deems necessary or desirable to address them.

The act authorizes CTNext to develop and operate a statewide hub to deliver entrepreneurial support services to help implement the recommendations of the statutorily required study assessing innovation and entrepreneurship in Connecticut (CGS § 32-39q).

The act also requires CTNext to address micro-level needs. Specifically, it must:

1. facilitate the development, growth, and evolution of innovation places and their mutually supportive interconnections, in addition to establishing these places, as existing law requires; and
2. identify areas in which their practices and policies fail to realize the institutions' full potential to facilitate innovation and entrepreneurship at institutions of higher education, as the law requires.

Lastly, the act authorizes CTNext to do all things necessary and proper to fulfill its statutory mission.

CTNext Board Chairperson

The act changes how the CTNext board chairperson is chosen. Prior law placed CI's chief executive officer (CEO) on the board and designated him its chairperson. Beginning January 1, 2019, the board must elect its chairperson to a two-year term from among its members. CI's CEO must continue to serve on the board, and its members may elect him chairperson.

Board Members' Conflict of Interest

The act specifies that CTNext's board members must (1) abstain from deliberating, acting, or voting with respect to a person, firm, or corporation in which they have a financial interest or serve as a trustee, director, partner, or officer and (2) comply with the State Code of Ethics, as under prior law. Prior law allowed the members with these types of associations or financial interests to serve as long as they complied with the code, which includes abstaining from taking an official position on a matter if they have a substantial conflict of interest.

§§ 48, 49 & 51 — NEW ENTREPRENEURSHIP AND INNOVATION PROGRAMS

Entrepreneurs-in-Residence

The act allows CTNext's executive director to establish and operate an Entrepreneurs-in-Residence program, which may replace and incorporate any similar CTNext or CI program that existed before July 1, 2018. The new program must match highly experienced entrepreneurs with entrepreneurs and businesses in CTNext's network to provide advice and assistance.

To serve as an entrepreneur-in-residence, a person must have been involved in successfully creating innovation-based startups and early-stage venture deals. The entrepreneur may serve on a paid or volunteer basis, as the entrepreneur-in-residence and the CTNext board agree. A CTNext employee may also serve as an entrepreneur-in-residence, but on a volunteer basis.

Proof of Concept Fund

The act allows CTNext's executive director to jointly establish with CI's CEO a fund to provide grants or make investments in activities that find commercial applications for research relevant to the state's key industries (i.e., proof of concept fund). The act earmarks up to \$10 million in previously authorized MAA bonds to CI for the fund. The fund may invest any amount in an eligible activity, but limits grant awards to a maximum \$100,000.

In awarding grants or investing funds, the fund may give preference to:

1. activities based on research conducted at the state's higher education institutions,
2. making investments in companies involved in this research or commercialization efforts, or
3. both.

The fund must award the grants and make the investments on a competitive basis. To do so, applicants must demonstrate their intent to find commercial applications for the research in a form and manner the executive director, in consultation with the CEO, prescribes. The fund may award a grant directly to an applicant or to the company involved in the research or commercialization efforts.

Stimulating Formation of Private Venture Capital Funds

The act authorizes CI's CEO to encourage the formation of at least one new Connecticut-based private venture capital fund and earmarks up to \$10 million in previously authorized MAA bonds for this purpose. In doing so, it allows the CEO to invest up to \$10 million per fund if the fund's private investors invest an amount that equals at least 150% of CI's investment.

To receive a CI investment, a venture capital fund must:

1. invest all of the CI dollars in Connecticut-based startup and growth stage companies;
2. require its investors or its managing venture capital firm to have an office in Connecticut; and
3. allow, no sooner than five years after a fund's establishment, its partners to buy CI's equity stake plus interest at an annual rate agreed to by the fund's partners and CI's CEO.

§ 50 — EXPANDED STRANDED TAX CREDIT PROGRAM

The act adds a component to the stranded tax credit program, which allows businesses to redeem some or all of the value of unused research and development tax credits they earned but cannot use in exchange for making certain capital improvements or investments. Instead of redeeming the unusable credits in exchange for capital improvements or investments, the act allows a business to sell, assign, or otherwise transfer them to another business, but only for redemption under the program.

By law, businesses seeking to exchange unusable research and development credits under the program must agree to make certain capital improvements or investments.

BACKGROUND

Bond Caps

The law imposes caps on GO and credit revenue bond (i.e., bonds backed by withholding taxes that are statutorily pledged for repayment) authorizations, allocations, issuances, and spending. Specifically, it caps at:

1. 1.6 times the estimated net General Fund tax receipts for the fiscal year, the total amount of General Fund-supported state debt the legislature may authorize (CGS § 3-21);
 2. \$2 billion, the amount of GO and credit revenue bonds the State Bond Commission may allocate in any calendar year (CGS § 3-20(d)); and
 3. \$1.9 billion, the amount of GO bonds and credit revenue bonds, with certain exceptions, (a) the treasurer may issue in any fiscal year, beginning with FY 19, and (b) for which the governor may approve allotment requisitions in any fiscal year, beginning with FY 18 (CGS § 3-21(f)).
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PA 18-16—sSB 195
General Law Committee

AN ACT CONCERNING CHANGES TO PHARMACY AND DRUG CONTROL STATUTES

SUMMARY: This act makes the following changes in laws concerning pharmacies, pharmacists, and controlled substances:

1. specifies that the Pharmacy Commission's civil penalties of up to \$1,000 for violations of pharmacy practice laws may be assessed per violation (§ 1);
2. extends to nonresident pharmacies the same fees and deadlines that apply to resident pharmacies when they notify the Department of Consumer Protection (DCP) of a change in officers, directors, name, ownership, or management (§ 2);
3. requires DCP-registered drug manufacturers and wholesalers to identify and report suspicious controlled substance orders to the department's Drug Control Division (§ 3);
4. requires specified individuals and entities manufacturing, distributing, administering, dispensing, or having custody of controlled substances to conduct a controlled substances inventory annually, rather than biennially (§ 4);
5. requires retail and institutional pharmacies to maintain a perpetual inventory of schedule II controlled substances (e.g., methadone, morphine, and oxycodone) (§ 5); and
6. makes a technical change updating a statutory reference to the United States Pharmacopeia's provisions on preparing compounded sterile drugs (§ 6).

EFFECTIVE DATE: January 1, 2019

§ 2 — FEES FOR NONRESIDENT PHARMACIES

The act extends to nonresident pharmacies the same fees and deadlines that apply to resident pharmacies when they notify DCP of a change in officers, directors, name, ownership, or management. Under the act, nonresident pharmacies must notify DCP within 10 days of a change in their officers, directors, name, ownership, or management. The fee for notice of a change to officers or directors is \$60 and the fee for notice of a change in name, ownership, or management is \$90. Pharmacies that do not submit this information within 10 days of the change must pay an additional \$50 late fee. (PA 18-141 § 11, also requires nonresident pharmacies to notify DCP within these deadlines and pay filing fees.)

By law, nonresident pharmacies are pharmacies that are not located in Connecticut but ship, mail, or deliver prescription drugs or devices to Connecticut residents (CGS § 20-627).

§ 3 — REPORTING SUSPICIOUS ORDERS

The act requires DCP-registered drug manufacturers and wholesalers to operate a system to identify suspicious controlled substance orders. When they identify such orders, the manufacturers and wholesalers must immediately inform the director of DCP's Drug Control Division.

The act also requires these manufacturers and wholesalers to send the Drug Control Division a copy of any suspicious order report that they submit to the federal Drug Enforcement Administration. Federal law requires such reporting by people that manufacture, distribute, dispense, import, or export controlled substances, or seek to do so. Under the act and federal law, "suspicious orders" include orders that are of an unusual size or frequency or deviate substantially from a normal pattern.

The act extends existing penalties for violations of drug manufacturer and wholesaler registration requirements to reporting violations. As under existing law, violators are subject to a fine of up to \$500, imprisonment of up to six months, or both.

§ 4 — CONTROLLED SUBSTANCES RECORDKEEPING

The act requires annual, rather than biennial, inventories of controlled substances by (1) prescribing practitioners, (e.g., physicians, physician assistants, advanced practice registered nurses, dentists, veterinarians, and certain scientific investigators); (2) drug manufacturers and wholesalers; and (3) certain healthcare institutions, including pharmacies, certain hospitals and nursing homes, clinics, infirmaries, freestanding ambulatory surgical centers, and laboratories.

The act also eliminates a provision that allows such individuals and entities to be deemed compliant with state controlled substances recordkeeping requirements if they comply with substantially similar federal requirements.

§ 5 — PERPETUAL INVENTORY OF SCHEDULE II DRUGS

The act requires retail and institutional pharmacies to maintain a perpetual inventory of schedule II controlled substances. The inventory records must be:

1. kept on the pharmacy's premises and maintained in an orderly manner separate from other records,
2. filed by date,
3. retained for at least three years, and
4. made immediately available for inspection and copying by the DCP commissioner or her representative or other authorized inspectors, pursuant to existing prescription inspection procedures.

Under the act, perpetual inventories must be reconciled on a monthly basis. Any discovered controlled substance loss, theft, or unauthorized destruction must be reported to the DCP commissioner within 72 hours.

The act allows the DCP commissioner to adopt regulations to implement the perpetual inventory requirements.

PA 18-40—sSB 194

General Law Committee

AN ACT CONCERNING DEPARTMENT OF CONSUMER PROTECTION LICENSE STREAMLINING

SUMMARY: This act makes various changes to Department of Consumer Protection (DCP) licenses, permits, certifications, and registrations. It makes any application fee for DCP credentials nonrefundable unless the law expressly makes it refundable.

The act also:

1. makes various changes to how a charitable organization must apply for a registration and appeal decisions on noncompliance;
2. allows these organizations to attest that certain financial documents have been filed with the Internal Revenue Service (IRS) or another state, rather than submit them to DCP;
3. modifies the late fee amount and lapsed certificate reinstatement timeframe for community association manager certificates, making them uniform with other DCP credentials without specific fees or timeframes; and
4. allows qualified organizations to sell sealed tickets without holding other charitable gaming permits, certain alcohol permits, or certain social events.

EFFECTIVE DATE: Upon passage, except the provision making all application fees for DCP credentials nonrefundable is effective July 1, 2018.

CHARITABLE ORGANIZATIONS

Authorized Officers

The act (1) reduces, from two to one, the number of authorized officers a charitable organization needs to certify the information in the initial and annual renewal registration applications and annual financial report and (2) eliminates the requirement for one of the officers certifying the financial report to be the organization's chief fiscal officer. The act also eliminates the specific requirement that the registration statement be signed. As under existing law, the officer must still certify the statement is true.

Application Approval and Appeal

By law, if DCP determines that an organization's application does not contain the required documents or comply with the implementing regulations, it must notify the organization of its noncompliance within 10 days of receiving the application. The act eliminates a provision that deems an organization's registration approved if DCP does not provide notice within this timeframe.

The act also changes the procedure for an organization to request a hearing on noncompliance by requiring hearings to be conducted in accordance with the Uniform Administrative Procedure Act. Prior law required (1) the organization to request a hearing within seven days after receiving the noncompliance notice and (2) DCP to hold a hearing within seven days after receiving the organization's request and provide a determination within three days after the hearing.

Annual Financial Report

The act allows the commissioner to (1) accept a statement attesting that the organization's financial statements, reports, or returns have been filed with the IRS or another state, instead of providing the actual documents, and (2) require an organization to submit an updated financial report for the most recently completed fiscal year, including a financial statement.

COMMUNITY ASSOCIATION MANAGER CERTIFICATE OF REGISTRATION

Late Fees

The act lowers the late fee from \$50 to \$20, by eliminating prior law's \$50 late fee and instead requiring association managers to pay 10% of the renewal fee, as is the case for other DCP credentials without a specific late fee (CGS § 21a-4(c)). By law, the renewal fee for association managers is \$200.

The act also eliminates the one month grace period that allowed an association manager to renew his or her registration without paying the late fee.

Lapsed Certificate Reinstatement

The act extends, from one to three years after expiration, the deadline by which an association manager must apply to DCP to reinstate his or her certificate. The act does this by eliminating the one year limit specific to association managers and instead imposes the general limit of three years for credentials without specific limits (CGS § 21a-4(e)).

SEALED TICKETS

The act allows DCP to issue a permit to sell sealed tickets to any organization or group that qualifies for a bazaar or raffle permit. It does so by eliminating requirements that, in order to be issued a permit to sell sealed tickets, an organization or group must:

1. hold a bingo permit,
2. hold an alcoholic liquor club or nonprofit club permit, or
3. sponsor or conduct a social function.

Under the act, DCP may issue a permit to sell sealed tickets to the following organizations or groups, which qualify for a bazaar or raffle permit under existing law: veterans'; religious; civic; fraternal; educational and charitable organizations; volunteer fire companies; political parties and their town committees; and sponsoring municipalities acting through a designated centennial, bicentennial, or other centennial celebration committee.

PA 18-59—sSB 327*General Law Committee***AN ACT CONCERNING LICENSE RENEWAL REQUIREMENTS FOR CERTIFIED PUBLIC ACCOUNTANTS**

SUMMARY: This act establishes continuing professional education reciprocity for certified public accountants (CPAs) whose principal place of business is not in Connecticut.

Prior law required all CPAs seeking license renewal to show that they completed 40 hours of continuing professional education per year since the last renewal or issuance. Under the act, out-of-state CPAs qualify for Connecticut license renewal if they certify in writing that they completed the continuing professional education requirements applicable in the state serving as their principal place of business.

EFFECTIVE DATE: July 1, 2018

PA 18-66—sSB 196
General Law Committee

AN ACT EXTENDING THE HOURS OF OPERATION OF AIRPORT AIRLINE CLUB ALCOHOLIC LIQUOR PERMITTEES

SUMMARY: This act extends the hours an airport airline club permittee may sell and dispense alcoholic liquor (e.g., spirits, wine, or beer) for on-premises consumption or have alcohol out in glasses or similar containers, allowing them to do so (1) three hours earlier Monday through Saturday, starting at 6:00 a.m. instead of 9:00 a.m., and (2) four hours earlier on Sunday, starting at 6:00 a.m. instead of 10:00 a.m.

The act also allows the Connecticut Airport Authority, rather than the state, to enter into agreements with lessees or concessionaires regarding the hours for selling, dispensing, and allowing food or nonalcoholic beverages to be consumed under airport restaurant, airport bar, or airport airline club permits.

EFFECTIVE DATE: Upon passage

PA 18-74—SB 197
General Law Committee

AN ACT CONCERNING BIOLOGICAL PRODUCTS

SUMMARY: This act generally allows pharmacists to substitute a biological product for a prescribed biological product as long as the substitute is an interchangeable biological product (see definition below) and the prescribing practitioner has not prohibited the substitution. It extends to these substitutions many of existing law's provisions on substituting brand name drugs with generic ones.

The act also establishes requirements applicable only to biological and interchangeable biological products, including generally requiring:

1. practitioners to discuss with patients the treatment methods, alternatives to, and risks associated with using a biological product;
2. a dispensing pharmacist to inform prescribers and patients of a substitution; and
3. patients to be given the option of requesting that someone sign for a product's delivery.

A "biological product" is generally a virus; therapeutic serum; toxin or antitoxin; vaccine; blood or blood component or derivative; allergenic product; protein, but not a chemically synthesized polypeptide; or arsphenamine or a derivative of it, used to prevent, treat, or cure a human disease or condition.

The act also makes minor and technical changes, including (1) eliminating the option for a generic drug prescription label to have the distributor's name instead of the manufacturer's name, (2) allowing prescribers to order a biological product's name to be withheld from the prescription container's label, and (3) removing an unnecessary definition for "antiepileptic drug."

EFFECTIVE DATE: October 1, 2018

PRESCRIBING BIOLOGICAL PRODUCTS

The act requires practitioners to discuss with patients the treatment methods, alternatives to, and risks associated with using a biological product before prescribing one. Practitioners must also inform patients that they may opt to sign for delivery of a biological product (see below). Practitioners must document the discussion in the patient's medical record within 24 hours after the discussion.

But the act exempts from these requirements hospital inpatients, emergency care, federal Food and Drug Administration (FDA) approved vaccines, blood, and blood components.

BIOLOGICAL PRODUCT SUBSTITUTION

Interchangeability

The act defines "interchangeable biological product" as a biological product that (1) the FDA licensed and determined meets the interchangeability standards under federal law or (2) is therapeutically equivalent to another biological product, as set forth in the latest edition of, or supplement to, the FDA's *Approved Drug Products with Therapeutic Equivalence Evaluations* publication (see BACKGROUND).

Under federal law, a biological product is considered interchangeable if the FDA finds that it is (1) biosimilar (i.e., highly similar, other than minor differences in inactive components, with no meaningful differences in safety, purity, and potency) to the original licensed product and (2) expected to produce the same clinical result in any given patient. For biological products administered to a patient more than once, the risk from switching between the biological product and the original licensed product must be no greater than if only the original product was used.

Notification

Under the act, upon dispensing an interchangeable biological product, a pharmacist or his or her authorized agent must inform the patient or the patient's representative of the substitution. Additionally, within 48 hours after dispensing the product, the pharmacist must (1) inform the prescribing practitioner and (2) document the substitution by making an entry into an electronic record (see below).

Labeling

As is the case for drug product substitutions, the act requires pharmacists to label the prescription container with the name of the interchangeable biological product, or if it does not have a brand name, the nonproprietary name of the product, along with the name of the manufacturer.

Signing for Delivery

The act specifies that patients or their representatives may request of a pharmacy that the patient or representative be present to sign for delivery of an interchangeable biological product. The request may be rescinded at any time by notifying the pharmacy.

Prohibited Substitutions

Prescriber order. Under the act, practitioners may prohibit substitutions for prescribed biological products in the same way that existing law authorizes them to prohibit substitutions for brand name drugs (e.g., specifying on the prescription form “no substitution” or “brand medically necessary”).

Cost savings. Under the act, as is the case for drug product substitutions, there must be a cost savings to the purchaser for an interchangeable biological product substitution to occur. If a patient asks, the pharmacist must disclose the savings amount.

Purchaser objection. Like drug product substitutions, the act also allows purchasers to reject an interchangeable biological product substitution.

Epilepsy or seizure treatment. The act extends to biological products existing limitations on filling prescriptions for prescribed drugs to treat epilepsy or prevent seizures. Specifically, it prohibits filling a biological product prescription by using a different manufacturer or distributor unless the pharmacist (1) gives the patient and the prescribing practitioner prior notice of the substitution and (2) receives written consent from the practitioner.

ELECTRONIC RECORDS

The act requires pharmacists, or their designees, within 48 hours after dispensing an interchangeable biological product, to record its name and manufacturer in a way that notifies the prescribing practitioner. The information may be made available through:

1. an interoperable electronic medical records system,
2. an electronic prescribing technology,
3. a pharmacy benefit management system, or
4. a pharmacy record.

If an entry is not made by one of the above means, the pharmacist must let the prescriber know about the dispensed product, by fax, telephone, or electronic transmission. However, no such communication is necessary when (1) a refill prescription is the same as the originally dispensed product or (2) the product is dispensed by a hospital pharmacy.

MISCELLANEOUS PROVISIONS

Signs

Under existing law, pharmacies must post signs, near counters where prescriptions are dispensed, informing purchasers that they may substitute less expensive and therapeutically equivalent drug products. The act requires the signs to include notice that these rules also apply to interchangeable biological products.

Regulations

The act requires the consumer protection commissioner, with the assistance of the Commission of Pharmacy, to amend the department's regulations to carry out the act's provisions.

BACKGROUND

Approved Drug Products with Therapeutic Equivalence Evaluations

The *Approved Drug Products with Therapeutic Equivalence Evaluations* publication (i.e., the Orange Book) identifies drug products approved by the FDA on the basis of safety and effectiveness under the Federal Food, Drug, and Cosmetic Act and related patent and exclusivity information.

PA 18-87—SB 432

General Law Committee

AN ACT CONCERNING THE SALE OF ABANDONED OR UNUSED CEMETERY LOTS

SUMMARY: This act makes changes in the procedure that towns and mutual nonstock cemetery associations or corporations (“cemetery associations”) use to recover burial plots for which assessed charges remain unpaid (see BACKGROUND). The act’s provisions apply only to plot contracts entered into on or after July 1, 2018.

The act reduces:

1. from 10 to one, the minimum number of years that assessments on a burial plot must remain unpaid before a cemetery association may sell the unused portion of such plot;
2. from one year to six months, the period lotholders and other benefiting parties have to resolve a delinquency after receiving notice of it; and
3. from three to one, the number of legal notices that a cemetery association must place in a newspaper if it cannot identify an individual to which to send notice.

Additionally, the act eliminates a requirement that cemetery associations reserve space for the lotholder’s otherwise eligible surviving spouse if the association sells the unused portion of a plot subject to delinquent charges.

EFFECTIVE DATE: July 1, 2018, and applicable to contracts entered into on and after that date.

BACKGROUND

Sale of Abandoned Plots

Notice. By law, before a cemetery association can sell unused plots for which assessed charges are delinquent, it must first send notice, by registered or certified mail, to the lotholder and any known beneficiary. The notice must be sent to those individuals’ last known addresses. If they cannot be identified, the cemetery association must publish notice in a local newspaper.

Proceeds. By law, sale proceeds must be used to reimburse the cemetery association for any past due charges and costs of sale. The balance must be placed in a perpetual care fund. The interest from the fund must be used to care for uncared-for lots in the cemetery.

PA 18-100—sHB 5241
General Law Committee

AN ACT CONCERNING PHARMACIST AND PRACTITIONER COMPLIANCE RATES AND THE ELECTRONIC PRESCRIPTION DRUG MONITORING PROGRAM

SUMMARY: This act requires the public health and consumer protection commissioners to review pharmacists' and prescribing practitioners' compliance rate with the electronic Prescription Drug Monitoring Program's (PMP) requirements. By January 1, 2019, the commissioners must submit a joint report to the General Law and Public Health committees with their shared recommendations, if any, to achieve a 100% compliance rate.

By law, (1) prescribers or their designees must consult the PMP database before issuing certain prescriptions for controlled substances and (2) pharmacists and dispensing practitioners must submit data to the PMP database promptly after dispensing controlled substance prescriptions (CGS § 21a-254(j)).

EFFECTIVE DATE: Upon passage

PA 18-141—sSB 193
General Law Committee

AN ACT CONCERNING REVISIONS TO DEPARTMENT OF CONSUMER PROTECTION STATUTES

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§ 1 — ENFORCEMENT OF FOOD, DRUG, MEDICAL DEVICE, AND COSMETIC LAWS

Explicitly subjects bakeries, food manufacturing establishments, and food warehouses to DCP inspections; authorizes the DCP commissioner to impose a civil penalty for violations of laws concerning food, drug, medical device, and cosmetic facilities and suspend or revoke certain facilities' licenses or registrations

Inspections

The act specifically authorizes the Department of Consumer Protection (DCP) commissioner to inspect bakeries, food manufacturing establishments, and food warehouses, as well as vehicles they use to transport food within the state, in order to enforce the Connecticut Food, Drug and Cosmetic (FD&C) Act. But this authorization does not extend to facilities for which the licensee holds both a restaurant and bakery permit. (DCP licenses, rather than permits, bakeries.)

Enforcing Food, Drug, Medical Device, and Cosmetic Laws

If, during an inspection of a food, drug, medical device, or cosmetic factory, warehouse, or other establishment (including bakeries) ("facilities"), the DCP commissioner finds a violation of the laws governing such food and supplies, the act authorizes her to impose a civil penalty of up to \$500 per separate violation.

Additionally, the act specifically authorizes the commissioner to suspend or revoke a food or cosmetic facility's license or registration. Existing law authorizes her to suspend or revoke the license of a drug or medical device facility if her inspection reveals a violation of applicable laws. The act also allows the commissioner to suspend or revoke applicable registrations.

As is the case for license suspensions and revocations under existing law, before imposing the civil penalties or license suspensions or revocations the act authorizes, the commissioner must provide facilities with notice and an opportunity for a hearing in accordance with the Uniform Administrative Procedure Act.

Existing laws provide various enforcement mechanisms for laws concerning food, drugs, medical devices, or cosmetics.

EFFECTIVE DATE: Upon passage

§ 2 — ENTERTAINMENT OFFERED BY ON-PREMISES ALCOHOLIC LIQUOR PERMITTEES

Allows alcoholic liquor permittees authorized to serve alcohol for on-premises consumption to change the type of entertainment they offer at any point during the year

The act allows alcoholic liquor permittees authorized to serve alcohol for on-premises consumption to apply to change the type of entertainment they offer at any point in the year, rather than just at permit renewal. As is the case when applying for a change at renewal, under the act, permittees must place notices in the local newspaper and affix a DCP placard on their building or some other publicly visible location.

EFFECTIVE DATE: Upon passage

§§ 3 & 4 — FAILURE TO RESPOND TO CONSUMER COMPLAINTS

Establishes a \$250 fine on certain individuals who do not respond to written DCP communications concerning consumer complaints

The act specifies that DCP must process the intake of consumer complaints concerning consumer goods or services in the state, as well as any other matter in the department's jurisdiction. Existing law requires the department to maintain a toll-free telephone line for such consumer inquiries and complaints (CGS § 21a-2).

The act authorizes DCP to (1) notify in writing a respondent against whom a complaint is received of the allegations against him or her and (2) require a response be provided to the department within 30 days. In the case of respondents that DCP does not certify, license, permit, or register (i.e., not a credential holder), failure to respond is treated like an infraction and violators may be subject to a fine of up to \$250. Under the act, the fine may only be imposed if the department sent the notice by registered or certified mail or hand delivered it. Violators may pay the fine without having to appear in court in accordance with the mail-in procedures for infractions and certain violations.

EFFECTIVE DATE: Upon passage

§ 5 — PUBLIC DONATION BINS

Adds to the information that must be listed on donation bins in public places

The act requires anyone placing a donation bin in a public place to include on the bin, in block letters at least two inches high:

1. if a nonprofit is benefiting from the donation, the percentage of the donated articles or sale proceeds that the bin owner will give to the nonprofit, and
2. the contact information for the bin's owner.

Existing law requires the bin to list additional information, including the owner's name and information on the bin's purpose.

EFFECTIVE DATE: Upon passage

§ 6 — TERMINATION OF PERSONAL EMERGENCY RESPONSE SYSTEM CONTRACTS OR LEASES

Deems any contract or lease for a personal emergency response system to be terminated upon the consumer's death

The act deems any consumer contract or lease for a personal emergency response system terminated upon the consumer's death. It also deems as unreasonable contract or lease provisions that set a penalty for early termination. Under the act, these systems are 24-hour electronic alarm systems placed in an adult's home so that the adult can obtain immediate help in emergency situations.

EFFECTIVE DATE: Upon passage

§§ 7-9 — ARCHITECTURE, LANDSCAPE ARCHITECTURE, ENGINEERING, AND LAND SURVEYING COMPANIES

Makes changes in the laws concerning companies that offer architecture, landscape architecture, engineering, or land surveying services, including allowing engineering and land surveying companies to be owned by individuals without DCP licenses

Nonrefundable Fees (§§ 7 & 8)

The act specifically makes DCP's application fees nonrefundable when an applicant seeks to register as a corporation or limited liability company (LLC) offering (1) engineering or land surveying services or (2) any combination of architecture, landscape architecture, engineering, or land surveying services.

The act makes minor and conforming changes to reflect the practice of applying to DCP for registration.

Company Owners (§§ 7 & 9)

The act also authorizes individuals who do not hold an individual architecture, engineering, or land surveying license to own a corporation or LLC offering architecture, engineering, or land surveying services. However, unlicensed individuals may own only up to one-third of the voting stock in a corporation or voting interests in an LLC. (With regard to architects, it appears that the act has no legal effect, as these requirements exist in CGS § 20-298b(a).)

EFFECTIVE DATE: Upon passage

§ 10 — COMMUNITY ASSOCIATION MANAGEMENT COMPANIES

Requires community association management services to have an insurance policy, rather than a fidelity bond

The act requires individuals who provide community association management services to have a commercially-available insurance policy, rather than a fidelity bond, to protect the association's funds from theft by a community association manager, a community association company, or its employees. As with the prior bond requirement, the insurance requirement applies to anyone who provides association management services and controls or has access to the association's funds.

Under prior law, a community association manager had to provide DCP with a certificate of each bond and every renewal or replacement before (1) he or she provided association management services that required a bond or (2) a prior bond expired. The act instead requires managers to furnish the policy only upon the department's request.

Under the act, the same requirements that applied to fidelity bonds apply to insurance (e.g., minimum coverage amount).

EFFECTIVE DATE: January 1, 2019

§ 11 — NON-RESIDENT PHARMACY

Decreases the time a non-resident pharmacy has to file with DCP notice of certain changes; expands the circumstances under which such notice must be given

The act decreases, from 30 to 10 days, the time a non-resident pharmacy has to file with DCP information on certain changes. It also expands the list of situations that require a report to DCP. Under the act, a filing is required for a change in name, ownership, management, officers, or directors, rather than just a change of office, corporate officer, or pharmacist, as under prior law.

The act requires each report to be accompanied by a filing fee set in law, and any nonresident pharmacy that fails to provide notice within 10 days of the change must pay the late fee set in law. (Prior law did not specify a filing or late fee, but beginning January 1, 2019, PA 18-16 establishes a \$60 filing fee for a change to officers or directors, a \$90 filing fee for a change in name, ownership, or management, and a \$50 late fee. Presumably, no fees apply until PA 18-16 takes effect.)

EFFECTIVE DATE: Upon passage

§ 12 — CITATIONS

Allows the DCP commissioner or her deputy or assistants to issue citations for violations that are within DCP's jurisdiction and subject to infraction procedures

The act allows the DCP commissioner or her deputy or assistants to issue citations for violations that are within DCP's jurisdiction and subject to infraction procedures. By law, someone who commits certain listed violations may pay the fine by mail to the Centralized Infractions Bureau without making a court appearance.

EFFECTIVE DATE: Upon passage

§§ 13-19 — COTTAGE FOOD LICENSING

Establishes an annual licensure program for cottage food operations

Licensing

The act requires DCP to annually license all cottage food operations. Applicants must submit an application form the DCP commissioner develops and pay a license fee the commissioner sets, which cannot exceed \$100. The license must specify the food products the cottage food operation may produce.

Under the act, the commissioner must, before licensing and within existing resources, examine the premises of the cottage food operation to determine its compliance with the act's cottage food provisions.

The act limits the types of food an operation may produce to those specifically listed on its license, which must be displayed at every location where its products are sold.

Existing law requires the DCP commissioner, in consultation with the Department of Public Health, to adopt regulations to allow the preparation of food in a private residential dwelling for sale for human consumption (CGS § 21a-

62a).

Definitions

Under the act, “cottage food products” means non-potentially hazardous baked goods, jams, jellies, and other non-potentially hazardous foods produced by a cottage food operation. Products are “potentially hazardous food” if they require time and temperature control for safety to limit pathogenic microorganism growth or toxin formation.

A “cottage food operation” means anyone who (1) produces cottage food products only (a) in their private residential dwelling’s home kitchen and (b) for sale directly to the consumer and (2) does not operate as a food service establishment (e.g., restaurant or grocery store), food retailer, distributor, or manufacturer. “Private residential dwelling” includes only owner- or resident-occupied dwellings. It does not include any group or communal residential setting within any type of structure or outbuilding, shed, barn, or other similar structure.

“Home kitchen” means a kitchen designed and intended for use by a home’s residents but that is also used by a resident to produce cottage food products. It may contain one or more stoves or ovens, including a double oven, designed for residential use. “Home kitchen” does not include commercial equipment typically used for large wholesale manufacturing.

Local Regulation

The act requires any cottage food operation to comply with all applicable municipal laws and zoning ordinances when conducting its business from a private residential dwelling.

Water and Wastewater Systems

Under the act, upon the commissioner’s request, a cottage food operation must provide written verification of compliance with all local, state, and federal laws concerning on-site wastewater systems from a source the commissioner recognizes as credible.

Any operation with a private water supply must have the supply tested before receiving a license, to demonstrate that the water is potable. The commissioner determines the required frequency of subsequent testing.

Food Safety Training Program

The act requires each cottage food operation, before it receives a license, to attend and complete a food safety training program that includes training in food processing and packaging. DCP must maintain on its website a list of food safety training programs that the commissioner recognizes.

Gross Sales Limitation

The act limits a cottage food operation’s annual gross sales to \$25,000 per calendar year. If sales exceed this amount, the operation must obtain a food manufacturing establishment license or cease operations. The commissioner may request documentation to verify any operation’s annual gross sales figure.

Sales

The act requires a cottage food operation to sell its products directly to consumers (e.g., direct sales at point of production, farmers markets, local fairs and festivals, and charitable organization functions). It allows advertising and sales by Internet, mail, and phone, if the operator or a designee delivers the product in person to a consumer in the state.

The act prohibits an operation from engaging in consignment or wholesale sales and from selling from a (1) grocery store, (2) restaurant, (3) long-term care facility, (4) group home, (5) day care facility, or (6) school. Additionally, the act specifies that operations may not operate as a food service establishment, retail establishment that sells food, a food manufacturing establishment, or food warehouse.

Inspection

The act allows the DCP commissioner to inspect a cottage food operation at any time to ensure compliance with the act’s cottage food provisions. The act explicitly states that it does not prohibit the local health director or his or her duly authorized agent from investigating the permitted area (i.e., home kitchen area) of a cottage food operation in response to a foodborne illness outbreak, consumer complaint, or other public health emergency.

Prohibited Foods

Under the act, a cottage food operation may produce food items that are not potentially hazardous. Operations must not produce food items that present a food safety risk, such as acidified foods, low acid canned foods, garlic in oil, fresh fruit or vegetable juices, and beverages.

Prepackaged Food Labels

The act requires operations that sell prepackaged products to include an affixed label that contains the following information in English:

1. the cottage food operation's name and address;
2. the product's common or usual name;
3. the product's ingredients, in descending order of predominance by weight or volume;
4. allergen information, as specified by federal labeling requirements, including information on milk, eggs, fish, crustacean shellfish, tree nuts, peanuts, wheat, and soybeans; and
5. the following statement printed in at least 10-point type in a clear and conspicuous manner that provides contrast to the background label: "Made in a Cottage Food Operation that is not Subject to Routine Government Food Safety Inspection."

General Rules for Food Production

The act prohibits:

1. any person, other than the one licensed to produce cottage food products or those under his or her direct supervision, from processing, preparing, packaging, or handling any cottage food products;
2. the preparation, packaging, or handling of cottage food products in the home kitchen while other domestic activities, such as family meal preparation, clothes washing or ironing, kitchen cleaning, or guest entertainment, are occurring; and
3. pets, infants, or children under age 12 from being in the kitchen during the preparation, packaging, or handling of any cottage food products.

The act requires:

1. all food contact surfaces, equipment, and utensils used to prepare, package, or handle cottage food products to be washed, rinsed, and sanitized before each use;
2. all food preparation and food and equipment storage areas to be maintained free of rodents and insects; and
3. everyone involved in preparing and packaging cottage food products to (a) not be ill while working in the home kitchen, (b) wash their hands before preparing or packaging food, and (c) use single-service gloves, bakery papers, tongs, or other utensils to prevent bare hand contact with ready-to-eat foods.

Enforcement

The act allows the commissioner to suspend or revoke a cottage food operation's license for any violation of the act's cottage food provisions, after a hearing is held in accordance with the Uniform Administrative Procedure Act.

A license may be summarily suspended pending such a hearing if the commissioner has reason to believe that the public health, safety, or welfare requires emergency action. Upon issuing a summary suspension, the commissioner must schedule a hearing to determine whether to reinstate the operation's license. After the hearing, the commissioner must either void the suspension or revoke the license.

Any person or business entity whose license was revoked is not permitted to apply for a new license for at least one year after the revocation date. Under the act, the applicant whose license was revoked must pay the cost, at a rate the commissioner determines, of any inspections necessary to determine whether to grant a new license.

Pattern of Noncompliance

The commissioner may refuse to grant a license if she finds that the applicant has a pattern of noncompliance with the act's cottage food provisions. Prima facie evidence of a pattern of noncompliance is established if the applicant has operated, controlled, or managed two or more cottage food operations for which a license has been revoked.

EFFECTIVE DATE: October 1, 2018

PA 18-179—HB 5321
General Law Committee

AN ACT CONCERNING THE WRITTEN RESIDENTIAL DISCLOSURE REPORT, THE CAPTIVE INSURANCE COMPANY ESTABLISHED FOR ASSISTING WITH CRUMBLING FOUNDATIONS AND FUNDING FOR LEAD REMOVAL, REMEDIATION AND ABATEMENT

SUMMARY: This act codifies the residential disclosure report home sellers must provide to purchasers and expands what must be included in it. Prior law required the Department of Consumer Protection (DCP) to prescribe the form, with certain minimum information, through regulations. Under the act, the new residential disclosure report is effective for new listings 30 days after DCP posts notice of the new report on its website (i.e., beginning August 10, 2018). As under existing law, a seller is required to credit the purchaser \$500 at closing if the seller fails to provide the written residential condition report (CGS § 20-327c).

The act also makes changes to the enabling legislation for the Connecticut Foundation Solutions Indemnity Company, LLC (CFSIC), the captive insurance company created to assist homeowners with concrete foundations damaged due to the presence of pyrrhotite. Under the act, CFSIC is not considered a state agency for any purpose other than the state ethics provisions applicable to its employees, agents, directors, consultants, and contractors. It also deems CFSIC as not performing a governmental function for Freedom of Information Act (FOIA) purposes (see BACKGROUND).

Under the act, members of CFSIC's board of directors and their spouses or dependent children may apply for and receive aid from CFSIC without it constituting a conflict of interest, provided they do not influence their own applications.

Finally, the act limits certain Department of Housing (DOH) contaminant abatement activities included in PA 18-160 to lead removal, remediation, and abatement.

EFFECTIVE DATE: Upon passage for the captive insurer provisions; July 1, 2018 for the residential disclosure report provisions; and January 1, 2019 for the DOH lead abatement provisions.

RESIDENTIAL DISCLOSURE REPORT

Under prior law, the DCP commissioner prescribed the content of the residential disclosure report by adopting regulations that required the form to include certain information. The act removes the requirement to adopt regulations but similarly requires the commissioner to prescribe the content of the residential disclosure report and a template for it.

Under the act, such template must:

1. fit on pages that are no larger than 8-1/2" x 11";
2. have at least a nine-point type size (other than checkboxes or section headers, which may be smaller);
3. include page numbers and the property's address on each page;
4. include section headings in bold type; and
5. include space for the buyer's and seller's initials on each page, except the signature page.

The act includes all the requirements under prior law and expands the information that must be provided. Prior law set the minimum information that had to be on the form, but in practice, DCP included more disclosure information on the prescribed report. The new information the act requires includes:

1. general information, including the seller's name, address, year the structure was built, how long the seller occupied the property, any known encroachments, and if anyone has an easement or right-of-way;
2. whether the property is located in a special tax district or subject to any type of land use restrictions;
3. specific questions on whether there are problems with the hot water heater, heating system, air conditioning, plumbing, electrical, electronic security system, and fire sprinkler system;
4. specific questions on the heating system, including the fuel type; hot water heater, including the type and age; air conditioning, including the type (e.g., central air); and water system type, broken down by public supply or private well;
5. specific questions on asbestos and lead;
6. disclosures on the building's structure and any improvements made to it, including questions on, among other things, the roof, exterior, driveway, and the types of testing, inspection, or repairs done to the foundation;
7. a statement that information about the residence address of a person convicted of a crime may be available from law enforcement agencies or the Department of Public Safety (presumably the Department of Emergency Services and Public Protection); and
8. a new statement on concrete foundations that suggests prospective buyers have the foundation inspected by a

licensed structural engineer for deterioration due to the presence of pyrrhotite.

CRUMBLING CONCRETE CAPTIVE INSURANCE COMPANY

Board of Directors' Conflicts of Interest

By law, CFSIC directors are subject to certain state ethics provisions, including conflict of interest requirements. The act allows a member of the board of directors who owns a residential property with a crumbling foundation, or his or her spouse or dependent child, to apply for and receive CFSIC assistance if the board member abstains from deliberating, voting, or acting on such application.

DOH LEAD ABATEMENT ACTIVITIES

PA 18-160 establishes the Healthy Homes Fund to, among other things, fund a DOH program, including necessary administrative expenses, to reduce residential health and safety hazards from lead, radon, and other contaminants and conditions, including removal, remediation, and abatement.

The act limits the scope of the program by requiring that all funds spent on it be used for lead removal, remediation, and abatement.

BACKGROUND

FOIA Governmental Function

Performing a governmental function is one component considered by the Connecticut Supreme Court to determine if FOIA applies to a nonpublic agency.

Generally, the Court recognizes a four-part “functional equivalency” test to determine when a nonpublic agency is subject to FOIA because it is functionally equivalent to a public agency. The other three factors considered are: (1) the level of government funding, (2) the extent of government involvement or regulation, and (3) whether the entity was created by government. All factors must be considered cumulatively, with no single factor being essential or conclusive (see *Board of Trustees of Woodstock Academy v. FOI Commission*, 181 Conn. 544, 554 (1980) and *Connecticut Humane Society v. Freedom of Information Commission*, 281 Conn. 757, 761 (1991)).

RA 18-1—SJ 35

Government Administration and Elections Committee

RESOLUTION PROPOSING AN AMENDMENT TO THE STATE CONSTITUTION TO PROTECT REAL PROPERTY HELD OR CONTROLLED BY THE STATE

SUMMARY: This resolution proposes a constitutional amendment that prohibits the legislature from enacting legislation requiring a state agency to sell, transfer, or otherwise dispose of the state’s real property (land or buildings) or interest in real property, to non-state entities, unless the following conditions are met:

1. a legislative committee must hold a public hearing on the sale, transfer, or disposition of the property;
2. the legislation that the legislature acts on must be limited in scope to the sale, transfer, or disposition of the property under consideration; and
3. for property under the custody or control of the Department of Agriculture or the Department of Energy and Environmental Protection, the legislation must additionally pass by a roll call vote of at least two-thirds of the total membership of each chamber.

The ballot designation to be used when the proposed amendment is presented at the general election is:

"Shall the Constitution of the State be amended to require (1) a public hearing and the enactment of legislation limited in subject matter to the transfer, sale or disposition of state-owned or state-controlled real property or interests in real property in order for the General Assembly to require a state agency to sell, transfer or dispose of any real property or interest in real property that is under the custody or control of the agency, and (2) if such property is under the custody or control of the Department of Agriculture or the Department of Energy and Environmental Protection, that such enactment of legislation be passed by a two-thirds vote of the total membership of each house of the General Assembly?"

EFFECTIVE DATE: If a majority of electors voting on the amendment in the November 6, 2018 general election approve it, the amendment will become part of the state constitution.

PA 18-9—HB 5421

Government Administration and Elections Committee

AN ACT ADOPTING THE INTERSTATE COMPACT TO ELECT THE PRESIDENT OF THE UNITED STATES BY NATIONAL POPULAR VOTE

SUMMARY: This act adopts the interstate compact entitled “The Agreement Among the States to Elect the President by National Popular Vote,” under which Connecticut commits its presidential electors to the national popular vote winner of a presidential election. Any state or Washington, D.C. may join the compact, which takes effect when enough jurisdictions have done so to cumulatively possess a majority of the Electoral College votes (currently 270 of 538 votes) (see BACKGROUND). Connecticut currently requires its presidential electors to cast their electoral votes for the presidential and vice presidential candidates who receive a majority of the state popular vote.

The compact includes a severability clause so that if a court finds any provision invalid, the remaining provisions are not affected. If the Electoral College is abolished, the compact terminates.

EFFECTIVE DATE: Upon passage

PROCEDURE FOR DETERMINING PRESIDENTIAL ELECTORS

Under the compact, each state that joins (“member state”) must elect its presidential electors in accordance with specified procedures. These electors must cast their votes for the presidential and vice presidential candidates who receive a majority of the national popular vote.

The following procedures take place in each member state:

1. the state conducts its presidential election as a “statewide popular election,” whereby individuals cast votes and the votes are counted statewide;
2. the state’s chief election official (e.g., in Connecticut, the secretary of the state) determines the number of votes cast for each presidential slate (president and vice president) in Washington, D.C. and each state (including non-member states) where a statewide popular election occurred and adds them to produce a national popular vote total (see BACKGROUND);

3. the chief election official designates the presidential slate with the largest number of votes as the “national popular vote winner”;
4. the official responsible for certifying the appointment of the state’s presidential electors (“certifying official”) certifies that their nomination is based on the national popular vote winner; and
5. at least six days before the presidential electors meet to vote, the state (presumably through the chief election official) makes a final determination of each presidential slate’s popular vote total for the state and within 24 hours, communicates that information through an official statement to every other member state (see BACKGROUND).

The compact requires each member state to treat an official statement containing a state’s popular vote totals (e.g., in Connecticut, the Statement of Vote published by the secretary of the state) as conclusive and representative of its final vote. At this point, the certifying official certifies the appointment of the presidential electors in association with the national popular vote winner.

In the event of a tie for the national popular vote winner, each member state’s certifying official certifies the appointment of the presidential electors nominated in association with the candidate receiving the largest number of popular votes in the state.

If the number of presidential electors a member state nominates is more or less than its number of electoral votes, the national popular vote winner nominates the presidential electors for the state, and the certifying official certifies their appointment.

Finally, each member state’s chief election official must release to the public the vote counts and statements of vote immediately after they are determined or obtained.

OTHER PROVISIONS

Any member state may withdraw from the compact, but a withdrawal during the last six months of a presidential term is not effective until the next president or vice president is qualified to serve (i.e., begins) the next term.

The compact requires each member state’s chief executive (governor, or mayor for Washington, D.C.) to notify every other state’s chief executive if and when the compact is enacted and takes effect in the official’s state or the state withdraws. Each chief executive must also notify every other chief executive when the compact takes effect nationwide.

The compact’s governing clause specifies that it applies to the appointment of presidential electors in any year when, on July 20, the compact is in effect because enough states have become members to cumulatively possess a majority of electoral votes (currently 270).

BACKGROUND

Member States

To date, 10 other states (California, Hawaii, Illinois, Maryland, Massachusetts, New Jersey, New York, Rhode Island, Vermont, and Washington) and Washington, D.C. have adopted the compact. Together with Connecticut, they currently hold 172 electoral votes. (These electoral votes are based on population and the U.S. Census; thus, they are current until at least the next decennial census in 2020).

Aggregating National Popular Votes, Including Non-Member States

Popular vote tallies from all 50 states and Washington, D.C. are included in the “national popular vote total,” regardless of whether the jurisdiction is a member of the compact. Popular votes can be counted from non-member states only if the state votes by popular vote, however. While all states currently conduct elections this way, neither the U.S. Constitution nor any state constitution, except Colorado’s, provides individuals with the right to vote for president and vice president. Instead, state laws provide this right. Since a state could, by law, take the presidential vote away from its people, the compact addresses this unlikely event by specifying that the popular votes of every state that voted by popular vote would be aggregated to produce the national popular vote total.

Date When Presidential Electors Meet to Vote

The six-day deadline corresponds to the deadline in federal law’s “safe harbor” provision (3 U.S.C. § 5). Under the safe harbor provision, if a state settles any controversy and makes a final determination concerning its presidential elector appointments at least six days before the time fixed by law for the electors’ meeting, that determination is conclusive. Federal law requires the presidential electors of each state to meet and vote on the first Monday after the second

Wednesday in December.

PA 18-60—sSB 489

Government Administration and Elections Committee

AN ACT DESIGNATING VARIOUS DAYS AND WEEKS

SUMMARY: This act requires the governor to designate the fourth week in February of each year to be Eating Disorders Awareness Week to heighten public awareness of the signs and symptoms of these disorders and their available treatments.

It also requires the governor to proclaim:

1. September 8 of each year to be Cable Technician Recognition Day to honor cable technicians;
2. November 12 of each year to be Military Spouses’ Day to acknowledge the contributions, support, and sacrifices of spouses of Armed Forces members; and
3. November 30 of each year to be Sikh Genocide Remembrance Day to remember the lives lost on November 30, 1984, during the Sikh Genocide.

The act allows suitable observance exercises to be held in the state capitol and elsewhere as the governor designates.

EFFECTIVE DATE: Upon passage

PA 18-64—sSB 176

Government Administration and Elections Committee

AN ACT REQUIRING THE REPORTING OF CERTAIN GIFTS TO THE STATE UNDER THE CODE OF ETHICS FOR PUBLIC OFFICIALS

SUMMARY: This act requires public officials and state employees to file a report with the Office of State Ethics within 30 days after receiving certain goods or services under the Code of Ethics’ “gift to the state” exception.

The act’s reporting requirement applies to goods or services that support the individual’s participation at an event (e.g., a conference) that facilitates a state or quasi-public agency action or function (i.e., the event is relevant to his or her state job). Such “gifts to the state” include lodging, out-of-state travel, or both and are provided by donors, other than the federal or another state government.

Under the act, the report must be on an electronic form prescribed by the Citizen’s Ethics Advisory Board and certify, under penalty of false statement, that the received goods or services facilitated state action or functions. Officials or employees who fail to report within the 30-day period, either intentionally or due to gross negligence, must return to the donor the value of the goods or services received and may be subject to additional penalties. By law, the penalty for false statement is a class A misdemeanor (see Table on Penalties).

EFFECTIVE DATE: October 1, 2018

PA 18-65—sSB 178

Government Administration and Elections Committee

AN ACT DECREASING THE MEMBERSHIP OF THE COMMISSION ON EQUITY AND OPPORTUNITY

SUMMARY: This act reduces the total membership of the Commission on Equity and Opportunity from 63 to 39. To accomplish this, it reduces the total (1) appointments by each of the six legislative leaders from nine to six and (2) joint appointments by the House speaker and Senate president pro tempore from nine to three.

By law, a minimum number of the total appointments must be from a specified region of the state (e.g., previously, at least three of the House minority leader’s nine appointments had to be from the state’s southwestern region). The act reduces the required number of these geographic appointments from (1) at least three to at least two for each legislative leader other than the Senate and House majority leader, who are not subject to the requirement, and (2) at least three to at least one for joint appointments by the House speaker and Senate president pro tempore.

Under existing law and the act, current members’ terms expire on June 30, 2018. The next term begins on July 1,

2018, which is when the reduction in membership occurs under the act.

By law, members must have experience in the affairs of one of the commission's three constituencies (i.e., African Americans, Asian Pacific Americans, and Latinos and Puerto Ricans). Appointing authorities must divide their appointments equally among the three groups and fill vacancies. Members serve two-year terms.

The act also makes technical changes.

EFFECTIVE DATE: Upon passage

BACKGROUND

Related Act

PA 18-133 makes the same reductions to the membership of the Commission on Women, Children and Seniors.

Commission on Equity and Opportunity

By law, the Commission on Equity and Opportunity focuses on issues affecting its three constituencies and makes recommendations to the General Assembly and governor on new or enhanced policies, programs, and services that foster progress in achieving desired quality of life results. In addition, the commission conducts educational and outreach activities to raise awareness of and address critical issues for its constituencies.

PA 18-78—SB 256

Government Administration and Elections Committee

AN ACT CONCERNING RACIAL AND ETHNIC IMPACT STATEMENTS

SUMMARY: Beginning with the 2019 legislative session, this act requires that a racial and ethnic impact statement (REIS) be prepared, at the request of any legislator, for certain bills and amendments. Under prior law and the legislature's Joint Rules, these statements were prepared after a legislative committee favorably reported a bill, at the request of a majority of the members present, for bills and amendments that could potentially change correctional facilities' pretrial or sentenced populations.

The act establishes the following deadlines for making REIS requests in a regular session:

1. within 10 days after the originating committee's reporting deadline, for favorably reported bills, and
2. at least 10 days before adjournment, for amendments.

The act allows the Government Administration and Elections Committee to make recommendations for a provision in the Joint Rules concerning the procedure for preparing the statements, their content, and the types of bills and amendments for which they should be prepared. Prior law required the Judiciary Committee to make these recommendations by January 1, 2009, which both chambers adopted as Joint Rule 15(c)(2).

EFFECTIVE DATE: October 1, 2018

BACKGROUND

Joint Rule 15(c)(2)

Under Joint Rule 15(c)(2), if a committee favorably reports a bill that would increase or decrease correctional facilities' pretrial or sentenced populations, a majority of the committee members present may request that a REIS be prepared. The Office of Legislative Research and Office of Fiscal Analysis must prepare the statement and, in doing so, may consult with any person or agency, including the judicial branch, Office of Policy and Management, Department of Correction, and Connecticut Sentencing Commission.

The REIS must indicate (1) whether the bill would have a disparate impact on correctional facilities' racial and ethnic composition and if so, why; (2) that it cannot be determined whether there would be such a disparate impact; or (3) that there is insufficient time to determine whether there would be such a disparate impact. It is included with the bill's file copy.

PA 18-93—sHB 5177

Government Administration and Elections Committee

AN ACT CONCERNING EMPLOYEE NOTIFICATION OF REQUESTS MADE UNDER THE FREEDOM OF INFORMATION ACT

SUMMARY: By law, records contained in employee personnel, medical, or similar files are considered public records under the Freedom of Information Act (FOIA) and are subject to disclosure, unless disclosure would constitute an invasion of personal privacy. This act expands public agencies' duty under FOIA to notify their employees of requests for access to these records.

Under the act, if a public agency receives a request to inspect or copy records contained in any of its employees' personnel, medical, or similar files, and it reasonably believes that disclosure would not constitute an invasion of privacy, it must (1) first disclose the records and (2) within a reasonable period of time after disclosure, make a reasonable attempt to send to each employee involved and any collective bargaining representative, a written or electronic copy of the request, if applicable, or a brief description of the request.

Under existing law, unchanged by the act, if an agency receives such a request and it reasonably believes disclosure would constitute an invasion of privacy, it must immediately notify each employee involved and any collective bargaining representative. If the employee or collective bargaining representative objects within a specified period of time, the agency must deny access to the records, unless ordered to disclose them by the Freedom of Information Commission.

The act also makes technical changes.

EFFECTIVE DATE: October 1, 2018

BACKGROUND

Personnel, Medical, or Similar Files

Connecticut courts have considered which records in employee personnel, medical, or similar files are subject to disclosure under FOIA and which, if disclosed, would constitute an invasion of personal privacy. Generally, they have held that time and attendance records, time off requests, and reports of investigations of employee misconduct are disclosable. On the other hand, tax and social security information is exempt and medical information is typically exempt (see e.g., *Director, Retirement & Benefits Services Division v. Freedom of Information Commission*, 256 Conn. 764 (2001); *Department of Public Safety v. Freedom of Information Commission*, 242 Conn. 79 (1997); *Kureczka v. Freedom of Information Commission*, 228 Conn. 271 (1994); *Perkins v. Freedom of Information Commission*, 228 Conn. 158 (1993)).

PA 18-95—sHB 5175

Government Administration and Elections Committee

AN ACT CONCERNING APPEALS UNDER THE FREEDOM OF INFORMATION ACT AND PETITIONS FOR RELIEF FROM VEXATIOUS REQUESTERS

SUMMARY: This act (1) adds to the factors that the Freedom of Information Commission (FOIC) must consider when determining whether to hear certain appeals brought under the Freedom of Information Act (FOIA) and (2) establishes a procedure under which public agencies may petition FOIC for relief from “vexatious requesters.” Relief may include an order that the agency need not comply with future requests from the requester for a period of up to one year.

EFFECTIVE DATE: October 1, 2018

CERTAIN FOIA APPEALS

By law, anyone aggrieved by a public agency's decision to deny access to a public meeting or information subject to disclosure under FOIA may appeal to FOIC. FOIC's executive director must obtain the commission's permission before scheduling any appeal that she believes (1) presents a claim beyond the commission's jurisdiction, (2) would cause an injustice, or (3) would constitute an abuse of the commission's administrative process.

The act requires FOIC, when deciding whether to grant permission to schedule such an appeal, to consider additional information about the nature of any injustice or abuse of administrative process. Specifically, it must consider:

1. whether the request or appeal is repetitious or cumulative;
2. any history of nonappearance at commission proceedings or disruption of FOIC's administrative process, including delaying proceedings; and
3. any refusals to participate in settlement conferences conducted by an FOIC ombudsman in accordance with regulations.

Under existing law, FOIC must also consider the nature, content, language, or subject matter of (1) the request or appeal, (2) prior or contemporaneous requests or appeals, and (3) other verbal or written communications to the agency or its officials, by the person making the request or taking the appeal. It must grant permission to hear the appeal unless it finds that the executive director's belief about the nature of the appeal is well founded.

VEXATIOUS REQUESTERS

Agency Petition

The act authorizes public agencies to petition FOIC for relief from requesters they allege to be vexatious. The petition must be sworn under penalty of false statement and detail the alleged conduct that demonstrates a vexatious history of requests, including:

1. the number of requests filed and pending;
2. the scope of the requests;
3. the requests' nature, content, language, or subject matter and the requester's other oral or written communications to the agency; and
4. a pattern of conduct that amounts to an abuse of the right to access information under FOIA or an interference with the agency's operation.

By law, false statement is a class A misdemeanor (see Table on Penalties).

FOIC Review

Under the act, upon receiving a petition, FOIC's executive director must review it and determine whether it warrants a hearing. If the executive director determines that a hearing is not warranted, she must recommend that the commission deny the petition. At its next regular meeting, the commission must vote on the recommendation and after the meeting, it must issue a written explanation of the reasons for accepting or rejecting the recommendation.

If the executive director determines that a hearing is warranted, the act requires the commission to serve all parties, by certified or registered mail, with a copy of the petition and any other FOIC notice or order. After due notice, the commission must hear and grant or deny the petition within one year after its filing. If the commission grants a petition, it may provide appropriate relief commensurate with the vexatious conduct, including an order that the agency need not comply with future requests from the requester for a specified period of time, up to one year.

Existing law allows FOIC to impose a civil penalty of up to \$1,000 if it determines, after a hearing, that someone has taken an appeal frivolously, without reasonable grounds, and solely to harass the agency.

Appeal

Under the act, any party aggrieved by FOIC's decision to grant a petition may apply to New Britain Superior Court for an order reversing it. The deadline for doing so is 15 days after the meeting when the commission granted the petition.

PA 18-119—sHB 5426 (VETOED)

Government Administration and Elections Committee

AN ACT CONCERNING ELECTION DAY REGISTRATION LOCATIONS

SUMMARY: Existing law requires registrars of voters to designate a location within each municipality for completing and processing Election Day registration (EDR) applications. Under this act, if the registrars of voters fail to agree on such a location by the 31st day before the election, the town clerk must immediately designate one.

By law, a designated location must be one where registrars of voters have access to the statewide centralized voter registration system.

The act also makes technical and conforming changes.

EFFECTIVE DATE: Upon passage

BACKGROUND

EDR

EDR allows a person to register to vote and cast a ballot on the day of a regular state or municipal election if he or she meets the eligibility requirements for voting in Connecticut 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 currently resides in another municipality (CGS § 9-19j(b)).

PA 18-120—sHB 5424

Government Administration and Elections Committee

AN ACT CONCERNING CERTAIN CANDIDATES FOR THE OFFICE OF REGISTRAR OF VOTERS AT REGULAR ELECTIONS

SUMMARY: By law, a known candidate for any office is prohibited from serving as an election official on Election Day or at the polls in any capacity, with certain exceptions. Specifically, a town clerk or registrar of voters, who is a candidate for the same office, may perform his or her official duties.

The act also allows a deputy registrar of voters who is a candidate for the office of registrar of voters to perform his or her official duties on Election Day.

The act also makes unrelated technical and conforming changes.

EFFECTIVE DATE: Upon passage

PA 18-124—sHB 5419

Government Administration and Elections Committee

AN ACT CONCERNING CENTRAL COUNTING OF ABSENTEE BALLOTS

SUMMARY: This act requires that, within existing resources, absentee ballots cast at any election, primary, or referendum be counted at a central location in each municipality unless the registrars of voters agree to count them at the respective polling places. Under prior law, absentee ballots had to be counted at the polling places unless the registrars agreed to count them centrally.

The act makes numerous technical and conforming changes (e.g., applying the central counting requirement to primaries in which unaffiliated electors are authorized to vote). It also retains existing law's procedures for designating the central location and counting absentee ballots for both central locations and polling places.

EFFECTIVE DATE: Upon passage

PA 18-133—HB 5528

Government Administration and Elections Committee

AN ACT DECREASING THE MEMBERSHIP OF THE COMMISSION ON WOMEN, CHILDREN AND SENIORS

SUMMARY: This act reduces the total membership of the Commission on Women, Children, and Seniors (CWCS) from 63 to 21. To accomplish this, it reduces from nine to three, the total (1) appointments by each of the six legislative leaders and (2) joint appointments by the House speaker and Senate president pro tempore.

By law, a minimum number of the total appointments must be from a specified region of the state (e.g., previously, at least three of the House minority leader's nine appointments had to be from the state's southwestern region). The act reduces the required number of these geographic appointments from at least three to at least one for (1) each legislative leader other than the Senate and House majority leaders, who are not subject to the requirement, and (2) joint appointments by the House speaker and Senate president pro tempore.

Under existing law and the act, prior members' terms expired on June 30, 2018. The current term began on July 1, 2018, which is when the reduction in membership occurs under the act.

By law, members must have experience in the affairs of one of the commission's three constituencies (i.e., women, children and the family, and the elderly). Appointing authorities must divide their appointments equally among the three groups and fill vacancies. Members serve two-year terms.

The act also makes technical changes.

EFFECTIVE DATE: Upon passage

BACKGROUND

Related Act

PA 18-65 makes the same reductions to the membership of the Commission on Equity and Opportunity.

CWCS

By law, the CWCS focuses on issues affecting its three constituencies and makes recommendations to the General Assembly and governor on new or enhanced policies, programs, and services that foster progress in achieving desired quality of life results. In addition, the commission conducts educational and outreach activities to raise awareness of and address critical issues for its constituencies.

PA 18-137—sSB 175

Government Administration and Elections Committee

Finance, Revenue and Bonding Committee

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE AUDITORS OF PUBLIC ACCOUNTS

SUMMARY: This act makes numerous changes in statutes concerning government administration. Among other things, it:

1. allows the auditors of public accounts to (a) delay a full report of certain misuses of state and quasi-public agency funds, including actual or contemplated security breaches, for a reasonable amount of time to allow the subject agency to complete its investigation into those activities and (b) permit aggregate reporting by state and quasi-public agencies to the auditors of these activities (§§ 1-2);
2. expands who must report certain suspected ethics violations to the Office of State Ethics (OSE) to include state agencies' human resources directors (§ 3);
3. allows the auditors of public accounts to conduct a full audit of a state agency foundation that did not have its own audit completed by the deadline set in the act (§§ 4-5);
4. requires executive branch agencies to receive approval from the attorney general or governor before making certain payments to departing state employees (§ 8) and prohibits quasi-public agencies from making a payment in excess of \$50,000 to a departing employee (§ 26);
5. requires the Office of Policy and Management (OPM) secretary to notify the auditors whenever he receives a state agency's request for a sole source procurement of audit services (§ 9);
6. allows OSE to receive complaints and investigate alleged violations of state or quasi-public agencies retaining lobbyists (§§ 17-22);
7. increases the statutory limit on the number of days each year that retired state employees may be reemployed by the state without reimbursing it for their pension benefits (generally aligning it to existing labor agreements, Office of Labor Relations notices, and Executive Orders) (§ 23); and
8. requires the Commissioner of Early Childhood to recommend a precertification process for prospective employees of day care centers or group day homes (§ 25).

The act also (1) requires the auditors to audit biennially, rather than annually, reimbursements from the Bradley Enterprise Fund to the Department of Emergency Services and Public Protection (the reimbursements support State Police patrols at Bradley Airport) (§ 6); (2) requires quasi-public agencies to include a complete set of financial statements in their annual report to the governor and the auditors (prior law requires that they include a balance sheet only) (§ 7); and (3) reduces, from \$500,000 to \$100,000, the required amount in the Brokered Transaction Guaranty Fund (§ 24).

The act makes minor and technical changes, including (1) eliminating conflicting language related to the Surety Bail

Bond Agent Examination Account to clarify that account funds can lapse (§ 10) and (2) repealing obsolete statutes concerning sheriffs (§ 27).

EFFECTIVE DATE: Various, see below; provisions on the bail bond account (§ 10) and guaranty fund (§ 24) take effect July 1, 2018.

§§ 1 & 2 — MISUSE OF STATE FUNDS

Under existing law, the auditors of public accounts must immediately report, to the governor, comptroller, House and Senate clerks, and attorney general, any actual or contemplated (1) unauthorized, illegal, irregular, or unsafe handling or expenditure of state agency funds or (2) breakdowns in the safekeeping of any other state agency resources. The act extends these requirements to quasi-public agency funds and resources.

By law, boards of trustees of state institutions, state agency heads, boards, commissions, other state agencies responsible for state property and funds, and quasi-public agencies must promptly notify the auditors and the comptroller of any misuses of state funds described above. The act additionally requires them to do so for security data breaches, defined as unauthorized access to or unauthorized acquisition of electronic files, media, databases, or computerized data containing personal information when access has not been encrypted or secured by another method that renders the information unreadable or unusable.

The act allows the auditors to permit aggregate reporting of any of these matters in a manner and schedule that they determine. In cases where a state or quasi-public agency is still investigating such a matter, and subject to the attorney general's approval, the act also allows the auditors to give the agency a reasonable period of time to conduct the investigation before the auditors notify the governor, comptroller, and House and Senate clerks. The auditors must immediately notify the attorney general of such a delay.

EFFECTIVE DATE: Upon passage, except the provisions on the irregular handling of state and quasi-public funds and security breaches and aggregate reporting to auditors (§ 2) are effective October 1, 2018.

§ 3 — REPORTS OF SUSPECTED ETHICS VIOLATIONS

The act requires any person in charge of a state agency's human resources to report to OSE when he or she reasonably believes that a person has violated the Code of Ethics for Public Officials or any law or regulation concerning ethics in state contracting. Existing law already requires commissioners, deputy commissioners, state or quasi-public agency heads or deputies, and state agency procurement and contracting heads to report these suspected violations.

EFFECTIVE DATE: October 1, 2018

§§ 4 & 5 — FOUNDATION AUDITS

State law requires that certain state agency foundations (i.e., nonprofit entities established for fundraising purposes) be audited every year or once every three years, depending on their total earnings per fiscal year. The act increases the threshold for annual audits from \$100,000 to \$250,000, thus generally requiring foundations with receipts and investment earnings under \$250,000 to have audits completed every three years. By law, the audits must be conducted by an independent certified public accountant or, if the agency requests it, by the auditors of public accounts.

The act requires that these audits be completed, and copies submitted to the attorney general and state agency's executive authority, within six months after the audited fiscal year ends. (Prior law did not establish a submission deadline.) In addition, the act allows the auditors of public accounts to conduct a full audit of a foundation that did not have its own audit completed by the six-month deadline.

EFFECTIVE DATE: October 1, 2018

§§ 8 & 26 — PAYMENTS TO DEPARTING STATE & QUASI-PUBLIC AGENCY EMPLOYEES

Beginning October 1, 2018, the act generally prohibits state and quasi-public agencies from making a payment in excess of \$50,000 to a departing employee in order to avoid litigation costs or as part of a non-disparagement agreement. Under the act, "state agency" means executive branch agencies, boards, councils, commissions, and the constituent units and public institutions of higher education.

For state agencies, the act allows such a payment if (1) it is made under a settlement agreement that the attorney general enters into on the agency's behalf or (2) the governor, upon the attorney general's recommendation, authorized it in order to settle a disputed claim by or against the state. Under the act, a settlement or non-disparagement agreement cannot prohibit a state agency employee from making a complaint or providing information in accordance with the

whistleblower or false claims act. Similarly, a settlement or non-disparagement agreement cannot prohibit a quasi-public agency employee from making a complaint or providing information under the whistleblower law.

EFFECTIVE DATE: October 1, 2018

§ 9 — PERSONAL SERVICE AGREEMENTS (PSA) FOR AUDIT SERVICES

The act requires the OPM secretary to notify the auditors of public accounts whenever he receives a request for a sole source purchase for audit services. He must allow the auditors to review the application and advise him on whether the services are necessary and, if so, could be provided by the auditors. Under existing law, the secretary must allow the auditors to review requests for audit services PSAs that cost more than \$50,000.

EFFECTIVE DATE: October 1, 2018

§§ 11-16 — AUDITS FOR THE CAPITAL REGION DEVELOPMENT AUTHORITY (CRDA)

The act eliminates the requirement that CRDA's board of directors (1) contract with a person, firm, or corporation for a compliance audit of the authority's activities in the preceding fiscal year and (2) submit the audit report to the governor, auditors of public accounts, and Finance, Revenue and Bonding Committee. Existing law, unchanged by the act, requires the auditors of public accounts to conduct biennial compliance audits of CRDA.

EFFECTIVE DATE: Upon passage

§§ 17-22 — PROHIBITED LOBBYING ACTIVITIES

The State Code of Ethics prohibits state or quasi-public agencies from retaining lobbyists. The act expands OSE's jurisdiction to include violations of this law and extends penalties under the code to such violations (i.e., a class A misdemeanor; see Table on Penalties). It requires OSE to investigate allegations of these lobbying activities and follow the same procedures it uses for alleged ethics code violations. OSE must, among other things, determine whether a violation occurred and impose penalties for violations. The act also explicitly prohibits lobbyists, under the Code of Ethics for Lobbyists, from representing a state or quasi-public agency (§ 22).

EFFECTIVE DATE: October 1, 2018

§ 23 — REEMPLOYMENT OF RETIRED STATE EMPLOYEES

The act increases, from 90 days to 120 days, the limit on the number of calendar year days that retired state employees may be reemployed by the state without reimbursing the retirement fund for retirement payments received during reemployment. In doing so, it generally aligns the statute to existing labor agreements, Office of Labor Relations notices, Governor Rell's Executive Order No. 27-A, and Governor Malloy's Executive Order No. 3.

EFFECTIVE DATE: July 1, 2018

§ 25 — PRECERTIFICATION FOR PROSPECTIVE CHILDCARE EMPLOYEES

By January 1, 2019, the act requires the commissioner of the Office of Early Childhood (OEC) to make recommendations to the Education Committee on how to implement a precertification process for prospective employees of day care centers or group day care homes in lieu of the current background check requirement (CGS § 19a-80(c)). PA 17-2, June Special Session (§ 174) prohibits unsupervised access to children in child care centers or group child care homes by a prospective employee until (1) a comprehensive background check is completed and (2) permission to work in such a childcare setting is granted to the employee by the OEC commissioner.

EFFECTIVE DATE: Upon passage

PA 18-154—sSB 502

Government Administration and Elections Committee

AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND

SUMMARY: This act:

1. authorizes conveyances of state property in Newington, Stratford, New Haven, Hartford, and Bristol;
2. amends prior conveyances of state property in Stratford, South Windsor, Hartford, and New Milford; and

3. requires the State Department of Education (SDE) to grant an easement in Groton.
EFFECTIVE DATE: Upon passage

§§ 1, 4, 6 & 8-10 — NEW CONVEYANCES

The act authorizes the conveyance of state property from the departments of administrative services (DAS), agriculture (DoAG), developmental services (DDS), and transportation (DOT) and the judicial branch to the towns and entities listed, and for the purposes and costs noted, in Table 1.

Table 1: New Conveyances

<i>Section</i>	<i>Town/Entity</i>	<i>Agency</i>	<i>Description/Purpose</i>	<i>Cost</i>
1	Newington	DAS	10 acre parcel (part of a larger parcel that includes former Cedarcrest Hospital) for passive recreation (e.g., nature observation)	Conveyance administrative costs
4	Stratford	DAS on behalf of DDS	Parcel of unspecified acreage (to be identified after a survey has been completed and paid for by the town) for municipal and affordable housing purposes; DDS must retain a portion of the parcel for administrative offices and parking	Conveyance administrative costs
6	New Haven Port Authority	DOT	Two parcels in New Haven, 0.55 acre at 135 Fulton Terrace and 0.14 acre at 54 Edgemere Road	Fair market value, as determined by averaging the appraisals of two independent appraisers selected by the DOT commissioner, plus conveyance administrative costs
8	Capital Region Development Authority	DAS on behalf of Judicial Branch	Parcel of unspecified acreage in Hartford for the design and construction of a new parking garage (at least 40 spaces of which must be reserved for judicial staff free of charge)	Conveyance administrative costs
9	Italian American Social Club of Forestville, Inc.	DOT	Parcel of approximately 1.18 acres in Bristol	\$75,000
10	Capital Region Development Authority	DAS on behalf of DoAG	Parcel of unspecified acreage in Hartford (containing the Hartford Regional Market) for the continued operation of the market	Conveyance administrative costs

Each conveyance is subject to the State Properties Review Board's (SPRB) approval within 30 days after the board receives the agency's proposed agreement. Each property remains under the state agency's care and control until the conveyance is complete. The state treasurer must execute and deliver any necessary deed or instrument to complete each conveyance.

Except as noted below, the conveyances revert to the state if the recipient (1) does not use the property for the specified purposes, (2) does not retain ownership of the entire property, or (3) leases all or part of it. The Stratford parcel may be leased to a nonprofit organization or public housing authority for affordable housing or any agreement for the short-term use by the public for recreational uses (§ 4). The New Haven parcels are not subject to reversion (§ 6). The Hartford parcel reverts to the judicial branch if it (1) is not developed as a parking garage within ten years of the conveyance or (2) ever ceases to be used as a parking garage (§ 8).

§§ 2, 5, 7 & 11 — AMENDED CONVEYANCES

Stratford (§ 2)

The act amends a 1968 conveyance of a parcel of land from DOT (formerly the Highway Department) to Stratford. It removes prior law's restriction that the property be used exclusively for school purposes and, instead, limits its use to municipal parking. Under the act, the land reverts to the state if used otherwise.

South Windsor (§ 5)

The act amends a conveyance, passed in 2001, of three parcels (totaling 2.12 acres) from DOT to South Windsor for open space or storm water management and infrastructure improvement or to sell for economic development. By law, the town must promptly pay all moneys received from any sale for economic development purposes to the Special Transportation Fund.

It also makes a technical change to the 2001 special act to correct a singular parcel reference.

Hartford (§ 7)

The act amends a conveyance of two parcels, passed in 2014 and amended in 2017. SA 14-23 (§ 10) allowed the DAS commissioner to transfer to the Capital Region Development Authority (CRDA) custody and control of the parcels in Hartford for housing or economic development purposes. PA 17-238 instead required DAS to subdivide and then convey to the authority the parcels in Hartford, which total four acres, for administrative costs.

The act removes the subdivision requirement for the parcels and instead requires DAS to convey the parcels within 90 days after funding is allocated to CRDA for the design and construction of a new parking garage on one of the parcels ("Parcel A"). Such garage must provide 350 parking spaces for use by DAS until the DAS commissioner determines that some or all are no longer required. It requires CRDA and DAS to execute a written agreement governing the garage's continued operations and allows DAS to temporarily use the second parcel ("Parcel B") until the garage's completion.

By law, Parcel B reverts to the state if it is not developed by CRDA within 10 years of its conveyance. Under the act Parcel A reverts to DAS if it ceases to be used as a parking garage.

New Milford (§ 11)

The act amends a 2000 conveyance of a 0.51 acre parcel from DOT to New Milford Affordable Housing, Inc. for affordable housing purposes. It allows New Milford Affordable Housing, Inc. to sell the property, pursuant to state and federal regulations that require the sale of housing units to low and moderate income households. It may do so as long as an amount equal to the sale price is gifted to the state by an interested party and deposited into the Special Transportation Fund, as certified by the DOT commissioner.

If, by June 30, 2018, the commissioner does not make such certification, the parcel reverts to the state. Under prior law the conveyance reverted to the state if the property was not used for its stated purpose or was sold or leased.

§ 3 — GROTON EASEMENT

The act requires the education commissioner to convey to Groton an easement next to Ella Grasso Technical High School at no cost. Groton must use the easement for vehicular and utility access to a school.

The easement is subject to the following:

1. the state's right to (a) pass and repass over and on the easement to access state lands and (b) place and maintain utilities over, under, and on the easement and
2. any rights and easements regarding the easement that the state deems necessary to meet its governmental obligations.

The act requires the SPRB to approve the conveyance within 30 days after receiving a proposed agreement from SDE.

The easement reverts to the state if the town (1) does not use it for the specified purposes, (2) does not retain ownership of it, or (3) leases all or part of it.

PA 18-175—sHB 5517

Government Administration and Elections Committee

AN ACT CONCERNING EXECUTIVE BRANCH AGENCY DATA MANAGEMENT AND PROCESSES, THE TRANSMITTAL OF TOWN PROPERTY ASSESSMENT INFORMATION AND THE SUSPENSION OF CERTAIN REGULATORY REQUIREMENTS

SUMMARY: This act establishes data requirements for executive branch agencies, including (1) authorizing the Chief Data Officer (CDO) to direct agencies on data-related topics, (2) requiring a biennial state data plan, and (3) establishing a Connecticut Data Analysis Technology Advisory Board. Previously, Executive Order 39 established similar requirements for executive branch agencies (see BACKGROUND).

The act authorizes the Office of Policy and Management (OPM) secretary to designate an existing employee to serve as the CDO to direct executive branch agencies (defined by the act to exempt the Board of Regents (BOR) of higher education) on data use, management, sharing, coordination, and formulation of the state data plan and transparency plans.

The act requires (1) the CDO to create the state data plan and (2) that the information technology-related actions and initiatives of all executive branch state agencies conform to it. The act correspondingly requires executive agencies to annually inventory their data assets, submit the inventory to OPM, and designate an agency data officer; thus, conforming law to practice. It allows other agencies to voluntarily comply with these data requirements.

The act establishes a 16-member Connecticut Data Analysis Technology Advisory Board within the legislative branch to advise the executive, legislative, and judicial branches and municipalities on data policy. It also requires OPM to continue operating and maintaining the Open Data Portal.

The act expands participation in LEANCT, the statewide government process improvement initiative, to all executive agencies (including higher education) and codifies the Statewide Process Improvement Steering Committee. It also expands state agencies' ability to suspend paper filing or document service requirements by allowing them to require the electronic filing or service of any documents or data.

The act requires municipalities that possess digital property data to annually submit the data to their regional council of government (COG), and COGs to annually provide a list of non-compliant and exempt municipalities to OPM and the Planning and Development Committee.

Finally, it allows immediate family members to be employed in the same department or division of the constituent units of higher education, provided that procedures have been implemented to prevent any conflicts of interest.

EFFECTIVE DATE: Upon passage, except that provisions on the process improvement initiative and electronic filing take effect on July 1, 2018.

§ 1 —DATA CATEGORIES

The act categorizes data based on how it is used or applied. In regard to executive branch agencies, it defines “high value data” as any data that the department head determines:

1. can increase an agency's accountability and responsiveness, improve public knowledge of an agency and its operations, further its core mission, or create economic opportunity;
2. is critical to the agency's operation or used to satisfy any legislative or other reporting requirements; or
3. is frequently requested by the public or responds to a need and demand identified through public consultation.

Under the act, “open data” is any data that is:

1. freely available in a convenient and modifiable format and can be retrieved, downloaded, indexed, and searched;
2. formatted in a manner that allows for automated processing;
3. free of restrictions governing use;
4. published with the finest possible level of detail practicable and permitted by law; and

5. described in enough detail so that the data's users can understand the data's strengths, weaknesses, analytical limitations, and security requirements, and how to process it.

It also defines the terms "data," "public data," and "protected data." Under the act, "data" means final versions of statistical or factual information that (1) are reflected in a list, table, graph, chart, or other non-narrative form and can be digitally or non-digitally transmitted or processed; (2) are regularly created or maintained by or on behalf of an executive agency; and (3) record a measurement, transaction, or determination related to the agency's mission or are provided to the agency pursuant to law.

It defines "public data" as any data collected by an executive branch agency that may be made public, consistent with any and all applicable laws, rules, regulations, ordinances, resolutions, policies or other restrictions, requirements, or rights associated with the data, including contractual or other legal orders, restrictions, or requirements.

Under the act, "protected data" means any data the public disclosure of which would (1) violate federal or state laws or regulations; (2) endanger the public health, safety, or welfare; (3) hinder the operation of the federal, state, or municipal government, including criminal and civil investigations; or (4) impose an undue financial, operational, or administrative burden on the executive branch agency. It includes any records that are exempt from disclosure under the Freedom of Information Act.

§ 2 — EXECUTIVE BRANCH DATA

Chief Data Officer

The act requires the OPM secretary to designate an agency employee to serve as the CDO. It charges the CDO with creating the state data plan, and in accordance with such plan, authorizes the officer to (1) direct executive branch agencies, except the Board of Regents for higher education, on the use and management of data to enhance the efficiency and effectiveness of state programs and policies; (2) facilitate the sharing and use of executive branch agency data between such agencies and with the public; and (3) coordinate data analytics and transparency master planning for executive branch agencies.

State Data Plan

By December 31, 2018, and biennially thereafter, the act requires the CDO, in consultation with the agency data officers, and executive branch agency heads, to create a state data plan. The act requires the information technology-related actions and initiatives of all executive branch agencies, including the acquisition of hardware and software and the development of software, to be consistent with the final data plan. The plan must:

1. establish management and data analysis standards across all executive branch agencies;
2. include specific, achievable goals within the two years following adoption of the plan, as well as longer term goals;
3. make recommendations to enhance standardization and integration of data systems and data management practices across all executive branch agencies;
4. provide a timeline for a review of any state or federal legal concerns or other obstacles to the internal sharing of data among agencies, including security and privacy concerns;
5. set goals for improving OPM's online open data repository; and
6. provide for a procedure for each agency head to report to the CDO on the agency's progress toward achieving the plan's goals.

In addition, the act allows the state data plan to make recommendations on data management for the legislative or judicial branch agencies, but it specifies that the recommendations are not binding.

By November 1, 2018, and every two years after, the act requires the CDO to submit a preliminary draft of the plan to the Connecticut Data Analysis Technology Advisory Board (§ 3). The board must hold a public hearing on the draft and submit any suggested revisions to the CDO within 30 days after receipt. After receiving any recommended revisions from the board, the CDO must finalize and submit the final plan to the board, send a copy of the plan to all agency data officers, and post it on OPM's website.

Open Data Portal and Data Inventory

The act conforms law with practice by requiring OPM to operate and maintain an open data portal. It requires each executive branch agency, by December 31, 2018, and annually thereafter, to (1) inventory, in a format determined by the CDO, its high value data and (2) submit the inventory to the CDO and the Connecticut Data Analysis Technology

Advisory Board. In doing so, agencies must presume the data is public, unless it is classified otherwise.

The act requires each executive branch agency to develop an open data access plan, in a form prescribed by OPM, and detail the agency's plan to publish, as open data, any public data that the agency has identified and any protected data that can be made public through aggregation, redaction of individually identifiable information, or other means sufficient to satisfy applicable state or federal law or regulation.

Agency Data Officers

The act requires executive branch agencies to designate one employee in each agency as the agency data officer, conforming to current practice. The data officers serve as the agency point of contact for inquiries, requests, or concerns regarding access to data. The act authorizes these agency data officers, in consultation with the CDO and agency head, to establish procedures to ensure that data requests are received and complied with in an appropriate and prompt manner.

Non-Executive Branch Agencies & Municipalities

The act allows non-executive branch agencies, quasi-public agencies, and municipalities to voluntarily opt to comply with the open data provisions by submitting a written notice to OPM. These agencies and municipalities can opt out of voluntary compliance by submitting written notice to OPM. The act requires OPM to create, maintain, publish on its website, and update as necessary a list of all agencies subject to the open data provisions, including those agencies and municipalities that have voluntarily opted to comply.

§ 3 — CONNECTICUT DATA ANALYSIS TECHNOLOGY ADVISORY BOARD

The act establishes a 16-member Connecticut Data Analysis Technology Board within the Legislative Department to, among other things, advise the three branches of state government and municipalities on data policy.

Board Membership

By July 1, 2018, the House speaker, Senate president pro tempore, House minority leader, and Senate minority leader must each appoint two voting board members to serve two-year terms. These eight voting board members must have professional experience or academic qualifications in data analysis, management, policy, or related fields and not be legislators. Appointing authorities fill vacancies and terms run with the term of the appointing authority.

In addition, the board includes the following officials, or their designees, as non-voting ex-officio members:

1. the administrative services commissioner;
2. the Freedom of Information Commission executive director;
3. the Attorney General;
4. the Chief Court Administrator;
5. the State Librarian;
6. the State Treasurer;
7. the Secretary of the State;
8. the State Comptroller; and
9. the Chief Data Officer, serving as the board chairperson.

The act allows board members to serve more than one term.

Board Procedures

The act requires the CDO to schedule and hold the first board meeting by August 1, 2018. The board must meet at least twice a year and may meet more often as deemed necessary by the chairperson or a majority of the board members. The administrative staff of the Government Administration and Elections Committee must staff the board, with assistance as needed from employees of the Office of Legislative Research (OLR) and Office of Fiscal Analysis (OFA).

Board Powers & Duties

The act authorizes the board to have the following powers and duties:

1. advise the executive, legislative, and judicial branches and municipalities on data policy, including best practices in the public, private, and academic sectors for data analysis, management, storage, security, privacy and visualization, and using data to grow the economy;

2. advise OPM on the online data portal;
3. issue reports and make legislative recommendations;
4. upon the request of at least two board members, request any agency data officer or agency head to appear before the board to answer questions;
5. obtain from any executive department, board, commission, or other agency of the state assistance and data necessary and available to carry out its power and duties;
6. make recommendations to the legislative leaders and the directors of OFA and OLR regarding data analysis skills and related expertise that the leaders and these offices may seek to cultivate among their staff through training or as a consideration when hiring staff; and
7. establish bylaws to govern its procedures.

§ 4 — LEANCT

The act expands the scope of LEANCT, a statewide process improvement initiative. It requires OPM to establish and oversee the initiative to assist executive branch agencies, excluding the Board of Regents, with business process analysis to do the following:

1. streamline processes;
2. optimize service delivery through information technology;
3. eliminate unnecessary work;
4. establish standardized work flows; and
5. prioritize available resources to promote economic growth, improve services, and increase workforce productivity.

The act also codifies the Statewide Process Improvement Steering Committee, which supports the initiative. It requires the OPM secretary to establish the committee and designates the secretary, or his designee, as its chairperson.

Under prior law, OPM, within available appropriations, had to contract for consultant services to apply LEAN practices and principles to the (1) permitting and enforcement processes of the departments of Energy and Environmental Protection, Economic and Community Development, Administrative Services, and Transportation most frequently used by business entities and (2) licensure procedures for commercial bus drivers that the departments of Consumer Protection, Emergency Services and Public Protection, and Children and Families currently perform.

§ 5 — ELECTRONIC FILING SYSTEM

The act expands state agencies' ability to suspend paper filing or document service requirements. By law, a state agency may (1) suspend any requirements in its regulations governing its rules of practice for paper filing or document service for formal and informal agency proceedings and (2) establish an electronic filing system for the filings and service.

The act expands this authority by allowing agencies to do the following:

1. suspend paper and facsimile submission requirements contained in any agency regulation, not just regulations governing the rules of practice and
2. suspend paper data filing requirements, not just paper document filing requirements.

The act allows agencies to require the electronic filing or service of such documents or data (1) required to be submitted to the agency by any provision of federal or state law, any regulation adopted by an agency, any order, or any license. By law, a license includes all or part of any agency permit, certificate, approval, registration, charter, or similar form of permission required by law (CGS § 4-166(8)).

By law, before suspending the regulatory requirements or requiring electronic filing or service, the agency must give 30 days' notice on its website and in the Connecticut Law Journal, including instructions for using the electronic filing system. The act applies this requirement to the expanded ability to suspend paper filing and requires the agency to maintain the instructions on its website for as long as it requires the electronic filing for service of documents or data. As under existing law, agencies must exempt from electronic filing any person that requests an exemption and provides written notice to the agency of a hardship (e.g., lack of access to a device capable of electronic filing).

§ 6 — DIGITAL PARCEL DATA

By May 1, 2019, the act requires each municipality that has, or contracts for services to create or maintain, a digital parcel file (i.e., assessor property boundaries) to annually transmit the file to its regional COG or, for towns that are not COG members, to the OPM Secretary. It requires these digital parcel files to include, at a minimum:

1. any information from the town assessor's database that identifies a property's unique identifier in the file; size; address; value of the land, buildings, and other improvements; and year constructed and
2. any other information deemed necessary by the applicable COG.

It also requires each COG, starting by July 1, 2019, to annually submit to the OPM Secretary and the Planning and Development Committee a report that lists each municipality that (1) failed to provide its digital parcel file and (2) does not possess a digital parcel file (and therefore would be exempt from the provision's requirements).

§ 7 — HIGHER EDUCATION STATE EMPLOYEES

The act allows a state employee working at a constituent unit of higher education and his or her immediate family member to be employed in the same department or division, provided that procedures have been implemented to ensure that any final decisions impacting the financial interests of either employee are made by an unrelated state employee. This includes decisions to hire, promote, increase the compensation of, or renew the employment of such state employee.

BACKGROUND

Executive Order 39

Executive Order 39 established open data requirements for executive branch agencies. The executive order established the Connecticut Open Data Portal and established the position of Chief Data Officer, designated by the governor, to manage it with assistance from the Department of Administrative Services (DAS) and the Bureau of Enterprise Systems and Technology. Among other things, the order required the CDO to coordinate implementation, compliance, and expansion of the portal; assist state agencies in providing data sets to it; and coordinate initiatives to improve the data provided, including encouraging participation by other state entities and non-governmental organizations. It also established the governor-appointed Open Data Advisory Panel to advise the CDO on the performance of his specified duties.

PA 18-2—sSB 4

Higher Education and Employment Advancement Committee

AN ACT ASSISTING STUDENTS WITHOUT LEGAL IMMIGRATION STATUS WITH THE COST OF COLLEGE

SUMMARY: Under federal law, a student who lacks legal immigration status is ineligible for state benefits, including institutional financial aid, unless a state law affirmatively confers eligibility (8 U.S.C. § 1621(d)). This act affirmatively extends eligibility for institutional financial aid to attend a state public institution of higher education (i.e., UConn and the Connecticut State Colleges and Universities) to certain students and honorably discharged veterans who lack legal immigration status, to the extent allowed by federal law, if they (1) meet certain residency, age, and criminal history requirements and (2) file an affidavit about their intent to legalize their immigration status with the institution they are attending.

Under the act, veterans are eligible for institutional financial aid to attend a public institution of higher education upon the act's passage, while non-veterans are eligible for such aid on the earlier of January 1, 2020, or upon the effective date of a federal law that provides a "pathway to citizenship" for students without legal immigration status. The act does not define "pathway to citizenship."

The act specifies that it does not require or compel an institution to match the amount of federal student aid that such students would receive if they were eligible for federal student aid.

The act requires UConn and the Board of Regents for Higher Education (BOR), by July 1, 2018, to establish procedures and develop forms to enable the newly eligible students to apply for and receive institutional financial aid. It allows UConn and BOR to adopt any policies necessary to implement the act.

EFFECTIVE DATE: Upon passage

DEFINITION OF INSTITUTIONAL FINANCIAL AID

Under the act, institutional financial aid consists of funds a higher education institution sets aside from anticipated tuition revenue to fund (1) tuition waivers and remissions, (2) grants for educational expenses, and (3) student employment. The institution must provide this aid to full- or part-time students who are enrolled in a degree-granting program or a precollege remedial program and demonstrate substantial financial need.

ELIGIBILITY REQUIREMENTS

Under the act, to be eligible for institutional financial aid to attend a public higher education institution, an individual must:

1. meet the requirements for in-state student classification (see BACKGROUND) or be an honorably discharged veteran of the United States armed forces;
2. be age 30 or younger as of June 15, 2012;
3. have been age 16 or younger, or age 15 for veterans, upon arrival in the United States and have continuously lived in the country since that time;
4. be free of felony convictions in all states; and
5. have filed an affidavit with the institution they are attending stating that they have either filed an application to legalize their immigration status or will file one as soon as they are eligible.

Students who lack legal immigration status already must file such an affidavit in order to qualify for in-state tuition (see BACKGROUND).

BACKGROUND

In-state Student Classification

By law, with limited exceptions, eligibility for in-state student classification 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 & 10a-29). One exception allows a person, except for certain nonimmigrant aliens (i.e., people with a visa permitting temporary entrance to the country for a specific purpose), to qualify for in-state tuition if he or she meets the following criteria:

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;
3. graduated from a high school or the equivalent in Connecticut; and
4. is registered as an entering student or is 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 (CGS § 10a-29(9)).

PA 18-33—sSB 352

Higher Education and Employment Advancement Committee

AN ACT EXTENDING THE MORATORIUM ON APPROVAL OF A CERTAIN NUMBER OF PROGRAMS OF INDEPENDENT INSTITUTIONS OF HIGHER EDUCATION

SUMMARY: This act extends certain independent higher education institutions' exemption from the Office of Higher Education's (OHE's) approval process for new programs and program modifications for two years until July 1, 2020. As under existing law, the exemption applies to such institutions if they:

1. are eligible to participate in the Federal Family Education Loan program;
2. have a financial responsibility score of at least 1.5, as determined by the U.S. Department of Education (USDE), for the most recent fiscal year for which data is available; and
3. have been located in Connecticut and accredited as degree-granting institutions in good standing for at least 10 years by a federally recognized regional accrediting association (see BACKGROUND).

For each of these institutions, the act also limits the new program exemption to 12 programs per academic year and requires the institution to apply for approval for any additional programs.

Under the act, exempt institutions must file with OHE a program action form created by the office prior to students enrolling in (1) any new program or (2) any program being modified.

By law, exempt institutions must annually file with OHE a description of any new programs and the institution's current program approval process. The act requires this filing to also include all actions the institution's governing board took concerning approving the new programs.

EFFECTIVE DATE: July 1, 2018

BACKGROUND

Financial Responsibility Score

According to the USDE, the composite score reflects the overall relative financial health of institutions along a scale from -1 to 3. A score of 1.5 or more indicates that the institution is considered financially responsible.

Independent Institution of Higher Education

By law, an "independent institution of higher education" is a nonprofit higher education institution established in Connecticut that (1) has degree granting authority, (2) has its main campus in-state, (3) is not included in the Connecticut public higher education system and (4) is not primarily training students for a religious vocation (CGS § 10a-173).

Currently Exempt Institutions

In practice, Connecticut College, Trinity College, Wesleyan University, and Yale University are already exempt from OHE's program approval authority. These institutions, classified by OHE as national independents, are longstanding institutions that predate the state's regulation of postsecondary academic programs. Additionally, the institutions' charters give the schools the authority to decide which degrees to confer and do not require state approval for additional degrees.

PA 18-36—sSB 142

Higher Education and Employment Advancement Committee

AN ACT CONCERNING ACCEPTANCE OF INSTITUTIONAL ACCREDITATION OF PRIVATE OCCUPATIONAL SCHOOLS BY THE OFFICE OF HIGHER EDUCATION

SUMMARY: This act gives the Office of Higher Education (OHE) executive director greater discretion to accept or reject the accreditation of private occupational schools under certain circumstances. These schools are privately controlled and offer instruction in trades or industrial, commercial, professional, or service occupations for remuneration. By law, OHE oversees the state's authorization of these schools, including their initial authorization and subsequent renewals.

Under prior law, once the executive director gave a private occupational school its initial authorization to operate, he had to accept third-party accreditation of the school if it was given by a U.S. Department of Education-recognized agency, unless he found reasonable cause to reject it. The act allows the executive director to reject accreditation from this type of agency without finding reasonable cause.

Additionally, the act requires any initial certification application that OHE receives from a private occupational school to expire if it remains incomplete six months after submittal, thereby prohibiting OHE from approving it.

EFFECTIVE DATE: July 1, 2018

PA 18-37—sSB 145

Higher Education and Employment Advancement Committee

AN ACT INCLUDING THE HIGHER EDUCATION COMMITTEE IN THE RECEIPT OF ANNUAL REPORTS RELATING TO MILITARY VETERANS AND LICENSURE

SUMMARY: This act adds the Higher Education and Employment Advancement Committee to the list of required recipients of certain annual reports about service members who receive credit for military training or experience. Existing law requires licensing authorities, the Board of Regents for Higher Education (BOR), and UConn's Board of Trustees to submit annual reports on this issue to the Veterans' Affairs Committee and the Department of Labor.

By law, licensing authorities' reports must address matters such as (1) the number of service members who applied for a military training evaluation, license, certificate, registration, or educational credit within the licensing authority's purview and where military training or experience is relevant and could be applied; (2) the number of applications that were approved and denied; and (3) the processing time for such applications. BOR and UConn's Board of Trustees must report on the same information as the licensing authorities, except these reports (1) need not include information on denied applications or processing times and (2) must include additional information on the types of military training (including the types not awarded credit) and the types of educational credit awarded.

EFFECTIVE DATE: July 1, 2018

PA 18-103—HB 5032

Higher Education and Employment Advancement Committee

AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL REVISIONS TO THE HIGHER EDUCATION STATUTES

SUMMARY: This act makes technical and grammatical changes in the statutes affecting higher education.

EFFECTIVE DATE: July 1, 2018, except certain technical changes (§ 1) are effective upon passage.

PA 18-52—sSB 357

Housing Committee

AN ACT CONCERNING FUNDING FOR LEAD ABATEMENT AND ENVIRONMENTAL HEALTH AND SAFETY CONCERNS

SUMMARY: This act modifies how the Department of Housing (DOH), through the Children’s Medical Center’s Healthy Homes Program, must use the proceeds of a \$10 million per fiscal year bond authorization for FYs 18 and 19. Prior law required DOH to use the proceeds only for residential lead abatement. The act instead earmarks, for each fiscal year, up to (1) \$7 million for residential lead abatement in any Connecticut municipality and (2) \$3 million to address environmental hazards including mold, allergens, asthma, carbon monoxide, home safety, pesticides, and radon.
EFFECTIVE DATE: Upon passage for the FY 18 authorization and July 1, 2018, for the FY 19 authorization.

BACKGROUND

Related Act

The bond act (PA 18-178 § 37) earmarks the same \$3 million in FY 19 for grants to certain first-time homebuyers in order to address blight.

PA 18-17—SB 244

Human Services Committee

AN ACT REQUIRING BEHAVIOR ANALYSTS TO BE MANDATED REPORTERS OF SUSPECTED CHILD ABUSE AND NEGLECT

SUMMARY: This act adds licensed behavior analysts to the statutory list of mandated reporters of suspected child abuse and neglect. By law, mandated reporters must make such a report when, in the ordinary course of their employment or profession, they have reasonable cause to believe or suspect that a child under age 18 has been abused, neglected, or placed in imminent risk of serious harm (CGS § 17a-101a). Failure to report may result in criminal penalties.

EFFECTIVE DATE: July 1, 2018

PA 18-19—sSB 437

Human Services Committee

AN ACT CONCERNING A TWO-GENERATIONAL INITIATIVE

SUMMARY: This act makes several changes related to data sharing in the statewide Two-Generational Initiative, which fosters family economic self-sufficiency in low-income households through a comprehensive two-generational service delivery approach.

By September 1, 2018, the act requires the Two-Generational Advisory Council to consult with the Attorney General's Office, the Office of Policy and Management, and the Connecticut Preschool through Twenty and Workforce Information Network (CP20 WIN) to develop a uniform approach to facilitate data sharing among the initiative's partner agencies in accordance with state and federal law.

Existing law requires the council, by December 31, 2018, to report certain information (e.g., recommendations to eliminate barriers to the initiative's success) to designated legislative committees. The act requires this report to include recommendations to improve data sharing among partner agencies. It also adds the Labor Committee to the list of report recipients.

By law, the Office of Early Childhood (OEC) is the initiative's coordinating agency for the executive branch. The act specifies that OEC's responsibilities include coordinating the initiative's agency efforts and data sharing.

The act also requires the Department of Social Services commissioner to disclose certain information to the labor and OEC commissioners for initiative-related purposes.

It also makes technical changes.

EFFECTIVE DATE: Upon passage

PA 18-23—HB 5255

Human Services Committee

AN ACT CONCERNING THE AUTISM SPECTRUM DISORDER ADVISORY COUNCIL

SUMMARY: This act makes the Autism Spectrum Disorder Council permanent. Under prior law, the council terminated on June 30, 2018.

By law, the Autism Spectrum Disorder Council consists of 25 members, including persons with the disorder; their parents or guardians; and service providers appointed by the governor and legislative leaders. The council must advise the Department of Social Services (DSS) on policies and programs for people with autism spectrum disorder, services provided by DSS's Division of Autism Spectrum Disorder Services, and implementing the autism feasibility study's recommendations. It can also recommend policy and program changes to the DSS commissioner.

EFFECTIVE DATE: Upon passage

PA 18-55—sSB 439

Human Services Committee

AN ACT CONCERNING TECHNICAL REVISIONS TO HUMAN SERVICES STATUTES

SUMMARY: This act makes various technical revisions in the human services statutes. Among other things, it adds the term “lawful” to references to agents for consistency under the state’s safe haven laws.

EFFECTIVE DATE: October 1, 2018

PA 18-76—SB 243

Human Services Committee

AN ACT CONCERNING AUDITS OF MEDICAL ASSISTANCE PROVIDERS

SUMMARY: This act makes several changes in the requirements the Department of Social Services (DSS) and its auditing contractors must follow when conducting Medicaid provider audits. The act:

1. requires the DSS commissioner and auditing contractors to accept certain types of documents when conducting Medicaid provider audits and allows them to seek additional documentation in various circumstances;
2. expands the information DSS and its auditing contractors must disclose to providers when beginning a Medicaid audit to include the types of information to be reviewed in the audit;
3. prohibits the DSS commissioner from applying updated medical payment codes in making audit determinations unless they were promulgated and distributed to a provider before the service included in the audit was rendered;
4. requires the DSS commissioner to ensure that auditors review any electronic medical record associated with a patient chart included in the audit;
5. requires the medical or dental professional who DSS or its auditing contractors keeps on staff, or consults with as needed, to have experience using and reviewing electronic medical records; and
6. requires the DSS commissioner to post standard audit procedures on the department’s website.

EFFECTIVE DATE: July 1, 2018

AUDIT DOCUMENTATION REQUIREMENTS

The act requires the DSS commissioner and auditing contractors, when conducting Medicaid provider audits, to accept as sufficient proof of a written order (1) photocopies, (2) faxes, (3) electronically maintained documents, or (4) original pen and ink documents.

The act also requires the commissioner or contractors to accept a receipt signed by the Medicaid recipient or a nursing facility representative as proof that a covered item or service was delivered. For Medicaid-covered items or services delivered by a shipping or delivery service (e.g., durable medical equipment), the act requires DSS or the contractor to accept as proof of delivery a supplier’s detailed shipping invoice and the delivery service tracking information substantiating delivery.

The act allows the commissioner or auditor to seek additional documentation, including when (1) provided proof is insufficiently legible or contradicted by other information sources reviewed in the audit or (2) the commissioner or auditor makes a good faith determination that the provider is engaging in vendor fraud.

PA 18-77—sSB 246

Human Services Committee

AN ACT LIMITING AUTO REFILLS OF PRESCRIPTION DRUGS COVERED UNDER THE MEDICAID PROGRAM AND REQUIRING THE COMMISSIONER OF SOCIAL SERVICES TO PROVIDE CHIP DATA TO THE HEALTH INFORMATION TECHNOLOGY OFFICER

SUMMARY: This act allows the Department of Social Services (DSS) commissioner to prohibit pharmacy providers from automatically refilling certain prescription drugs for medical assistance (e.g., Medicaid) recipients regardless of a recipient’s consent or request to participate in such a program. It prohibits DSS from paying for automatic refills unless the recipient or his or her legal representative explicitly requested it verbally or in writing.

The act allows DSS's Pharmaceutical and Therapeutics (P & T) Committee to make recommendations to DSS on what prescribed drugs, if any, should be eligible for automatic refill. It also (1) requires the commissioner to submit to the Human Services Committee recommendations on the types, classes, or usage of prescription drugs to be subject to, and exempt from, the automatic refill prohibition and (2) establishes a process for the Human Services Committee to consider the commissioner's recommendations.

Finally, the act requires the DSS commissioner to submit the provider registry, health claims data, and recipient data from the Children's Health Insurance Program (CHIP) for inclusion in the all-payer claims database for CHIP administration-related purposes only (see BACKGROUND). Under existing law, DSS must submit Medicaid data to the database, and the state's health information technology officer (who oversees the database) is permitted to enter into a contract or take any action necessary to obtain such Medicaid data. Under the act, the health information technology officer may also do so to obtain CHIP data.

EFFECTIVE DATE: Upon passage

PROCESS FOR RECOMMENDATION CONSIDERATION

Under the act, the Human Services Committee must hold a public hearing on the recommendations it receives from the DSS commissioner related to automatic prescription refills within 30 days of receiving them. Otherwise, the recommendations are deemed approved. The committee must notify the commissioner of the hearing date and time. Following the public hearing, the committee must advise the commissioner of its approval, denial, or modification of the recommendations. The act prohibits the commissioner from implementing the recommendations if the committee has denied them. He may, however, submit new recommendations for committee approval. The commissioner must submit any approved or modified recommendations to the P & T Committee.

BACKGROUND

All-Payer Claims Database

The all-payer claims database is a database that receives and stores data from a reporting entity related to medical and dental insurance, pharmacy, and other insurance claims information. Disclosed database information must protect the confidentiality of individual health information. Insurers and other reporting entities that fail to report as required are subject to civil penalties of up to \$1,000 per day.

PA 18-88—sSB 438

Human Services Committee

AN ACT REQUIRING TIMELY PAYMENT OF FUEL VENDORS IN THE CONNECTICUT ENERGY ASSISTANCE PROGRAM

SUMMARY: This act requires the Department of Social Services (DSS) commissioner to require, beginning November 1, 2018, community action agencies (CAAs) that administer certain fuel assistance programs to pay deliverable fuel vendors within 30 days after receiving an authorized fuel slip or invoice from the vendor.

CAAs generally administer fuel assistance programs under the federal Low-Income Home Energy Assistance Program (LIHEAP), which funds the Connecticut Energy Assistance Program (CEAP). The act expands the requirements for two existing reports on these programs that DSS must submit annually to the Appropriations, Energy and Technology, and Human Services committees. First, the act requires DSS's LIHEAP plan, due August 1, to include a payment plan for fuel deliveries beginning November 1, 2018, that ensures that vendors who complete CAA-authorized fuel deliveries are paid by the CAA within 30 business days after the CAA receives an authorized fuel slip or invoice from the vendor. The requirement applies to CAAs that contract with the DSS commissioner to administer fuel assistance programs. Secondly, the act requires DSS's annual LIHEAP report, due January 30, to include a list of CAAs that failed to make timely payments to deliverable fuel vendors in CEAP and steps taken by the DSS commissioner to ensure future timely payments by such agencies.

EFFECTIVE DATE: Upon passage

PA 18-96—sHB 5257

Human Services Committee

AN ACT CONCERNING REPORTS OF ABUSE OR NEGLECT OF PERSONS WITH INTELLECTUAL DISABILITY OR AUTISM SPECTRUM DISORDER

SUMMARY: This act reduces, from 72 to 48 hours, the amount of time a mandated reporter has to report suspected abuse or neglect of a person (1) with an intellectual disability or (2) served by the Department of Social Services' Division of Autism Spectrum Disorder Services.

By law, mandated reporters of abuse and neglect of individuals in these circumstances include, among others, certain health professionals, mental health workers, people working in schools, and police officers. The act expands the list of mandated reporters to include licensed behavioral analysts.

The law requires mandated reporters to make such reports in any reasonable manner to the commissioner of Developmental Services. The act also allows them to report to his designee instead. Under the act, reporting in a reasonable manner includes efforts to reach the commissioner or his designee by phone, in person, or by email.

By law, anyone who violates the reporting requirement is subject to a fine of up to \$500. Under the act, an unsuccessful attempt to make an initial report to the commissioner or his designee on a weekend, holiday, or after normal business hours is not a violation if the mandated reporter subsequently makes reasonable attempts, including by phone, email, or in person, to reach the commissioner or his designee as soon as practicable.

EFFECTIVE DATE: July 1, 2018

PA 18-98—HB 5254

Human Services Committee

AN ACT CONCERNING CHILD SUPPORT COLLECTION FEES

SUMMARY: By law, the Department of Social Services' (DSS) Office of Child Support Services provides services to recipients of public assistance, such as Temporary Family Assistance (TFA), as well as to those who are not recipients. This act raises the (1) annual fee that, by law, the office must charge for child support services provided to individuals who are not TFA recipients and (2) the threshold at which the fee is imposed.

Under prior law, if an individual had never received TFA and the state had collected at least \$500 of child support on the individual's behalf in a one year-period, the office imposed an annual fee of \$25 for each case in which it provided these services. The act raises these amounts to \$550 and \$35, respectively.

The Office of Child Support Services is the state's IV-D agency under the federal Social Security Act (i.e., the Child Support Enforcement Program), and the increases under the act conform to a requirement in federal law (P.L. 115-123, see BACKGROUND).

EFFECTIVE DATE: April 1, 2019

BACKGROUND

Bipartisan Budget Act of 2018 (P.L. 115-123)

Under federal law, Title IV-D agencies provide child support services to families who receive cash and other types of public assistance. Generally, Child Support Enforcement Program costs are shared by state and federal governments, as are fees and recovered costs. Title IV-D agencies may provide child support services to families not receiving any assistance, but these families must pay certain fees unless the state opts to pay the federal portion of the fee out of state funds. Federal legislation passed in 2018 increases the (1) annual user fee from \$25 to \$35 and (2) minimum amount of child support collected in order for the fee to be assessed from \$500 to \$550 (P.L. 115-123 (§ 53117)).

PA 18-99—HB 5253

Human Services Committee

AN ACT EXPANDING ACCESS TO THE MONEY FOLLOWS THE PERSON DEMONSTRATION PROJECT AND REPEALING OBSOLETE STATUTES

SUMMARY: This act removes the 5,000-person cap on the number of individuals who may be served under the Money Follows the Person (MFP) federal demonstration program, which supports Medicaid enrollees who choose to transition from living in institutions to less restrictive, community-based settings. It also repeals various obsolete or inoperative provisions of the human services statutes.

EFFECTIVE DATE: Upon passage

REPEALED STATUTES

The act repeals the statutory provisions described below.

1. Requiring the Department of Social Services (DSS) to submit a Medicaid state plan amendment for a one-time Medicaid rate increase, within available appropriations, for private psychiatric residential treatment facilities. DSS did so in 2014 (CGS § 17b-241b).
2. Requiring DSS to establish and operate a two-year, state-funded pilot program, subject to available appropriations, for up to 10 ventilator-dependent Medicaid recipients in Fairfield County who receive medical care at home. DSS has not yet implemented the program (CGS § 17b-242b).
3. Allowing DSS to establish a two-year pilot program to provide health insurance assistance for unemployed people under 200% of the federal poverty level (FPL) and with less than \$10,000 in cash assets, and requiring DSS to implement regulations to execute the program. DSS has not yet implemented the program or adopted regulations (CGS § 17b-258).
4. Requiring DSS to apply for a Medicaid waiver to provide coverage of family planning services to adults at 185% of the FPL and report to the legislature by 2010 if they fail to seek the waiver. DSS established a family planning coverage group as permitted by the Affordable Care Act (CGS § 17b-260c).
5. Requiring (a) DSS, in consultation with the Department of Mental Health and Addiction Services (DMHAS), to amend the Medicaid state plan before 2007 to include assertive community treatment teams and community support services within the definition of optional adult rehabilitation services and (b) DMHAS to be responsible for clinical management of adult rehabilitation services provided to adults receiving DMHAS services (CGS § 17b-263a).
6. Requiring DSS to (a) establish a pilot program to provide financial benefits to people with severe physical disabilities who cannot transfer independently during an emergency and live with people who could transfer them and (b) adopt implementing regulations. DSS implemented the program, but did not enact regulations (CGS § 17b-600a).

PA 18-10—sHB 5210

Insurance and Real Estate Committee

AN ACT MANDATING INSURANCE COVERAGE OF ESSENTIAL HEALTH BENEFITS AND EXPANDING MANDATED HEALTH BENEFITS FOR WOMEN, CHILDREN AND ADOLESCENTS

SUMMARY: This act requires certain health insurance policies to cover 10 essential health benefits, which are the same benefits the federal Patient Protection and Affordable Care Act (ACA) (P.L. 111-148, as amended) requires most policies to cover. It authorizes the insurance commissioner to adopt related regulations.

The act also requires certain health insurance policies to cover specified benefits and services, including preventive health care services; immunizations; and contraceptive drugs, devices, and products approved by the U.S. Food and Drug Administration (FDA). It generally requires the policies to cover these benefits and services in full with no cost sharing (such as coinsurance, copayments, or deductibles), except policies may impose cost sharing when an out-of-network provider renders the benefits and services. The act provides that high deductible plans designed to be compatible with federally qualified health savings accounts must comply with the cost-sharing prohibition to the extent permitted by federal law without disqualifying the account for the applicable federal tax deduction.

The ACA generally requires health insurance policies, except grandfathered ones, to cover these benefits and services with no cost sharing. (Grandfathered plans are those that existed before March 23, 2010 and that have not made significant coverage changes since.)

With respect to contraception, the act requires policies to cover a 12-month supply of an FDA-approved contraceptive drug, device, or product when prescribed by a licensed physician, physician assistant, or advanced practice registered nurse (APRN). The supply may be dispensed at one time or at multiple times, but an insured person is not entitled to receive a 12-month supply more than once per policy year.

The act generally 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 those provided under an HMO plan. However, only individual policies and group policies covering small employers (up to 50 employees) must cover the 10 essential health benefits. Because of the federal Employee Retirement Income Security Act (ERISA), state insurance benefit mandates do not apply to self-insured benefit plans.

EFFECTIVE DATE: January 1, 2019

§§ 1, 2, 9 & 10 — ESSENTIAL HEALTH BENEFITS

Coverage Requirement

The act requires certain health insurance policies to cover 10 “essential health benefits” and prohibits policies from including annual or lifetime limits on their dollar value.

“Essential health benefits” are health care services and benefits that fall within the following categories:

1. ambulatory patient services;
2. emergency services;
3. hospitalization;
4. maternity and newborn health care;
5. mental health and substance use disorder services, including behavioral health treatment;
6. prescription drugs;
7. rehabilitative and habilitative services and devices;
8. laboratory services;
9. preventive and wellness services and chronic disease management; and
10. pediatric services, including oral and vision care.

Regulations

The act authorizes the insurance commissioner to adopt related regulations. The regulations may specify the health care services and benefits that fall within each essential health benefits category.

Application of Existing Law

Under the act, no existing state law regarding an ACA requirement supersedes this act's essential health benefits requirement that provides greater protection to an insured person, unless the essential health benefits requirement prevents the application of an ACA requirement.

Applicability of Requirement

The act's requirement to cover 10 essential health benefits (§§ 1 & 2) applies to individual and small employer 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 those provided under an HMO plan.

Its prohibition on annual or lifetime limits on the dollar value of essential health benefits (§§ 9 & 10) applies to these individual and small employer group policies and other group health insurance policies delivered, issued, renewed, amended, or continued in Connecticut that cover the expenses and services described above.

The act defines a "small employer" as an employer that employed an average of no more than 50 employees on business days in the preceding calendar year and employs at least one employee on the first day of the policy year. It excludes a sole proprietorship that employs only the sole proprietor or his or her spouse.

Under the act, an employer determines its number of employees by adding the number of full-time employees working at least 30 hours a week and the number of full-time equivalent (FTE) employees, then averaging the total for the calendar year. FTE employees are calculated for each month by dividing by 120 the total number of hours worked during the month by employees working less than 30 hours a week. If an employer did not exist in the preceding calendar year, it determines its number of employees based on the average number of employees it reasonably expects to employ in the calendar year.

§§ 3 & 4 — PREVENTIVE HEALTH SERVICES

Under the act, health insurance policies must cover the following benefits and services if they are evidence-based items and services recommended by the U.S. Preventive Services Task Force (USPSTF) with an "A" or "B" rating as of January 1, 2018:

1. domestic and interpersonal violence screening and counseling for women;
2. tobacco use intervention and cessation counseling for women who use tobacco;
3. well-woman visits for women younger than age 65;
4. breast cancer chemoprevention counseling for women at increased risk for breast cancer due to family history or prior personal history of breast cancer, positive genetic testing, or other indications as determined by the woman's physician or APRN;
5. breast cancer risk assessment, genetic testing, and counseling;
6. screening for chlamydia, cervical and vaginal cancer, gonorrhea, and human immunodeficiency virus for sexually active women;
7. human papillomavirus (HPV) screening for women age 30 or older with normal cytology results;
8. sexually transmitted infections counseling for sexually active women;
9. anemia screening and folic acid supplements for pregnant women and women likely to become pregnant;
10. for pregnant women, hepatitis B screening, urinary tract and other infection screening, rhesus incompatibility screening, and follow-up rhesus incompatibility testing if the women are at increased risk for it;
11. syphilis screening for pregnant women and women at increased risk for syphilis;
12. breastfeeding support and counseling for women who are pregnant or breastfeeding;
13. breastfeeding supplies, including a breast pump, for women who are breastfeeding;
14. gestational diabetes screening for women who are 24- to 28-weeks pregnant and women at increased risk for gestational diabetes; and
15. osteoporosis screening for women age 60 or older.

The act also requires policies to cover the following benefits and services:

1. additional evidence-based items or services not described above that receive an "A" or "B" rating from the USPSTF after January 1, 2018 and
2. evidence-informed preventive care and screenings for infants, children, and adolescents as provided for in guidelines supported by the U.S. Health Resources and Services Administration in effect as of January 1, 2018, and those effective after that date.

§§ 5 & 6 — IMMUNIZATIONS

The act requires health insurance policies that cover prescription drugs to also cover certain immunizations for children, adolescents, and adults. Specifically, they must cover immunizations (1) recommended by the American Academy of Pediatrics, American Academy of Family Physicians, and the American College of Obstetricians and Gynecologists and (2) that have, in effect, a recommendation from the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention with respect to the individual involved. These include, for example, immunizations for influenza, meningitis, tetanus, HPV, hepatitis A and B, measles, mumps, rubella, and varicella.

§§ 7 & 8 — PREVENTIVE SERVICES FOR CHILDREN AND YOUTH

The act requires health insurance policies to cover preventive services for people age 21 or younger in accordance with the most recent edition of the American Academy of Pediatrics' *Bright Futures: Guidelines for Health Supervision of Infants, Children, and Adolescents* or any subsequent corresponding publication. These include services such as behavioral and developmental assessments; iron and fluoride supplements; and screening for autism, vision or hearing impairment, lipid disorders, and tuberculosis.

Existing law, unchanged by the act, requires group health insurance policies to cover preventive pediatric care for a child through age six (CGS § 38a-535).

§§ 11 & 12 — CONTRACEPTIVE BENEFITS AND SERVICES

Required Benefits and Services

Prior state law required health insurance policies that covered FDA-approved outpatient prescription drugs to also cover FDA-approved prescription contraceptive methods.

The act instead requires all affected health insurance policies to cover the following contraceptive benefits and services:

1. all FDA-approved contraceptive drugs, including over-the-counter ones;
2. all FDA-approved contraceptive devices and products, excluding over-the-counter ones;
3. all FDA-approved sterilization methods for women;
4. routine follow-up care concerning FDA-approved contraceptive drugs, devices, and products; and
5. counseling on FDA-approved contraceptive drugs, devices, and products and the proper use of them.

The act allows a policy to require an insured person, before using a prescribed contraceptive drug, device, or product, to use a drug, device, or product the FDA designates as therapeutically equivalent to the prescribed one, unless the prescribing provider determines otherwise.

Additionally, the act requires a policy to cover a 12-month supply of an FDA-approved contraceptive drug, device, or product prescribed by a licensed physician, physician assistant, or APRN, unless the insured person or prescribing provider requests less than a 12-month supply. A 12-month supply may be dispensed once or at multiple times, but an insured person is not entitled to receive a 12-month supply of a contraceptive drug, device, or product more than once per policy year.

Religious Exemption

Similar to prior law, the act allows religious employers and individuals to request in writing to their health carrier (e.g., insurer or HMO) that their policies not cover the contraceptive benefits and services described above if they are contrary to their bona fide religious tenets.

As under existing law, when a policy is written to exclude contraceptive benefits and services, the health carrier must include a notice of the exclusion in the policy, application, and sales brochure.

Also, under existing law, a religious exemption does not allow a policy to exclude coverage of drugs prescribed by a provider for non-contraceptive purposes. The act also extends this to apply to prescription contraceptive devices and products.

PA 18-13—sHB 5205*Insurance and Real Estate Committee***AN ACT CONCERNING THE CONNECTICUT LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION**

SUMMARY: This act makes several changes in the laws governing the Connecticut Life and Health Insurance Guaranty Association (CLHIGA), which pays the valid claims of policyholders and certain other claimants when a member insurer defaults, generally up to a statutory maximum of \$500,000 per individual and \$5 million per plan sponsor for certain unallocated insurance contracts. These claims are paid through assessments on member insurers. The act:

1. requires health care centers (i.e., HMOs) to participate in CLHIGA, which (a) broadens the scope of members who are assessed for an impairment or insolvency and (b) requires CLHIGA to cover HMO members and enrollees for impairment or insolvency;
2. equalizes the assessments for long-term care (LTC) insurer insolvencies between (a) accident and health insurers and (b) life and annuity insurers;
3. excludes from coverage Medicaid benefits and certain financial contracts and structured settlements;
4. increases the potential size of the association's board of directors;
5. extends CLHIGA protection to government entities; and
6. makes several other related changes.

The act also makes numerous minor, technical, and conforming changes.

EFFECTIVE DATE: July 1, 2018, with certain coverage and assessment provisions applicable to impairments and insolvencies occurring on or after that date.

§ 2 — NEW COVERAGE EXCLUSIONS

The act excludes from CLHIGA coverage:

1. individuals who acquired rights to receive payment through structured settlement factoring transactions (e.g., an exchange of annuity rights for a lump sum payment), regardless of the transaction's effective date;
2. structured settlement annuity benefits transferred in a factoring transaction, regardless of the transaction's effective date;
3. any portion of policies or contracts for which federal or state law preempts guaranty association assessments; and
4. Medicaid benefits.

§§ 3 & 4 — HEALTH CARE CENTERS

By law, CLHIGA generally covers policies and contracts that are issued by its members and meet certain other conditions. The act (1) requires HMOs to be member insurers as a condition of conducting health care center business in the state and (2) expands CLHIGA coverage to HMO members and enrollees. Under the act, health insurance covered under CLHIGA includes an HMO subscriber contract or certificate. It also makes conforming changes throughout the statutes.

§ 5 — BOARD OF DIRECTORS

The act increases the (1) minimum number of board members from 5 to 7 and (2) maximum number of board members from 9 to 11. In practice, there are 9 member insurers on the CLHIGA board, excluding the insurance commissioner who serves as non-voting ex-officio member under the board's operating plans.

§ 6 — ALTERNATE POLICIES FOR INSOLVENT INSURER GROUP POLICIES

Reissuing Policies and Providing Alternate Coverage

By law, an insolvent insurer's policies terminate no more than 45 days for group policies or one year for nongroup policies after the insurer is ordered liquidated. By law, CLHIGA must (1) guarantee, assume, or reinsure an insolvent insurer's policies and contracts or otherwise assure payment of its obligations or (2) issue an alternative policy or otherwise provide the benefits and coverages that would have been payable under the policies or contracts while maintaining the same premium.

The act allows CLHIGA to fulfill the first requirement by reissuing the insolvent insurer's policies. It also eliminates, if an insurer issues alternate policies, the requirement that the alternative coverage be offered at the same premium.

The act also allows CLHIGA to reissue an impaired insurer's policies.

Setting Rates for Alternative Coverage

For certain group policies and contracts issued by the insolvent insurer that gave an insured the right to convert to individual coverage or continue a policy or annuity until a specific time during which the insurer was prohibited from making unilateral changes, the act allows CLHIGA to offer alternative coverage at actuarially justified rates (presumably instead of the premium rate previously charged to the insured by the insolvent insurer).

Under the act, alternative policies adopted by the association need the insurance commissioner's approval instead of approval from the receivership court and the insurance commissioner of the insurer's domiciled state, as under prior law.

The act makes a similar change to reissued policies. If CLHIGA reissues terminated coverage at a new premium rate, the new rate must be (1) actuarially justified in relation to the amount of insurance or coverage provided and (2) approved by the insurance commissioner, instead of the receivership court and the insurance commissioner of the insured's domiciled state.

The act also allows the association, unless otherwise prohibited by law and for any coverage it provides, to file for an actuarially justified rate increase as long as the increase is in accordance with the policy's or contract's terms and conditions.

§ 6 — RIGHTS UNDER REINSURANCE

By law, CLHIGA may succeed to any insolvent or impaired member insurer's rights and obligations that accrue on or after the date CLHIGA becomes responsible for its obligations. Under the act, the association has no rights or obligations under a reinsurance contract if it does not elect to assume such contract's obligations within a year. If the association transfers its obligations to an assuming reinsurer, it must notify the affected reinsurer at least 30 days before the transfer.

By law, CLHIGA's obligations to an impaired or insolvent insurer cease after a reinsurance agreement is ceded to an assuming insurer. The act eliminates a provision that exempts CLHIGA from existing reinsurance requirements if it expressly determines, in writing, that it will not transfer its obligations to an assuming insurer. Under prior law, this provision superseded any state law or reinsurance agreement that requires a payment on reinsurance proceeds due to losses or events occurring after CLHIGA assumes an insolvent insurer's obligation. Under the act, the provision instead supersedes any such law or agreement requiring payment after a liquidation order.

The act also specifies that provisions relating to CLHIGA powers and obligations do not (1) limit or affect the association's rights as a creditor of an estate or (2) apply to property and casualty risks.

§ 7 — EQUALIZED ASSESSMENTS FOR LONG TERM CARE (LTC) INSURANCE

By law, CLHIGA may assess its members for (1) administrative costs and general expenses ("Class A" assessments) and (2) costs necessary to carry out the association's duties to guarantee an impaired or insolvent insurer's obligations ("Class B" assessments). By law, Class B assessments are allocated among the association's two accounts: the health insurance account (which the act renames the "health account") and the life insurance account. Member assessments are generally proportional to the premiums they receive in the relevant lines of insurance.

The act requires Class B assessments related to LTC insurance to be allocated (1) separately from other Class B assessments and (2) evenly between (a) accident and health member insurers and (b) life and annuity member insurers. The act requires the allocation to be according to a methodology included in the plan of operation which the association, by law, must prepare and submit to the insurance commissioner for approval.

OTHER CHANGES

Interest on Returned Assessments (§ 7)

By law, member insurers may protest an assessment, and if successful, receive a refund on any erroneously paid amounts. The act requires CLHIGA to pay interest on returned assessments at the rate it was earned to any insurer that successfully appealed, instead of any member that protests, as under prior law.

Recovery of Assessments (§ 8)

Under the act, a stockholder distribution of an impaired insurer is prohibited until all of CLHIGA's valid claims have been recovered with interest, instead of until CLHIGA recoups the total assessment amount, as under prior law. The act also extends this prohibition to insolvent insurers.

The act also applies, to insolvent rather than impaired insurers, provisions on (1) distributing ownership rights during liquidation, rehabilitation, or conservation proceedings and (2) the maximum amount of distributions recoverable by an appointed receiver.

Interest Rate Limitations and LTC Riders (§ 2)

The law limits CLHIGA coverage in certain circumstances, including when a portion of a policy or contract included an interest rate that exceeds statutory limits. The act excludes any health insurance or LTC insurance policies from this coverage limitation.

The act also requires CLHIGA, when determining coverage, to consider an LTC rider on a life insurance policy or annuity contract as the same type of benefits provided by the underlying policy (e.g., a LTC rider on a life insurance policy would be considered, for coverage purposes, a life insurance benefit).

Health Care Providers (§ 2)

The act also specifies that health care providers rendering services under a health insurance policy or contract covered by CLHIGA are eligible for coverage (e.g., reimbursement for services rendered).

PA 18-41—sHB 5384

Insurance and Real Estate Committee

AN ACT CONCERNING PRESCRIPTION DRUG COSTS

SUMMARY: This act makes several changes related to prescription drugs, pharmacy benefit managers (PBMs), and health carriers (e.g., insurers and HMOs). Among other things, it requires:

1. PBMs to report information about drug formulary rebates to the insurance commissioner, who must report aggregated data to the Insurance and Real Estate Committee;
2. health carriers to submit to the insurance commissioner, and the commissioner to report to the Insurance and Real Estate Committee, information on covered outpatient prescription drugs, including the most frequently prescribed drugs and those provided at the greatest cost;
3. health carriers to certify to the commissioner that they account for all rebates when calculating plan premiums and the commissioner to publicly release a report describing health carrier rebate practices; and
4. health carriers offering individual and small employer group health insurance plans and HMOs to include information on covered outpatient prescription drugs and account for all rebates when filing rates.

The act also requires:

1. entities responsible for prescription drug clinical trials (i.e., sponsors) to notify the Office of Health Strategy (OHS) when they file certain applications for new drugs and
2. OHS to annually identify up to 10 outpatient prescription drugs provided at substantial state cost or critical to public health and the manufacturers of identified drugs to report financial and related information to OHS.

The act also makes minor, technical, and conforming changes.

EFFECTIVE DATE: January 1, 2020

§ 2 — PHARMACY BENEFIT MANAGERS

PBM Reporting

The act requires PBMs, beginning by March 1, 2021, to annually report certain rebate information to the insurance commissioner. Under the act, a “rebate” is a discount or concession impacting the price of an outpatient prescription drug that a manufacturer provides to a health carrier or PBM, excluding bona fide service fees.

A PBM must report specific rebate information pertaining to health carriers that delivered, issued, renewed, amended, or continued a health care plan that included a pharmacy benefit the PBM managed during the prior calendar

year. The report must provide the aggregate amount of:

1. drug formulary rebates the PBM collected from pharmaceutical manufacturers of covered outpatient prescription drugs attributable to patient utilization and
2. all rebates, excluding any portion of rebates described above that were received by health carriers.

Under the act, the insurance commissioner must, after consulting with PBMs, establish a single, standardized form for reporting this information in a way that minimizes the administrative burden and cost to both PBMs and the Insurance Department.

Regulations and Penalty

The act authorizes the commissioner to (1) adopt implementing regulations and (2) impose a penalty of up to \$7,500 on PBMs per violation of the reporting requirements.

Report to the Insurance and Real Estate Committee

The commissioner must annually, beginning by March 1, 2022, report an aggregation of the information submitted by PBMs described above and any other information she deems relevant to the Insurance and Real Estate Committee. Beginning by February 1, 2022, the commissioner must annually provide each PBM and any third party impacted by the report's submission with a description of the report's contents.

Confidentiality

The act exempts the rebate information submitted to the commissioner from disclosure under the Freedom of Information Act (FOIA), except to the extent it is aggregated and included in the commissioner's report described above. The act also prohibits the commissioner from disclosing the information in a way that:

1. enables a third party to identify a health care plan, health carrier, PBM, pharmaceutical manufacturer, or the value of a rebate provided for a particular outpatient prescription drug or therapeutic class of outpatient prescription drugs or
2. is likely to compromise the information's financial, competitive, or proprietary nature.

§§ 3 & 5 — HEALTH CARRIERS' PRESCRIPTION DRUG REPORTING

Health Carrier Reporting (§ 3)

The act requires each health carrier that delivers, issues, renews, amends, or continues a health care plan on or after January 1, 2021, to submit certain information about the plan to the insurance commissioner for the preceding calendar year. A carrier must submit the information when it submits the plan's rate filing. Under the act, the information a carrier must submit includes the following:

1. for covered outpatient prescription drugs prescribed under the plan, the 25 (a) most frequently prescribed outpatient prescription drugs; (b) outpatient prescription drugs covered at the greatest annual cost, according to the plan's total annual outpatient drug spending; (c) outpatient prescription drugs with the greatest increase in annual cost compared to the prior year; and (d) most frequently prescribed outpatient drugs for which the health carrier received pharmaceutical manufacturer rebates;
2. the portion of the premium attributable to outpatient brand name, generic, and specialty drugs prescribed under the plan and the annual increase in the total annual cost of such drugs, calculated on a per member per month basis and expressed as a percentage;
3. a comparison, calculated on a per member per month basis, of the year-over-year increase in the cost of covered outpatient drugs to the year-over-year increase in the costs of other plan premium components; and
4. the names of each specialty drug covered during the year.

The act authorizes the commissioner to adopt implementing regulations.

Insurance Commissioner Report to Insurance and Real Estate Committee (§ 5)

Beginning by March 1, 2022, the commissioner must annually submit a report to the Insurance and Real Estate Committee that (1) aggregates the information and data she received from the carriers for the prior year, (2) describes the impact of outpatient prescription drug costs on health insurance premiums in Connecticut, and (3) includes any other information she deems relevant to the cost of outpatient prescription drugs in Connecticut.

§§ 4 & 6 — REBATES

Health Carrier Certification (§ 4)

The act requires health carriers, beginning March 1, 2022, to annually certify to the commissioner, in a form and manner she prescribes, that they accounted for all rebates when calculating premiums for plans delivered, issued, renewed, amended, or continued in the previous year.

Insurance Commissioner Rebate Practices Reports (§ 6)

Beginning by March 1, 2021, the commissioner must annually prepare a report describing health carrier rebate practices for the prior year. The report must contain (1) an explanation of how carriers accounted for rebates when calculating premiums, (2) a statement disclosing whether and how carriers made rebates available to insureds at the point of purchase, (3) any other way carriers applied rebates, and (4) any other information the commissioner deems relevant. The report must be published on the department's web site.

§§ 7-9 — HMOS, INDIVIDUAL HEALTH INSURANCE PLANS, AND SMALL EMPLOYER GROUP HEALTH INSURANCE PLANS

The act requires HMOs, when submitting rate filings to the commissioner, to include the prescription drug information listed above in § 3 of the act (e.g., the 25 most frequently prescribed outpatient drugs). It similarly requires health carriers to include this information when filing individual and small employer group health insurance plans.

Additionally, the act requires HMOs and individual and small employer group health insurance carriers to account for all rebates when calculating premium rates offered on or after January 1, 2021.

The act also allows, rather than requires, the commissioner to adopt regulations establishing a procedure for reviewing individual policies.

§ 10(b) — DRUG AND BIOLOGIC APPLICATION REPORTING

Beginning January 1, 2020, the act requires a sponsor to submit to OHS, in a form and manner it specifies, written notice when it files with the U.S. Food and Drug Administration (FDA):

1. an application for a new drug or biologics license for a pipeline drug, within 60 days after receiving an action date from the FDA or
2. a biologics license application for a biosimilar drug, within 60 days of receiving an action date from the FDA.

A "biologics license application" is an application to use a biologic filed in accordance with federal regulations. (Generally, a biologic is a drug manufactured from living organisms.) A "pipeline drug" is one that contains a new molecular entity for which the sponsor has filed an application with, and received an action date from, the FDA.

§ 10(c) — STATE IMPACT STUDY

Pipeline Drugs

Beginning January 1, 2020, the act allows OHS's executive director to study, with the comptroller's assistance and no more often than annually, each pharmaceutical manufacturer of a pipeline drug that, in the executive director's opinion and in consultation with the comptroller and social services commissioner, may have a significant impact on state outpatient prescription drug expenditures. OHS may work with the comptroller to use existing state resources or contracts, or contract with a third party, including an accounting firm, to conduct the study.

Each manufacturer being studied must submit to OHS or its contractor, the following information pertaining to the pipeline drug:

1. the primary disease, condition, or therapeutic area studied in connection with the drug and whether the drug is therapeutically indicated for it;
2. each administration route studied for the drug;
3. clinical trial comparators (generally, an existing drug currently used to treat the disease or condition against which the new drug's efficacy can be compared), if applicable;
4. estimated market entry year;
5. whether the FDA has designated it as an orphan drug, a fast track product, or a breakthrough therapy; and
6. whether the FDA has designated the drug for accelerated approval and, if it contains a new molecular entity, for

priority review.

Applicable Pipeline Drugs

Under the act, an “orphan drug” is a drug intended to treat a rare disease or condition. A “fast track product” is a drug deemed by the U.S. Health and Human Services (HHS) secretary to (1) treat a serious or life-threatening disease or condition and address unmet medical needs for the disease or condition or (2) qualify as an infectious disease product. A “breakthrough therapy” is a drug deemed by the HHS secretary to treat a serious or life-threatening disease or condition for which preliminary clinical evidence indicates that it may demonstrate substantial improvement over existing therapies.

Accelerated Approval

“Accelerated approval” is an expedited application process for a drug the HHS secretary determines is likely to predict clinical benefits or benefits that can be measured on a clinical endpoint before irreversible morbidity or mortality. “Priority review” is a designation assigned to applications for drugs that treat serious conditions and provide significant improvements in the safety or effectiveness of the treatment, diagnosis, or prevention of serious conditions compared to available therapies.

§ 10(d) — DRUGS WITH SUBSTANTIAL COSTS TO THE STATE

Beginning by March 1, 2020, the act requires OHS’s executive director, in consultation with the comptroller and the social services and public health commissioners, to annually prepare a list of up to 10 outpatient prescription drugs that the executive director determines are (1) provided at substantial cost to the state, considering the drugs’ net cost, or (2) critical to public health. The list must include outpatient prescription drugs from different therapeutic classes and at least one generic outpatient prescription drug. However, it cannot include an outpatient prescription drug unless the wholesale acquisition cost, less all associated rebates paid to the state during the prior year, (1) increased by at least 20% over the prior year or 50% over the prior three years and (2) was at least \$60 for a 30-day supply or a course of treatment lasting under 30 days.

The pharmaceutical manufacturer of an outpatient prescription drug on the list must provide to OHS, in a form and manner the executive director specifies:

1. for the most recent year for which final audited data are available, aggregate company-level research and development costs and other capital expenditures that the OHS executive director deems relevant and
2. a written, narrative description of all factors that contributed to the drug's cost increase, suitable for public release.

The act specifies that the quality and types of information and data that a manufacturer submits must be consistent with the quality and types of information submitted in the manufacturer's annual consolidated report (i.e., Security and Exchange Commission Form 10-K) or any other public disclosure.

The act requires OHS, after consulting with pharmaceutical manufacturers, to establish a single, standardized form for reporting the required information that minimizes the administrative burden and cost of reporting on OHS and manufacturers.

§§ 10(e) & (f) — PENALTY AND REGULATIONS

The act allows OHS to impose a penalty of up to \$7,500 on a pharmaceutical manufacturer or sponsor for each violation of the provisions relating to drug and biologic reporting, the state impact study, and the substantial state cost list. It also authorizes OHS to adopt implementing regulations.

§ 11 — ACCESSIBLE INSURANCE INFORMATION

By law, insurers, HMOs, hospital or medical service corporations, and fraternal benefit societies that deliver, issue, renew, amend, or continue specific health insurance policies in Connecticut must make certain benefit information available to consumers in an easily readable and understandable format. The act requires the information to (1) also be accessible and (2) include information about any process available to consumers, and all documents necessary, to seek coverage of a noncovered outpatient prescription drug.

These provisions apply to individual and group health insurance policies that cover (1) basic hospital expenses; (2) basic medical-surgical expenses; (3) major medical expenses; or (4) hospital or medical services, including those provided under an HMO plan.

PA 18-43—sSB 206

Insurance and Real Estate Committee

AN ACT AUTHORIZING PREGNANCY AS A QUALIFYING EVENT FOR SPECIAL ENROLLMENT PERIODS FOR CERTAIN INDIVIDUALS

SUMMARY: This act requires certain health insurance plans to provide a special enrollment period to pregnant women who do not have insurance that covers the federal Affordable Care Act’s (ACA) minimum essential health benefits or otherwise meets state law’s minimum coverage requirements. A special enrollment period is a time outside of open-enrollment when eligible individuals may apply for health insurance.

Under the act, the special enrollment period must be offered to a woman within 30 days after her pregnancy began, as certified by a licensed health care provider acting within his or her scope of practice, and coverage must begin on the first of the month in which she receives the certification.

The act applies to all individual health plans subject to the ACA; individual health plans offered by health care centers (i.e., HMOs); and hospital and medical service corporation contracts offered to individuals. However, it does not apply to (1) group hospitalization, medical, and surgical insurance plans (i.e., group health insurance plans); (2) certain group plans procured by the comptroller; or (3) fully insured municipal group health insurance plans.

The act also (1) does not prohibit anyone from enrolling in an individual health insurance policy on or off the health insurance exchange and (2) makes conforming changes, including requiring plans subject to the ACA to conform special enrollment periods to federal requirements.

EFFECTIVE DATE: January 1, 2019

PA 18-68—SB 375

Insurance and Real Estate Committee

AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL AND OTHER CHANGES TO THE INSURANCE STATUTES

SUMMARY: This act makes various technical corrections in the insurance statutes.

EFFECTIVE DATE: October 1, 2018.

PA 18-69—SB 376

*Insurance and Real Estate Committee
Appropriations Committee*

AN ACT CONCERNING HEALTH INSURANCE COVERAGE FOR PROSTHETIC DEVICES

SUMMARY: This act requires certain health insurance policies to cover prosthetic devices, and medically necessary repairs and replacements to them, subject to specified conditions. It defines a “prosthetic device” as an artificial device to replace all or part of an arm or leg, including one with a microprocessor if the patient’s health care provider determines it is medically necessary. It excludes a device that is designed exclusively for athletic purposes.

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; and (4) hospital or medical services, including those provided under an HMO plan. Due to the federal Employee Retirement Income Security Act (ERISA), state insurance benefit mandates do not apply to self-insured benefit plans.

EFFECTIVE DATE: January 1, 2019

PROSTHETIC DEVICES

Coverage Required

Under the act, insurance coverage for a prosthetic device must be at least equivalent to the coverage Medicare provides for such devices. (Medicare generally covers 80% of the cost of prostheses, after the patient pays his or her annual deductible.) The act allows a policy to limit coverage to a device that the patient’s health care provider determines

is most appropriate to meet his or her medical needs.

The act also requires policies to cover repairs or replacements of prosthetic devices that the patient's health care provider determines are medically necessary, but not those needed because of misuse or loss.

Out-of-Pocket Expenses

The act prohibits a policy from imposing a coinsurance, copayment, deductible, or other out-of-pocket expense for a prosthetic device that is more restrictive than that imposed on most other policy benefits. However, the prohibition concerning deductibles does not apply to high deductible plans designed to be compatible with federally qualified health savings accounts.

Durable Medical Equipment

The act prohibits a policy from considering a prosthetic device as durable medical equipment (DME). Thus, the amount covered will not count toward a DME maximum under the policy.

Prior Authorization

The act allows a policy to require prior authorization for prosthetic devices, but only in the same manner and to the same extent as it requires it for other policy benefits.

BACKGROUND

Related Federal Law

Under the federal Patient Protection and Affordable Care Act (P.L. 111-148, § 1311(d)(3)), a state may require health plans sold through the state's health insurance exchange to offer benefits beyond those included in the required essential health benefits, provided the state defrays the cost of those additional benefits. The requirement applies to state benefit mandates enacted after December 31, 2011. The state must pay the insurance carrier or enrollee to defray the cost of any new benefits it mandates after that date.

PA 18-105—sHB 5204

Insurance and Real Estate Committee

AN ACT CONCERNING LAW AND ORDINANCE COVERAGE

SUMMARY: This act requires fire insurance policies and contracts (e.g., homeowners insurance policies) that do not use the standard fire insurance form to cover repair or reconstruction costs incurred due to laws or ordinances regulating such work (e.g., the increased cost of repair required to bring a property into compliance with the building code).

By law, fire insurance policies and contracts must generally comply with the standard fire insurance form requirements specified in CGS § 38a-307. However, existing law allows insurers to issue a policy or contract that does not comply with the standard form if it meets certain criteria. The act requires such a policy or contract to provide law and ordinance coverage, up to the limit specified in the policy.

EFFECTIVE DATE: July 1, 2019, and applicable to policies made, issued, or delivered on or after that date.

PA 18-108—sHB 5203

Insurance and Real Estate Committee

AN ACT CONCERNING ELECTRONIC PROOF OF AUTOMOBILE INSURANCE

SUMMARY: This act allows a person to present his or her automobile insurance identification card electronically on a cell phone or other electronic device, instead of in paper form, to law enforcement officers and the Department of Motor Vehicles (DMV) commissioner.

Under the act, officers and the commissioner cannot view any other content on the device, and presenting the card electronically does not give consent for them to view any other content. Additionally, the act exempts the state, a

municipality, and state or municipal agencies or their employees from liability for any damage to a device provided to an officer or the commissioner to display an automobile insurance identification card electronically.

The act also allows the DMV commissioner to require insurers to notify him monthly on a date he chooses, of the automobile insurance policies issued during the preceding month. Existing law already allows him to require insurers to notify him of policy cancellations during the preceding month and records of insurance policies in effect. DMV uses this information to determine if a registered vehicle owner has maintained automobile insurance continuously as required by law.

Lastly, the act makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2018

BACKGROUND

Automobile Insurance Identification Card Required

By law, a person must present an automobile insurance identification card when, among other things, (1) requested to do so by a law enforcement officer (CGS § 14-217) or (2) registering a motor vehicle (CGS § 14-12b).

The law also requires insurers to issue identification cards in duplicate for each insured vehicle (CGS § 38a-364) and one card to be carried in the motor vehicle when it is operated on a public highway (CGS § 14-13). Failure to carry one in the vehicle is an infraction, subjecting the violator to a \$50 fine.

PA 18-115—sHB 5383

Insurance and Real Estate Committee

AN ACT CONCERNING DISPUTES BETWEEN HEALTH CARRIERS AND PARTICIPATING PROVIDERS THAT ARE HOSPITALS

SUMMARY: This act requires certain health carriers and hospitals involved in a contract dispute to continue to abide by the terms of their contract, including reimbursement terms, for 60 days after it expires or terminates. The act applies to contracts entered into, renewed, amended, or continued on or after July 1, 2018, between a health carrier and a participating provider hospital (i.e., a hospital that contracts with the carrier to be “in network”) or the hospital’s parent corporation. For parties not agreeing otherwise, the act requires the reimbursement terms of any new or renewed contract executed within the 60-day period to be retroactive to the date the original contract ended.

Health carriers and hospitals that mutually agree in writing to not renew or terminate a contract are exempt from the 60-day requirement as long as they provide the statutory notification, which includes making a good faith effort to notify all impacted patients in writing at least 30 days before the nonrenewal or termination.

The act also increases, from 60 to 90 days, the amount of advanced written notice a health carrier and participating provider must provide to each other before the carrier removes a provider from, or the provider leaves, the network, including in cases resulting from contract termination.

EFFECTIVE DATE: July 1, 2018

PA 18-151—sSB 377

Insurance and Real Estate Committee

AN ACT AUTHORIZING AGENCY CAPTIVE INSURANCE COMPANIES

SUMMARY: Existing law allows several different types of captive insurance companies to be licensed and domiciled in Connecticut, including pure captives, sponsored captives, and risk retention groups. This act creates a new type of captive insurer, called an agency captive, which allows licensed insurance agents and producers to insure against risks covered by the policies they sell. Generally, a captive insurer is an insurance company formed to insure or reinsure the risks of its owners or parent or affiliated company.

Under the act, an “agency captive insurance company” is a type of captive insurance company that (1) is owned or controlled by licensed insurance agents or producers; (2) insures only against commercial risks covered by insurance policies sold, solicited, or negotiated through its owners or controllers; and (3) does not insure against any risks covered by a health insurance plan.

By law, captive insurers are subject to certain licensing, reporting, and regulatory requirements, in addition to capital and surplus minimums and premium tax provisions. The act generally subjects agency captive insurers to these requirements.

The act also makes technical changes.

EFFECTIVE DATE: July 1, 2018

AGENCY CAPTIVE INSURER REQUIREMENTS

Incorporation

The act allows an agency captive insurer to incorporate as a (1) stock insurer with its capital divided into shares and held by stockholders, (2) nonprofit corporation, or (3) manager-managed limited liability company.

Unimpaired Paid-In Capital and Surplus

Existing law requires captive insurance companies to maintain a minimum amount of unimpaired and paid-in capital and surplus in order to obtain a license from the insurance commissioner. Under the act an agency captive insurer must maintain at least \$500,000 in unimpaired paid-in capital and surplus as a condition of licensure.

By law, the insurance commissioner, at her discretion, may allow any type of captive insurer, except a risk retention group, to maintain less than the statutorily required unimpaired paid-in capital and surplus. In doing so, the commissioner must consider the type, volume, and nature of the insurer or reinsurer's business (CGS § 38a-91dd(c)).

Licensed in Good Standing

The act requires an agent or producer that owns or controls an agency captive insurer to be licensed in good standing in Connecticut and any other state in which he or she is licensed as an agent or producer.

Disclosures

The act establishes disclosure requirements for agency captive insurers. Specifically, it requires them to disclose to:

1. each commercial policy holder, in writing and in a form and manner the insurance commissioner prescribes, any limitations, rights, and obligations the captive holds or is subject to as a result of its affiliation with the insurance agents and producers that own or control it and
2. the insurance commissioner, at her discretion, the commercial policies the insurer covers.

Risk Security Arrangements

The act authorizes the commissioner to require agency captive insurers to obtain security arrangements that secure or otherwise insure their risk. Specifically, the commissioner may require all risks insured by an agency captive insurer to be:

1. fronted by an insurer authorized in any state to issue the same type of insurance as the captive;
2. reinsured by a reinsurer authorized or approved to conduct business in Connecticut;
3. secured by a trust established in the United States, in a form and upon terms the commissioner approves, for the benefit of policy holders and claimants; or
4. funded by (a) an irrevocable letter of credit, from a bank and in a form and upon terms the commissioner approves, or (b) another commissioner-approved arrangement.

Under the act, the commissioner may require an agency captive insurer to increase the funding of any of the above security arrangements.

PA 18-158—sHB 5206

Insurance and Real Estate Committee

AN ACT CONCERNING INSURANCE ISSUES

SUMMARY: This act makes numerous unrelated changes in the insurance statutes. Specifically, it:

1. allows the insurance commissioner to require persons to file or submit documents electronically, unless granted an exception (§ 1);
2. requires a non-domestic insurer to obtain the commissioner's approval to change its domicile to Connecticut (§ 2);
3. requires fraternal benefit societies to comply with the National Association of Insurance Commissioners' (NAIC) valuation manual, which sets solvency standards (§ 3);
4. exempts contingent deferred annuities from the law's nonforfeiture requirements and authorizes the commissioner to adopt regulations to prescribe nonforfeiture benefits for such annuities (§§ 4 & 5);
5. specifies that the filing fee for a fraternal benefit society's annual statement is \$20 (§§ 6-8);
6. expressly requires an insurer's "present or former" officers, managers, directors, trustees, owners, employees, or agents to cooperate with the commissioner during a receivership proceeding (§ 9);
7. removes obsolete provisions from the receivership statutes (§§ 10 & 19);
8. adds the University of Connecticut president, or her designee, to the insurance industry workforce taskforce (§ 11), and
9. allows certain insurance notices, with the insured's consent, to be sent electronically (§§ 12-17).

The act also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2018, except the sections on electronic filings and the insurance industry task force are effective upon passage; the section on insurers' domiciliary state is effective July 1, 2018; and the sections on electronic notification are effective October 1, 2019.

§ 1 — ELECTRONIC FILINGS

The act authorizes the insurance commissioner to require any person who must file or submit documents to her to do so electronically. A person may request an exception, which the commissioner must grant if she determines that good cause exists or filing electronically is impractical or would cause undue hardship for the person.

§ 2 — INSURER DOMICILIARY STATE

Under the act, a non-domestic insurer (i.e., one organized under the laws of another state) that is admitted to do business in Connecticut may become a domestic insurer only with the insurance commissioner's approval.

Under prior law, an insurer re-domesticated by complying with applicable Connecticut laws and designating a principal place of business in the state. The act instead requires an insurer who, with the commissioner's approval, changes its domiciliary state to Connecticut to (1) comply with all applicable Connecticut laws, (2) designate a principal place of business in the state, and (3) provide the commissioner with any documents or information she may reasonably require.

If the commissioner is satisfied that the insurer will be in compliance with state laws and its business is consistent with prospective insureds' and the public's interests, she may issue a new license to the insurer to reflect its domicile change. At that point, as under existing law, the insurer will be subject to the state's authority and jurisdiction and may amend its articles of incorporation accordingly.

§ 3 — NAIC VALUATION MANUAL

The act requires fraternal benefit societies to comply with the NAIC valuation manual. Under prior law, a fraternal benefit society was exempt from the requirement, unless it chose otherwise.

By law, accident and health and life insurers and those that write or have authority to write deposit-type contracts must use the NAIC valuation manual for determining the value of their reserves.

§§ 4 & 5 — CONTINGENT DEFERRED ANNUITIES

Consistent with the NAIC's *Standard Nonforfeiture Law for Individual and Deferred Annuities*, the act exempts contingent deferred annuities (CDAs) from the current nonforfeiture requirements. It also authorizes the commissioner to

prescribe nonforfeiture requirements for CDAs by regulation that, in her opinion, are equitable to the annuity holders; appropriate given the risks insured; and, to the extent possible, consistent with the general intent of the standard nonforfeiture law.

A CDA is a new annuity product designed to offer longevity risk protection, for which the policyholder, instead of the insurer, chooses the underlying investment vehicle.

A nonforfeiture benefit is generally the benefit that accrues to an insured or annuity contract holder when a policy or annuity lapses from nonpayment of premium or other consideration.

§§ 6-8 — FRATERNAL BENEFIT SOCIETY ANNUAL STATEMENT FILING FEE

The act removes an inconsistency in prior law that established the filing fee a fraternal benefit society must pay when filing its annual statement with the insurance commissioner. Under the act, the fee is \$20. (Prior law required conflicting \$20 and \$10 fees; in practice, the department collects a \$20 fee.)

§ 9 — COOPERATION OF OFFICERS DURING RECEIVERSHIP

By law, officers, managers, directors, trustees, owners, employees, or agents of an insurer and other people with authority over the insurer's affairs must cooperate with the commissioner during a receivership proceeding or related preliminary proceeding. The act expressly provides that people who presently or formerly held such positions must cooperate.

The law defines cooperation as replying promptly in writing to the commissioner's inquiry and making available any books, accounts, documents, or other information or records pertaining to the insurer that are in the person's possession.

By law, anyone who does not cooperate as required may be fined up to \$10,000, imprisoned up to one year, or both. Also, after a hearing, a person who does not cooperate may be subject to a civil penalty of up to \$25,000 and the revocation or suspension of any insurance licenses issued by the commissioner.

§§ 12-17 — ELECTRONIC NOTIFICATIONS

The act allows the following insurance documentation to be sent electronically, if the insured consents:

1. property and casualty insurers' nonrenewal, third party designation, or cancellation notices;
2. professional liability insurers' rate increase request notices to physicians, surgeons, hospitals, advanced practice registered nurses, or physician assistants; and
3. an insured's contract cancellation with a public adjuster.

§ 18 — DENTAL INSURANCE CONTRACTS

The act makes changes in sSB 207 (2018), which relates to dental insurance contract reimbursements and virtual credit cards but did not pass. As a result, this section has no legal effect.

PA 18-159—sHB 5208

*Insurance and Real Estate Committee
Appropriations Committee*

AN ACT CONCERNING MAMMOGRAMS, BREAST ULTRASOUNDS AND MAGNETIC RESONANCE IMAGING OF BREASTS

SUMMARY: This act expands the types of breast imaging services that certain health insurance policies must cover. It does so by defining "mammogram" as a mammographic examination or breast tomosynthesis, including any procedure with one of 13 specific Healthcare Common Procedure Coding System (HCPCS) billing codes or any subsequent corresponding codes.

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 those provided under an HMO plan. It also applies to individual policies providing limited health benefits.

By law, these policies must cover baseline mammograms for women age 35 through 39 and annual mammograms for women age 40 or older. The federal Affordable Care Act prohibits certain health insurance policies from imposing copays

or deductibles for mammograms conducted according to national guidelines.

EFFECTIVE DATE: January 1, 2019

MAMMOGRAM DEFINITION

The act defines “mammogram” to include 13 HCPCS codes and any subsequent corresponding codes. Table 1 below lists the included codes and a description of what each covers.

HCPCS is a set of billing codes used by Medicare and overseen by the federal Centers for Medicare and Medicaid Services. It is based on current procedural technology codes developed by the American Medical Association.

Table 1: HCPCS Codes for Mammograms

<i>Code Listed In Act</i>	<i>Description</i>
77051 77065 77066	Computer-aided detection (computer algorithm analysis of digital image data for lesion detection) with further review for interpretation, with or without digitization of film radiographic images; diagnostic mammography
77052 77067	Computer-aided detection with further review for interpretation, with or without digitization of film radiographic images; screening mammography
77055	Mammography; unilateral (one breast)
77056	Mammography; bilateral (both breasts)
77057	Screening mammography, bilateral (two-view study of each breast)
77063	Screening digital breast tomosynthesis, bilateral
G0202	Screening mammography, producing direct digital image, bilateral, all views
G0204	Diagnostic mammography, including computer-aided detection when performed; bilateral
G0206	Diagnostic mammography, including computer-aided detection when performed; unilateral
G0279	Diagnostic digital breast tomosynthesis, unilateral or bilateral

PA 18-160—sHB 5209

Insurance and Real Estate Committee

AN ACT IMPOSING A SURCHARGE ON CERTAIN INSURANCE POLICIES AND ESTABLISHING THE HEALTHY HOMES FUND

SUMMARY: This act imposes a \$12 surcharge on the named insured under certain homeowners insurance policies issued over the next 11 years and authorizes the insurance commissioner to adopt implementing regulations. Revenue from the surcharge is deposited into the Healthy Homes Fund, which the act establishes.

Under the act, 85% of the surcharges collected, after subtracting an amount to cover the cost of an Insurance Department employee to facilitate collection, must be deposited into the Crumbling Foundations Assistance Fund to assist homeowners with concrete foundations damaged by the presence of pyrrhotite. The remaining 15% must be used by the Department of Housing (DoH) to fund:

1. grants, up to a total of \$1 million, from the Department of Economic and Community Development (DECD) to certain homeowners in New Haven and Woodbridge with structural damage from subsidence or water infiltration; and
 2. lead, radon, and other contaminant abatement activities, including necessary administrative expenses. (PA 18-179 limits these particular funds to lead removal, remediation, and abatement only. See “Related Acts” below.)
- EFFECTIVE DATE: January 1, 2019, for the insurance surcharge provisions, and applicable to policies delivered, issued, or renewed on or after that date; and upon passage for the Healthy Homes Fund provisions.

INSURANCE SURCHARGE

Applicability

The act imposes a \$12 surcharge on the named insured under each homeowners insurance policy delivered, issued, renewed, amended, or endorsed between January 1, 2019, and December 31, 2029. The surcharge applies to policies on residential dwellings with four or fewer units and on condominiums.

Under the act, the surcharge is not a premium and constitutes a special purpose assessment under state law (i.e., it does not trigger certain tax reciprocity repercussions).

Remittance and Deposit into the Healthy Homes Fund

Each admitted and nonadmitted insurer, acting on behalf of and as a collection agent of the Healthy Homes Fund (see below), must, by April 30 annually, remit to the insurance commissioner the surcharges on policies delivered, issued, or renewed in the previous calendar year, along with documentation substantiating the amount in a form and manner she prescribes. (Presumably, insurers must also remit the surcharge imposed on amended policies. For nonadmitted insurers, the act presumably requires the insurers’ licensees to collect the surcharge. Such licensees are the state regulated entity for nonadmitted insurers.)

Under the act, the Insurance Department may keep from the total remitted an amount necessary to fund an administrative officer to facilitate the surcharge collection process. The rest must be deposited into the Healthy Homes Fund.

HEALTHY HOMES FUND

The act establishes the Healthy Homes Fund as a separate nonlapsing General Fund account to collect insurance surcharge funds to (1) help homeowners with concrete foundations damaged from pyrrhotite, (2) provide grants to certain homeowners in New Haven and Woodbridge with structural damage from subsidence or water infiltration, and (3) fund a program to reduce residential health and safety hazards.

Within 30 days of deposit of the surcharge funds, 85% must be transferred to the Crumbling Foundations Assistance Fund, which by law is used by the Connecticut Foundation Solutions Indemnity Company, LLC to assist homeowners with crumbling concrete foundations. (The company is a captive insurer created by PA 17-2, June Special Session, to facilitate aid to affected homeowners.)

The remaining 15% of surcharge deposits in the Healthy Homes Fund must be used by DoH to:

1. provide DECD with up to \$1 million for grants to homeowners with homes (a) in the immediate vicinity of the West River in the Westville section of New Haven and Woodbridge that are structurally damaged due to subsidence and (b) abutting the Yale Golf Course in Westville that are damaged from water infiltration or subsidence and
2. fund a program, including related administrative expenses, to reduce residential health and safety hazards from such things as lead, radon, and other contaminants and conditions, including removal, remediation, and abatement. (PA 18-179 limits these particular funds to lead removal, remediation, and abatement only. See “Related Acts” below.)

Municipal Notification

The act requires DoH to notify the Department of Public Health (DPH) within 30 days after the Insurance

Department deposits money into the Healthy Homes Fund. However, the act also requires DPH to annually notify each municipal health department of available Healthy Home funds within the same time period.

Report to the General Assembly

By January 1, 2020, the act requires the DoH commissioner to begin annually reporting to the Housing, Planning and Development, and Appropriations committees on the status of the Healthy Homes Fund and any money from it spent by DoH. The act allows the report to be electronically submitted.

BACKGROUND

Related Acts

PA 18-179 limits the scope of the residential health and safety hazard reduction program by requiring all program funds to be used for lead removal, remediation, and abatement.

PA 18-3—SB 471
Judiciary Committee

AN ACT CONCERNING A MOTOR VEHICLE ACCIDENT REPORT FOR AN ACCIDENT IN WHICH A PERSON WAS KILLED

SUMMARY: This act requires the police or other agencies or individuals investigating a fatal motor vehicle accident (investigators) to refer the case to the state’s attorney in the district where the accident took place if they are unable to determine the cause of the accident. The act also allows the state’s attorney to refer the matter to the State Police for review and further investigation.

By law, investigators must send the transportation commissioner an accident report, within five days after completing an investigation, for any motor vehicle accident in which someone (1) was killed or injured or (2) incurred more than \$1,000 in property damage. The act requires the report to include, if possible and practicable, a conclusion as to the cause of any fatal accident. Existing law already requires accident reports to include information about the cause of a reportable accident.

The act also makes technical changes.

EFFECTIVE DATE: October 1, 2018

PA 18-4—sSB 13
Judiciary Committee

AN ACT CONCERNING THE FAIR TREATMENT OF INCARCERATED PERSONS

SUMMARY: This act makes several changes in laws that govern the treatment of inmates.

The act establishes various requirements that specifically apply to pregnant inmates. Among other things, it:

1. requires the Department of Correction (DOC) commissioner to ensure that at least one health care provider employed at York Correctional Institution (“York”) has certain specialized training and knowledge related to pregnancy and childbirth;
2. requires a licensed health care provider to assess each inmate for pregnancy upon admission to York;
3. gives pregnant inmates the right to receive specified counseling and written material, medical care at York, a specialized diet, appropriate clothing and sanitary materials, an opportunity for ambulatory movement, and access to treatment for postpartum depression;
4. requires the transfer of inmates with high risk pregnancies to the medical infirmary or a hospital;
5. generally limits the use of restraints on pregnant inmates, including during transportation, labor and delivery, and during the postpartum period, and requires written documentation when certain restraints are used;
6. requires York to provide pregnant inmates with counseling and discharge planning prior to their release; and
7. requires the DOC commissioner to report to the Judiciary Committee, by October 1, 2019, on certain incidences related to pregnant inmates that occur from July 1, 2018 to June 30, 2019.

The act also makes changes regarding the general treatment of incarcerated women. Among other things, it requires DOC to (1) establish support services for incarcerated women, such as a lactation policy, and (2) provide inmates with feminine hygiene products free of cost, upon request.

Under the act, DOC may, in consultation with the Department of Mental Health and Addiction Services (DMHAS), reinstate its training program on mental health issues for custodial staff. It must also:

1. establish visitation policies for all inmates with children under age 18, including rules on physical contact, visit convenience and frequency, and access to child-friendly visiting areas (§ 4);
2. permit specific privacy-related parameters for staff of the opposite gender regarding certain inmate activities; and
3. adhere to certain requirements that relate to the treatment and placement of inmates with a gender identity that differs from the inmate’s assigned sex at birth.

The act also requires DOC, the Board of Pardons and Paroles, and the judicial branch’s Court Support Services Division (CSSD) to use a gender-responsive approach in their risk assessment strategy.

EFFECTIVE DATE: October 1, 2018, except the gender identity provision is effective July 1, 2018, and the DOC reporting provision is effective upon passage.

§ 1 — TREATMENT OF PREGNANT INMATES

Licensed Department or Contracted Health Care Provider

The act requires the DOC commissioner to ensure that at least one department or contracted licensed health care provider employed at York (1) has been trained in prenatal and postpartum medical care and (2) knows about and can educate pregnant inmates on prenatal nutrition, high-risk pregnancy, and addiction and substance abuse during pregnancy and childbirth.

Pregnancy Assessment

The act requires a licensed health care provider to assess each inmate for pregnancy upon admission to York. The provider must inform the inmate of any necessary medical tests associated with the assessment before administering them.

Rights of Pregnant Inmates

The York Correctional Institution must provide each pregnant inmate with counseling and written material (known as the “Pregnant Woman’s Guide”), in a form she can reasonably understand, concerning:

1. the inmate’s options with regard to her pregnancy;
2. prenatal nutrition;
3. maintaining a healthy pregnancy;
4. labor and delivery;
5. the postpartum period;
6. the institution’s policies and practices on inmate care during pregnancy, labor and delivery, and the postpartum period; and
7. restrictions on using restraints on pregnant inmates.

The act also requires York to provide pregnant inmates with medical care at the correctional institution, including (1) periodic health monitoring and evaluation during pregnancy and (2) prenatal vitamins or supplements, as deemed necessary by a licensed health care provider.

Additionally, York must provide pregnant inmates with:

1. a diet containing the nutrients necessary for a healthy pregnancy, as determined by a licensed health care provider trained in prenatal care;
2. the clothing, undergarments, and sanitary materials deemed appropriate by a licensed health care provider trained in prenatal and postpartum medical care;
3. the opportunity for ambulatory movement (e.g., walking) at least one hour daily; and
4. access to treatment for postpartum depression by a qualified mental health professional, if deemed necessary by a licensed health care provider trained in postpartum medical care.

High Risk Pregnancy

Under the act, if a department or contracted licensed health care provider in prenatal medical care, or any other health care professional who evaluates or treats a pregnant inmate, determines that the inmate’s pregnancy is high risk or involves any other medical complication for either the inmate or the baby, the inmate must be immediately transferred to a medical infirmary setting or any hospital deemed appropriate, as determined by such provider or professional.

Use of Restraints

The act generally prohibits York’s correctional staff from using any leg or waist restraint on any inmate who is known to be pregnant or in the postpartum period. Under the act, “restraints” means metal handcuffs, metal leg restraints, and waist and tether chains.

Risk of Harm or Escape. The act generally limits the use of restraints on pregnant inmates to handcuffs that are placed on the wrists held in front of her body. It allows correctional staff to place the inmate in wrist, leg, or waist restraints if (1) there are compelling grounds to believe that the inmate presents an immediate and serious threat of harm to herself, staff, and others or a substantial flight risk and cannot be reasonably contained by other means and (2) the institution’s unit administrator or his or her designee approves it, except under exigent circumstances. In such cases, the restraints must be the least restrictive kind considering the circumstances. (The act prohibits the use of restraints during labor and delivery, as described below.)

Documentation. When restraints other than handcuffs are used on a pregnant inmate, the act requires correctional staff to document, in writing, the:

1. reasons they believed that the inmate posed a risk of harm or escape,
2. kind of restraints used, and
3. reasons they considered such restraints to be the least restrictive kind available and the most reasonable means of preventing harm or escape.

Medical Restraints and Removal. The act does not prohibit the use of medical restraints by a licensed health care provider to ensure the medical safety of the inmate. Also, correctional staff must immediately remove any correctional restraints if an attending physician or advanced practice registered nurse requests it for medical reasons.

Transportation. The correctional staff must ensure that any pregnant inmate, who is determined by a licensed health care provider to be in the second or third trimester, is transported to and from medical visits and court proceedings in a vehicle with seatbelts.

Labor and Delivery

Under the act, each pregnant inmate at York must receive labor and delivery services in a hospital deemed appropriate by a department or contracted licensed health care provider.

The act prohibits the use of restraints at any time on an inmate who is in any stage of labor or delivery, including during transportation to the hospital.

If a correction officer is with the inmate during any stage of labor or delivery, the correction officer must be (1) female, if possible, and (2) in a location that ensures the inmate's privacy, to the extent possible.

Postpartum Period

Under the act, inmates in the postpartum period must be assessed by a licensed health care provider upon return to the correctional institution. Each such inmate must be housed in a medical or mental health housing unit at the correctional institution until discharged by a licensed health care provider.

Counseling and Discharge Planning

York must provide pregnant inmates, prior to their release, with counseling and discharge planning to ensure, to the extent feasible, the continuity of prenatal and pregnancy-related care, including substance abuse programming and treatment referrals when deemed appropriate.

§ 2 — SERVICES AND SUPPORTS

The act requires DOC to establish prenatal, labor, and postpartum services and supports for women incarcerated at York, including a lactation policy that allows inmates who are mothers to pump and store breast milk for their babies.

DOC must also establish and make available to such women parenting support literature, including information on child custody processes, child support, and family reunification resources.

§ 3 — FEMININE HYGIENE PRODUCTS

The act requires York correctional staff, upon request, to provide inmates with feminine hygiene products (i.e., tampons and sanitary napkins) at no cost, as soon as practicable, and in an amount appropriate to the inmate's health care needs.

§ 5 — PRIVACY

Under the act, all inmates must be permitted to shower, perform bodily functions, and change clothes without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when it is incidental to a routine cell check. The act requires staff of the opposite gender to announce their presence when entering an inmate housing unit when no other staff of the inmate's gender is present.

§ 6 — RISK ASSESSMENT STRATEGY

Existing law, unchanged by the act, requires DOC, the Board of Pardons and Paroles, and CSSD to use a risk assessment strategy to rate an offender's likelihood to recidivate and identify the support programs for successful reentry

into the community.

Under the law, such strategy must incorporate use of both static and dynamic factors. The act expands this by requiring that the strategy also use a gender-responsive approach that recognizes the unique risks and needs of female offenders.

Under prior law, the department, board, and division, in developing the risk assessment strategy, could partner with an in-state educational institution with expertise in criminal justice and psychiatry. Under the act, such educational institution does not have to be in Connecticut.

§ 7 — CUSTODIAL STAFF TRAINING

Prior law required DOC to develop a training program for custodial staff members which required between four and eight hours of training on mental health issues each year. This program terminated on July 1, 2012. The act allows DOC, in consultation with DMHAS, to reinstate this program. The training program must be offered to all custodial staff members at one or more correctional facilities designated by the commissioner.

The act eliminates the requirement that the training consist of classroom instruction and written materials provided by a qualified mental health professional in conjunction with a training academy accredited by the American Correctional Association.

It requires that, within available appropriations, the training include:

1. prevention of suicide and self-injury,
2. recognition of signs of mental illness,
3. communication skills for interacting with inmates with mental illness, and
4. alternatives to disciplinary action and the use of force when dealing with such inmates.

Under the act, all custodial staff at each DOC facility in which female inmates are confined may, within available appropriations, also receive four to eight hours of training on gender-specific and trauma-related mental health issues faced by female inmates.

§ 8 — GENDER IDENTITY

Under the act, any correctional institution inmate who has a gender identity that differs from the inmate's assigned sex at birth and has a diagnosis of gender dysphoria, as set forth in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders," must:

1. be addressed by correctional staff in a manner consistent with the inmate's gender identity;
2. have access to commissary items, clothing, personal property, programming, and educational materials that are consistent with the inmate's gender identity; and
3. have the right to be searched by a correctional staff member of the same gender identity, unless the inmate requests otherwise or under exigent circumstances.

An inmate who has a birth certificate, passport, or driver's license that reflects his or her gender identity, or who can meet established standards for obtaining such a document to confirm the inmate's gender identity, must presumptively be placed in a correctional institution with inmates of the gender consistent with the inmate's gender identity. To overcome the presumptive placement, the DOC commissioner, or his designee, must demonstrate that the placement would present significant safety, management, or security problems.

The act requires the commissioner, or his designee, in making these determinations, to give serious consideration to the inmate's views about his or her safety.

§ 9 — DOC REPORTING

The act requires the DOC commissioner, or his designee, to report to the Judiciary Committee, by October 1, 2019, on instances during FY 19 in which:

1. more than one type of restraint was simultaneously used on a pregnant inmate,
2. an inmate incarcerated in a correctional institution gave birth outside of a traditional hospital setting, and
3. a pregnant inmate was held in administrative segregation.

PA 18-5—sSB 466
Judiciary Committee

AN ACT CONCERNING DUAL ARRESTS AND THE TRAINING REQUIRED OF LAW ENFORCEMENT PERSONNEL WITH RESPECT TO DOMESTIC VIOLENCE

SUMMARY: This act requires a peace officer, in responding to a family violence complaint made by two or more opposing parties, to arrest the person the officer believes is the dominant aggressor. The act does not prohibit dual arrests, but discourages such arrests when appropriate. It does not apply to (1) college and university students who live together in on-campus housing and (2) tenants who live together in a residential rental property, who are not in a dating relationship.

Under the act, a “dominant aggressor” is the person who poses the most serious ongoing threat in a situation involving a suspected family violence crime (see BACKGROUND).

The act also:

1. establishes the factors a peace officer must consider in determining which person is the dominant aggressor,
2. allows the officer to submit a report to the state’s attorney for further review and advice on the conduct of the person or persons not arrested, and
3. gives the officer immunity from civil liability based on such determinations under (1) or (2).

It expands certain police and state’s attorneys’ training programs to include training on the factors for determining a dominant aggressor in a family violence case. It also allows (1) an entity representing the statewide domestic violence coalition to assist with the training curriculum and (2) certain domestic violence agencies to conduct training.

It also makes technical and conforming changes.

EFFECTIVE DATE: January 1, 2019

ARRESTS

Under prior law, when two or more opposing parties made complaints of family violence, the peace officer had to evaluate each complaint separately to determine whether to make an arrest or seek an arrest warrant. If the officer determined that a family violence crime had been committed, the officer had to arrest the alleged perpetrator and charge the person with the appropriate crime, except the officer was not required to arrest someone who used force in self defense.

The act explicitly states that the peace officer is not required to arrest both people. It requires the officer to (1) evaluate each complaint separately to determine which person is the dominant aggressor and (2) arrest that person.

Under existing law, unchanged by the act, the officer’s decision to arrest and charge the perpetrator must not be based (1) on getting the victim’s specific consent, (2) on the relationship of the parties, or (3) solely on a victim’s request.

By law, a peace officer investigating a family violence incident must not threaten to arrest all parties to discourage any of them from requesting law enforcement intervention.

DOMINANT AGGRESSOR FACTORS

The act requires the peace officer, in determining who is the dominant aggressor, to consider:

1. the need to protect domestic violence victims;
2. whether one person acted in self-defense or to defend a third person;
3. the relative degree of any injury;
4. threats creating fear of physical injury; and
5. any history of family violence between the people involved, if it can reasonably be obtained by the peace officer.

PEACE OFFICER’S REPORT TO THE STATE’S ATTORNEY

The act allows a peace officer who believes probable cause exists for the arrest of two or more persons, instead of arresting or seeking an arrest warrant for anyone determined not to be the dominant aggressor, to submit a report detailing the person’s conduct to the state’s attorney for the judicial district in which the incident took place for further review and advice.

TRAINING PROGRAMS

Police Officer Standards and Training Council (POST) Education and Training Program

The act expands the POST education and training program for law enforcement officers, supervisors, and state's attorneys on the handling of family violence incidents to include training on the factors for determining a dominant aggressor in a family violence case.

By law, the training program must also include topics such as the (1) nature, extent, and causes of family violence and (2) legal rights of, and remedies available to, victims of family violence and people accused of family violence.

Basic or Review Training Program

By law, each police basic or review training program conducted or administered by the State Police, POST, or municipal police departments must provide a minimum of two hours of training on domestic violence, such as techniques for handling incidents of domestic violence that promote victim safety. The act requires these programs to also include training on factors for determining a dominant aggressor in a family violence case.

The act requires the State Police, POST, or municipal police departments to develop the training program curriculum in consultation with the Division of Criminal Justice and an entity representing the statewide domestic violence coalition, rather than in consultation with the Connecticut Task Force on Abused Women and with its approval.

The act allows domestic violence agencies, instead of the task force's individual shelter programs, to conduct domestic violence training in conjunction with any police training program. It requires these agencies' training to be conducted pursuant to POST guidelines and certification requirements.

BACKGROUND

Family Violence

By law, "family violence" means 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. It does not include verbal abuse or argument unless there is present danger and the likelihood that physical violence will occur (CGS § 46b-38a(1)).

Family Violence Crime

By law, "family violence crime" means a crime, other than a delinquent act, which, in addition to its other elements, contains an element of an act of family violence to a family or household member. It does not include acts by parents or guardians disciplining minor children unless such acts constitute abuse (CGS § 46b-38a(3)).

PA 18-14—sHB 5211

Judiciary Committee

AN ACT CONCERNING JUDICIAL PROCEDURES RELATING TO INITIATION OF AN ACTION FOR DISSOLUTION OF MARRIAGE, DISSOLUTION OF CIVIL UNION OR LEGAL SEPARATION

SUMMARY: This act sets conditions under which the court may waive the 90-day waiting period in certain dissolution of marriage or civil union and legal separation cases when the defendant fails to appear in court (see BACKGROUND).

Specifically, the act:

1. requires the plaintiff to serve the defendant a blank appearance form with the complaint;
2. allows the plaintiff to file a motion to waive the waiting period if the defendant does not appear;
3. requires the plaintiff to include an affidavit making specific attestations under oath, such as (a) how process was served and (b) whether the parties have children, jointly owned properties or jointly held debts, or a restraining or protective order between them;
4. gives the court discretion to (a) grant the motion to waive the waiting period if specific conditions are met and (b) enter a decree of dissolution or legal separation, without a hearing; and
5. requires the court to reinstate the case to the docket if there is material misrepresentation in the plaintiff's affidavit.

The act requires the chief court administrator to prescribe the appearance and the motion for waiver forms.

It also makes minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2018

BLANK APPEARANCE FORM

The act requires a plaintiff, in cases involving annulment, dissolution, or legal separation, to serve a blank appearance form with the complaint that under existing law he or she must serve and file to initiate the action.

MOTION TO WAIVE WAITING PERIOD

Grounds for Waiver

If the defendant does not appear, the act allows the plaintiff to file a motion seeking a waiver of the waiting period for such actions at least 30 days after the complaint's return date (i.e., date by which action is required).

Plaintiff's Affidavit

Under the act, the plaintiff's motion for the court to waive the waiting period must include an affidavit in which the plaintiff must attest, under oath:

1. the manner in which service was made on the defendant, and, if by abode (i.e., at the defendant's residence), the additional attestations described below;
2. whether there were children born to or adopted by the parties prior to, or during, the marriage or civil union, and whether either party is pregnant;
3. whether there is a restraining or protective order in effect between the parties;
4. whether the plaintiff is requesting alimony or spousal support; and
5. whether the parties have any jointly owned property or jointly held debt.

Attestations when Service of Process is made by Abode

If process was served at the defendant's place of residence, the act requires that the plaintiff's affidavit state (1) that the address at which service was made is the defendant's usual place of abode, (2) that the plaintiff is unaware of the defendant residing elsewhere at the time service was made, and (3) the most recent date on which the plaintiff had personal knowledge that the defendant resided at the address.

HEARING

Under the act, except as described below, the court must put the plaintiff's motion on the docket for a hearing. At the hearing, if all other applicable requirements are met, the court may grant the motion for a waiver of the waiting period and may also enter a decree of dissolution or legal separation.

COURTS' DISCRETION TO GRANT MOTION AND ENTER DECREE

Motion Granted Without a Hearing

The act allows the court to grant the motion to waive the waiting period without a hearing, if it finds that:

1. the plaintiff properly served the defendant, either personally or by abode, and, if by abode, made the attestations described above;
2. the parties have no children and neither party is pregnant;
3. there is no restraining order or protective order in effect between the parties;
4. the plaintiff is not requesting alimony or spousal support; and
5. the parties do not have any jointly owned property or jointly held debt and the plaintiff filed a completed financial affidavit with the court.

Decree Without Hearing

The act also allows the court, without a hearing, to enter only (1) a decree of dissolution of marriage or civil union or legal separation and (2) if the plaintiff requests, an order restoring his or her birth name or former name.

The court must place the matter on the docket for a hearing if it determines that any of the conditions above have not been met.

Case Reinstatement

Under the act, if there is a showing that the plaintiff's affidavit contained material misrepresentation, any judgment rendered or decree passed in an action for dissolution or legal separation in which the waiting period was waived may be set aside at any time and the case reinstated to the docket.

BACKGROUND

90-Day Waiting Period

By law, parties to dissolution of marriage or civil union or legal separation actions generally must wait 90 days before the court may issue an order, but a longer period may apply if a party requests conciliation, fails to attend a requested conciliation, or files a cross or amended complaint.

Existing law, unchanged by the act, allows the court, on request and under certain circumstances, to waive the waiting periods 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.

PA 18-22—sHB 5252

Judiciary Committee

AN ACT CONCERNING REVISIONS TO THE CONNECTICUT ANTITRUST ACT AND DISCOVERY CONDUCTED BY THE ATTORNEY GENERAL IN WHISTLE-BLOWER AND FALSE CLAIMS ACTIONS

SUMMARY: This act allows purchasers who did not buy directly from a defendant (“indirect purchasers”) to recover for antitrust violations by any type of defendant. Under prior law, this applied only to cases against defendants who sold, distributed, or disposed of drugs or medical devices (“drug manufacturers”). As under prior law for drug manufacturers, the act allows defendants to avoid duplicative liability if they can prove that an alleged overcharge was passed on by someone else.

The act also:

1. expands the allowable methods for service of process when the attorney general issues subpoenas or deposition notices in whistleblower or False Claims Act investigations (see BACKGROUND) and
2. requires the attorney general's office to return documents it obtains through a False Claims Act subpoena at the conclusion of the investigation or lawsuit.

EFFECTIVE DATE: October 1, 2018

§ 1 — ANTITRUST CASES BY INDIRECT PURCHASERS

The act makes two related changes concerning antitrust cases. Under prior law, these provisions only applied to antitrust cases against drug manufacturers.

The act allows indirect purchasers to recover against a defendant for an antitrust violation. It does so by prohibiting a defendant from raising the defense that it did not deal directly with the person on whose behalf the case was brought.

But the act allows a defendant, in order to avoid duplicative liability related to an alleged overcharge, to prove that all or part of the overcharge was passed on by someone else in the chain of manufacture, production, or distribution. The defendant may attempt to prove this as a partial or complete defense.

The act applies to antitrust cases brought by the attorney general in the name of the state on behalf of (1) particular state residents (including class actions) or (2) the state as a whole or any of its political subdivisions. It also applies to cases seeking triple damages for alleged antitrust violations that damaged the business or property of the state or any person, including a consumer.

§ 2 — WHISTLEBLOWER AND FALSE CLAIMS ACT SUBPOENAS

Existing law allows the attorney general, when investigating a suspected violation of the whistleblower law or False

Claims Act, to summon witnesses or require someone to produce documents. Under the act, the attorney general may serve such a subpoena to testify or produce documents or a deposition notice in the following ways:

1. personal service or service at the person's usual residence or
2. registered or certified mail, return receipt requested, with a duly executed copy addressed to the person to be served at his or her principal place of business in the state, or, if none, at the person's residence or principal office.

Previously, such documents generally had to be served through personal service at the person's home or place of business.

Under the act, if a person provides the attorney general's office with documentary material and other information through a subpoena related to a False Claims Act investigation, the office must return the documents to the person after the (1) attorney general completes his investigation or (2) final determination of any related action or proceeding.

BACKGROUND

Whistleblower Law

The state's primary whistleblower law allows anyone to report specific kinds of state agency, quasi-public agency, or large state contractor misconduct to the auditors of public accounts, for possible investigation by the attorney general (CGS § 4-61dd).

False Claims Act

Under the False Claims Act, the attorney general may investigate fraud related to certain state-administered health or human services programs (CGS § 4-274 et seq.).

PA 18-28—HB 5515

Judiciary Committee

Planning and Development Committee

AN ACT CONCERNING THE AUTHORITY OF A ZONING COMMISSION TO REGULATE THE BRIGHTNESS AND ILLUMINATION OF ADVERTISING SIGNS AND BILLBOARDS

SUMMARY: This act specifically authorizes municipalities, through their zoning regulations, to regulate the brightness and illumination of advertising signs and billboards. The authorization applies to municipalities exercising zoning powers under CGS § 8-2.

But, the act exempts certain advertising signs and billboards from such a zoning regulation or ordinance on brightness or illumination. Specifically, it exempts signs or billboards if they (1) are not equipped to calibrate brightness or illumination and (2) were installed before the regulation or ordinance was adopted. (Under existing law, unchanged by the act, zoning regulations cannot prohibit the continuance of a nonconforming use that was legal when the regulations were adopted or amended (CGS § 8-2(a)).)

Existing law, unchanged by the act, authorizes municipalities to (1) regulate the placing, erecting, or keeping of signs on or over sidewalks, streets, and other public places and (2) adopt zoning regulations concerning the height, size, and location of advertising signs and billboards (CGS §§ 7-148(c)(7) and 8-2(a)).

EFFECTIVE DATE: July 1, 2018

PA 18-29—sHB 5542

Judiciary Committee

AN ACT CONCERNING BUMP STOCKS AND OTHER MEANS OF ENHANCING THE RATE OF FIRE OF A FIREARM

SUMMARY: This act generally makes it a class D felony (see Table on Penalties) for anyone, except a federally licensed firearms manufacturer fulfilling a military contract, to sell, offer to sell, otherwise transfer, or offer to transfer, purchase, possess, use, or manufacture a "rate of fire enhancement" (e.g., a bump stock).

The act provides a reduced penalty (a class D misdemeanor) for a first time offender who possesses a rate of fire

enhancement before July 1, 2019, and holds a valid (1) permit to carry a pistol or revolver; (2) eligibility certificate for a pistol, revolver, or long gun; or (3) ammunition certificate.

The act makes an exception for (1) anyone who moves into the state in lawful possession of a rate of fire enhancement and (2) any military personnel stationed or otherwise residing in the state who is deployed from the state on October 1, 2018, or is under deployment from this state on that date and legally possessed a rate of fire enhancement on September 30, 2018. It requires any such person or military personnel to render the rate of fire enhancement in his or her possession permanently inoperable, remove it from this state, or surrender it to the Department of Emergency Services and Public Protection (DESPP) for destruction, within 90 days of moving into the state or returning to the state from deployment, as applicable. Under the act, the penalties described above do not apply during the 90-day period, unless the person or military personnel uses, sells, offers to sell, otherwise transfers, or offers to transfer, except as permitted, such rate of fire enhancement during this grace period.

The act gives the court specific discretion to suspend prosecution in any case where a violation is not of a serious nature and the person charged with the violation (1) is not likely to offend in the future and (2) has not been previously convicted of a violation of these provisions or had a prosecution of any such violation suspended.

Finally, the act also requires the DESPP commissioner to:

1. within 30 days after the act passes and within available appropriations, provide written notice of the act's provisions on the department's website and electronically to federally licensed firearms dealers and
2. for the period starting 30 days after the act passes through June 30, 2023, include a written notice of the act's provisions with each (a) permit to carry a pistol or revolver, eligibility certificate for a pistol or revolver, long gun eligibility certificate, and ammunition certificate she issues and (b) expiration notice mailed to the holder of any such permit or certificate.

EFFECTIVE DATE: October 1, 2018, except the DESPP notification provision is effective upon passage.

RATE OF FIRE ENHANCEMENT

Under the act, "rate of fire enhancement" means any device, component, part, combination of parts, attachment, or accessory that:

1. uses energy from a firearm's recoil to generate a reciprocating action that causes repeated function of the trigger, including a bump stock;
2. repeatedly pulls a firearm's trigger through the use of a crank, lever, or other part, including a trigger crank; or
3. causes a semiautomatic firearm to fire more than one round per operation of the trigger, where the trigger pull and reset constitute a single operation of the trigger, including a binary trigger system.

By law, "firearm" means any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver, or other weapon, whether loaded or unloaded, from which a shot may be discharged (CGS § 53a-3).

PA 18-30—sHB 5579

Judiciary Committee

AN ACT CONCERNING COSTS FOR IGNITION INTERLOCK DEVICE SERVICES FOR PERSONS WHO ARE INDIGENT AND ARE SEEKING RESTORATION OF A MOTOR VEHICLE OPERATOR'S LICENSE

SUMMARY: This act allows ignition interlock device (IID) service providers to reduce or eliminate charges for IID installation, maintenance, removal, or other services that they provide to eligible indigent offenders, regardless of any law requiring that such offenders bear all IID installation and maintenance costs. The act applies to indigent offenders whose IID use is required as a result of:

1. a conviction for driving under the influence (DUI) (CGS §§ 14-227a, 14-227m, and 14-227n) (see BACKGROUND), 2nd degree manslaughter with a motor vehicle (CGS § 53a-56b), or 2nd degree assault with a motor vehicle (CGS § 53a-60d);
2. the administrative per se license suspension process (CGS § 14-227b) (see BACKGROUND);
3. a court order to install an IID (CGS § 14-227j);
4. a conviction in another jurisdiction that is comparable to one for which Connecticut requires a period of IID use (CGS § 14-111n); or
5. a condition imposed by the motor vehicles commissioner for restoring a driver's license (CGS §§ 14-36 and 14-111).

Under the act, offenders may provide, as proof of indigence, a valid card or letter indicating that the offender

participates in the state-administered federal Supplemental Nutrition Assistance Program (SNAP) or the state-administered federal Low Income Home Energy Assistance Program. Any letter submitted must be on Department of Social Services (the agency that administers the two programs) letterhead and in its original form.

EFFECTIVE DATE: October 1, 2018

BACKGROUND

Ignition Interlock Device

An ignition interlock is a breath-testing device connected to a motor vehicle’s ignition system. It prevents the driver from operating the vehicle if it detects a pre-determined level of alcohol in the driver’s breath.

Offenders must pay DMV a \$100 fee before the device is installed and DMV uses this money to administer the interlock program. Costs for installing and maintaining an IID are determined by, and paid directly to, the IID vendor and may include an installation fee for the device, a monthly lease payment, a charge for periodic calibration, and a charge when the device is removed after the required period for its use has elapsed. The monthly fee for the device can vary depending on the length of the lease period.

DUI Law and Penalties

Connecticut’s DUI law prohibits driving while under the influence of an intoxicating liquor, drug, or both and driving with a blood alcohol content of 0.08% (or, if driving a commercial vehicle, 0.04%). Penalties for those convicted of DUI include license suspension, fines, and prison terms and vary based on the number of previous offenses, as shown in Table 1.

Table 1: DUI Criminal Penalties (CGS § 14-227a(g))

<i>Conviction</i>	<i>Prison Sentence</i>	<i>Fine</i>	<i>License Suspension</i>
First	Either (1) up to six months with a mandatory minimum of two days or (2) up to six months suspended with probation requiring 100 hours of community service	\$500-1,000	45 days, followed by one year driving only vehicles equipped with an IID
Second (within 10 years of a prior conviction)	Up to two years, with a mandatory minimum of 120 consecutive days and probation with 100 hours of community service	\$1,000-4,000	45 days, followed by three years driving only vehicles equipped with an IID, with driving limited for the first year to specified purposes (e.g., work or school)
Third and Subsequent (within 10 years of a prior conviction)	Up to three years, with a mandatory minimum of one year and probation with 100 hours of community service	\$2,000-8,000	License revoked, but the offender is eligible for reinstatement after two years. If reinstated, he or she must drive only IID-equipped vehicles for as long as the offender drives, unless the DMV commissioner lifts the IID requirement

Administrative Per Se Violations

By law, motorists implicitly consent to be tested for drugs or alcohol when they drive. The law establishes administrative license suspension procedures for drivers who refuse to submit to a test or whose test results indicate elevated blood alcohol content. The license suspension period for all per se violations is 45 days. As a condition of license restoration, drivers may operate only ignition interlock equipped vehicles for specified periods after the suspension ends (CGS § 14-227b).

PA 18-31—sHB 5041

Judiciary Committee

AN ACT CONCERNING THE RECOMMENDATIONS OF THE JUVENILE JUSTICE POLICY AND OVERSIGHT COMMITTEE AND CONCERNING THE TRANSFER OF JUVENILE SERVICES FROM THE DEPARTMENT OF CHILDREN AND FAMILIES TO THE COURT SUPPORT SERVICES DIVISION OF THE JUDICIAL BRANCH

SUMMARY: Starting on July 1, 2018, this act transfers legal authority from the Department of Children and Families (DCF) to the judicial branch over any child who was committed to DCF as delinquent pursuant to a juvenile court order entered before that date. The branch's Court Support Services Division (CSSD) must, in turn, assume responsibility for supervising the children and may exercise its powers, duties, and functions to provide such supervision (§ 8). Under existing law, the juvenile court is prohibited, starting July 1, 2018, from committing a child to DCF as a result of a delinquency adjudication.

The act makes numerous changes to conform with the transferred responsibility by eliminating statutory references to (1) children committed to DCF for delinquency and (2) the Connecticut Juvenile Training School (CJTS), which was a DCF-run secure detention facility for juveniles that permanently closed in April 2018 (§§ 10-14, 16, 18, 19, 21-22 & 35).

The act also makes several other changes in the juvenile justice statutes. Principally, it:

1. specifies that, as required under existing law, CSSD and other state agencies must develop a community-based diversion system and school-based diversion plan (§§ 1 & 2);
2. specifies a deadline by which the appropriate school district must enroll a child in detention who is not otherwise enrolled in school and requires that the student remain enrolled in that district for the duration of his or her detention (§ 3);
3. requires school districts with over 6,000 students enrolled in the 2016-17 school year to designate at least one liaison to facilitate transitions between the district and the juvenile and criminal justice systems (§ 4);
4. requires the technical high school system superintendent and board, by January 1, 2019, to develop a plan to address education, training, and work experience for children in post-conviction justice system custody (§ 5);
5. requires the State Department of Education (SDE), by January 1, 2020, to develop a plan related to a statewide information technology platform (§ 6);
6. imposes various new juvenile justice-related reporting requirements on the Juvenile Justice Policy and Oversight Committee (JJPOC) and certain state agencies (§ 7);
7. deems any child transferred to CSSD under the act to be on probation for no longer than his or her remaining delinquency commitment to DCF as of June 30, 2018, and requires the court to review and, if appropriate, modify the probation conditions (§§ 8 & 37);
8. designates the chief court administrator or his designee, instead of the DCF commissioner or her designee, as state administrator of the Interstate Compact for Juveniles (the compact enables states to transfer a juvenile's supervision between states and return a runaway juvenile to his or her home state) (§§ 9 & 18);
9. eliminates obsolete definitions for "youth" and "mentally deficient" in the juvenile matters statutes, but preserves the definition of "youth" (i.e., a 16- or 17-year-old) in the DCF statutes (§§ 15 & 25);
10. modifies some of the circumstances in which a child may be charged with a serious juvenile offense (§§ 15 & 25);
11. eliminates criteria that made someone eligible for appointment to the state Advisory Council on Children and Families if he or she (a) represents young people, parents, and others interested in delivering juvenile justice services or (b) is a parent, foster parent, or family member of a child who has received or is receiving juvenile justice services (§ 17);
12. eliminates provisions that permitted the DCF commissioner, in certain circumstances, to transfer a child committed to the department to the John R. Manson Youth Institution or York Correctional Institution, as appropriate (§§ 20 & 43);
13. allows the Department of Correction (DOC) to transfer an inmate under age 18 to CSSD under certain conditions, instead of allowing it to transfer such an inmate to DCF, as under prior law (§ 23);
14. modifies the probation conditions the court may order, allows a juvenile probation supervisor's designee to establish the term of a child's court-ordered nonjudicial supervision, and makes various other changes to laws related to juvenile probation (§§ 25, 27, 31, 32 & 36-38);
15. eliminates a provision that (a) explicitly allowed a judge hearing a juvenile matter to make any order in connection to it that a Superior Court judge is authorized to grant and (b) gave such an order the same force and effect as a Superior Court order (§ 27);

16. modifies various juvenile justice system goals (§ 28);
17. permits the judicial branch to contract to establish secure residential facilities and requires it to develop a continuum of community-based programs (§ 29);
18. permits, instead of requires, the judicial branch to consult with the Commission on Racial and Ethnic Disparity in the Criminal Justice System to address the needs of minorities in the juvenile justice system (§ 29);
19. limits the circumstances in which DCF employees may access juvenile court records and adds to the records of delinquency proceedings that must be disclosed to the Department of Motor Vehicles (DMV) (§ 30);
20. eliminates a requirement that a law enforcement officer who arrests a youth for prostitution report suspected abuse or neglect to DCF (§ 33);
21. limits and modifies the ways that a juvenile court may dispose of a delinquency adjudication and adds to the factors the court must consider when making a disposition (§ 36);
22. repeals several provisions pertaining to DCF responsibility for juveniles adjudicated delinquent, CJTS, and certain CSSD responsibilities (§ 43); and
23. makes minor, technical, and conforming changes (§§ 26, 34 & 39-42).

EFFECTIVE DATE: July 1, 2018; except the provisions on the community-based diversion system and school-based diversion plan, school district liaisons, the technical high school system, the statewide information technology platform, and various reporting requirements are effective upon passage; and the provision on school enrollment of students at detention facilities takes effect August 1, 2018.

§ 3 — SCHOOL ENROLLMENT OF STUDENTS PLACED IN DETENTION FACILITIES

Existing law requires the home school district of a student in detention who is not enrolled in school, or if it cannot be identified, the district where the detention center housing the student is located, to re-enroll the student upon receiving notice from the detention facility, regardless of why the student is not enrolled. The act requires the respective district to enroll the student no more than three business days after receiving the notice.

Under the act, a student enrolled in a school district who is placed in a juvenile detention facility must (1) remain enrolled in that district for the duration of his or her detention, unless the student voluntarily terminates enrollment, and (2) be allowed to return to the district immediately upon discharge from detention into the community.

Under the act, when a juvenile detention facility's educational services provider learns that a child will be discharged from the facility, the provider must immediately notify the jurisdiction where the child will continue his or her education.

§ 4 — SCHOOL DISTRICT LIAISONS

The act requires each eligible school district (i.e., district with at least 6,000 students enrolled during the 2016-2017 school year) to designate and maintain at least one employee as a liaison to facilitate transitions between the district and the juvenile and criminal justice systems.

The district must notify CSSD in writing, by August 1st annually, of the liaison's name, professional title, and contact information.

Under the act, the liaison must assist the school district, CSSD, and any relevant educational service providers in ensuring that:

1. anyone under age 22 in justice system custody is promptly evaluated for special education services eligibility;
2. students in justice system custody and returning to the community are promptly enrolled in school and receive appropriate credit for school work completed in custody; and
3. all of the relevant records for such students are promptly transferred to the appropriate school district or educational service provider.

Under this section and sections 5 through 7 of the act, "justice system custody" and "post-conviction justice system custody" mean physical or legal custody or control of a child in a facility or program run by or under contract with DOC or CSSD, either pending or pursuant to an adjudication or conviction for a delinquent act or criminal offense. And a child includes:

1. a person who is age 18 or older and (a) committed a delinquent act before turning 18, (b) violates a court order or probation condition with respect to a delinquency proceeding, or (c) willfully fails to appear in response to a summons or other court hearing in a delinquency proceeding for which he or she received notice and
2. anyone else under age 18.

§ 5 — VOCATIONAL, TECHNICAL, AND TECHNOLOGICAL EDUCATION FOR CHILDREN IN POST-CONVICTION CUSTODY

By January 1, 2019, the act requires the technical high school system's board and superintendent to develop and submit a plan to address vocational, technical, and technological education, training, and work experience for children in post-conviction justice system custody. The plan must provide that the education, training, and work experience must, at a minimum, ensure that each child can earn at least one credit to meet high school graduation requirements.

The plan may be incorporated into the summary report that the system submits biennially to the Education Committee under existing law, but it must also be separately submitted to that committee and JJPOC.

§ 6 — STATEWIDE INFORMATION TECHNOLOGY PLATFORM

The act requires SDE, by January 1, 2020, to develop and implement a plan to incentivize and support school district participation in a statewide information technology platform that allows real-time educational record sharing among schools and school districts.

By February 1, 2019, the SDE commissioner must provide information on progress towards that plan to the Education Committee and JJPOC.

§ 7 — NEW REPORTING REQUIREMENTS

Confinement Conditions at Manson Youth Institution

The act requires JJPOC to periodically request, receive, and review information on confinement conditions, including available services, for individuals under age 18 who are detained at John R. Manson Youth Institution in Cheshire.

By October 1, 2018, JJPOC must report to the Appropriations, Children's, Human Services, and Judiciary committees and the Office of Policy and Management (OPM) secretary on current confinement conditions, including services available, for people under age 18 who are detained or incarcerated in correctional facilities, juvenile secure facilities, and out-of-home placements in the juvenile and criminal justice systems. The report must include (1) any gaps in services and (2) the continued availability and use of mental health, education, rehabilitative, and family services.

Juvenile Justice Reinvestment Plan

By January 1, 2020, JJPOC must report to the same committees (see above) and the OPM secretary on a juvenile justice reinvestment plan. The report must study and make recommendations for reinvesting savings from the decreased use of incarceration and congregate care towards (1) strategic investments in home-, school-, and community-based behavioral health services and (2) supports for children diverted from, or involved with, the juvenile justice system.

Compliance with Prohibition on Out-of-School Suspension

By January 1, 2019, the act also requires DOC and CSSD to begin annually reporting to JJPOC on their compliance with the law prohibiting out-of-school suspension for children residing in state facilities and those facilities managed by a state-contracted private provider. The report must present evidence of compliance with the law and include data on all individuals under age 18 who were removed or excluded from educational settings due to alleged behavior.

De-Escalation, Rearrests, and Confinement

By January 1, 2019, the act requires all state agencies that detain or hold in custody a person under age 18 involved with the juvenile or criminal justice system or that contract for housing such a person to begin annually reporting to JJPOC on compliance with the law requiring congregate care settings to (1) promote de-escalation and (2) monitor and track de-escalation efforts. The report must include (1) evidence of compliance in both direct-run and contract facilities and (2) data on all rearrests and use of confinements and restraints for youth in justice system custody.

§ 7 — JUVENILE JUSTICE SYSTEM VOCATIONAL AND ACADEMIC EDUCATION SERVICES AND PROGRAMS

Under the act, by July 1, 2018, JJPOC must convene a subcommittee to develop a detailed plan on (1) the overall coordination, oversight, supervision, and direction of all vocational and academic education services and programs for

children in justice system custody and (2) providing education-related transitional support services for children returning to the community from justice system custody.

The subcommittee must submit it to the Education Committee by January 1, 2020.

For the purposes of the plan, “school” means a program or institution, or any project or unit of it, that provides academic or vocational education programming for children in justice system custody.

Subcommittee Membership

The act designates appointing authorities and qualifications for the subcommittee members, as described in Table 1.

Table 1: Subcommittee Members

<i>Designating Authorities</i>	<i>Members</i>	<i>Qualifications</i>
Bridgeport and Hartford school districts	One each	None specified
DOC and SDE commissioners	One each	None specified
CSSD executive director	One	None specified
OPM secretary	One	Expert in state budgeting who can help obtain data on relevant expenditures and available resources
JJPOC chairpersons	Three total	Experts with significant career experience providing and coordinating education in justice system settings, but who are not state employees
Executive director of an organization that advocates for legal rights of the state’s most vulnerable children	One	A representative of students’ and families’ interests
Executive director of an organization with the mission of stopping the criminalization of the state’s children	One	A representative of students’ and families’ interests

Plan Requirements. Under the act, the plan must:

1. identify a single state agency, and designate a program manager in that agency, to be responsible for planning, coordination, oversight, supervision, quality control, legal compliance, and allocation of relevant state and federal funds for children in justice system custody;
2. describe how educational services will be provided to children in custody and how education-related supports will be provided to children during transitions out of custody, either through the designated agency or a statewide contract with a single nonprofit provider;
3. analyze resources expended to (a) educate children in custody and (b) support educational success during transitions out of custody;
4. make recommendations for consolidating and reallocating resources toward the oversight, accountability, services, and supports the coordinating agency will provide;
5. ensure a range of pathways to educational and economic opportunity for children in justice system custody, including at least a traditional high school diploma program, an accelerated credit recovery program, vocational training programs, and access to post-secondary education;
6. specify components of a statewide accountability and quality control system for schools that serve children in justice system custody (see below);
7. ensure the statewide education system for children in justice system custody includes certain specified criteria (see below);
8. include a protocol for educational support of children transitioning into and out of justice system custody,

including (a) team-based reentry planning for every child, (b) clear and ambitious timelines for transferring educational records at intake and release, and (c) timelines for reenrollment and credit transfer; and

9. recommend any legislation necessary or appropriate to implement the plan's provisions and provide a timeline for implementation.

Specifications for Statewide Accountability and Quality Control System. The act requires the statewide accountability and quality control system to include:

1. achievement benchmarks for each school quality measurement;
2. written educational quality standards for schools that serve children in custody;
3. provisions to ensure each school serving children in custody seeks and obtains external accreditation by a recognized accrediting agency; and
4. a set of supports, interventions, and remedies to implement when a school serving children in justice system custody falls consistently or significantly short of quality benchmarks.

The system must also include a program for quality control and evaluation of schools serving children in custody, including in-person observation and monitoring at least annually of each school serving such children. The monitoring must be conducted by experts in special education and education in justice-system settings.

Additionally, the system must require an annual specialized school profile and performance report for each school that serves children in custody. The profile and report must be consistent with other accountability systems the law requires and include criteria and metrics tailored to measure the quality of schools that serve these children. The report metrics must include:

1. growth in reading and math;
2. credit accumulation;
3. modified graduation rates and high school equivalent passage rates;
4. school attendance, defined as the percentage of children who are physically present in classrooms for school and educational programs;
5. the percentage of students pursuing a high school diploma, an industry-based certification, a recognized high school diploma equivalent, credits for advanced courses, and post-secondary education;
6. performance in educating children with exceptionalities, including identifying special education needs, developing best practices for individualized education programs (IEPs), and providing IEP-mandated services and supports;
7. reenrollment in school or other educational or vocational training programs after leaving custody;
8. success in post-release high school, post-secondary education, or job-training programs; and
9. compliance with the plan's protocols for supporting educational transitions.

Provisions for the Statewide Education System. Under the act, the plan must include provisions to ensure that the statewide education system for children in justice system custody includes engaging:

1. at least one curriculum development specialist to (a) support learning in schools that serve children in justice system custody and (b) develop a flexible, high-interest, modular curriculum aligned with state standards and adapted to educate such children;
2. at least one professional development and teacher training specialist to support teachers in schools that serve such children; and
3. professional reentry coordinators to support educational success in children returning to the community.

§§ 8 & 37 — PROBATION FOR CHILDREN TRANSFERRED TO CSSD

Under the act, any child transferred from DCF to CSSD commitment must be deemed to be on probation for a period no longer than his or her remaining commitment as of June 30, 2018. Any parole supervision condition in place on that date must become the interim conditions of the remaining probation supervision. The act requires the juvenile court, by October 1, 2018, to conduct an in-court review for each such child to determine whether those interim conditions must continue or be modified for the remainder of the probation supervision period. The court must notify any identified victim of the time and date of the review.

Following the review, the court may (1) order that the interim conditions remain in effect without modification until the end of the supervision period or (2) modify the conditions for good cause shown. No probation period for a child transferred from DCF to CSSD under the act may extend beyond the remaining commitment period as of June 30, 2018, or 30 months total, whichever is shorter (see "Probation Supervision" below).

§§ 28 & 36 — DELINQUENCY DISPOSITIONS

The act makes various changes in the law regarding disposition of juvenile delinquency adjudications.

Factors the Court Must Consider

The act adds the following factors to those the court must consider when determining the appropriate disposition for a child adjudicated as delinquent:

1. age and intellectual, cognitive, and emotional development;
2. prior involvement with (a) juvenile probation or (b) DCF as a committed delinquent;
3. history of participating in, and engaging with, programming and service interventions;
4. identified services, programs, and interventions that will best address the child's needs and risk of reoffending, as indicated by the CSSD-administered risk and needs assessment; and
5. level of supervision the assessment indicates and any other relevant evidence.

Under the act, a "risk and needs assessment" is a standardized tool that (1) assists juvenile probation officers in collecting and synthesizing information about a child to (a) estimate the child's risk of recidivating and (b) identify other factors that, if treated and changed, can reduce the child's likelihood of reoffending and (2) provides a guide for intervention planning.

The act also eliminates from the factors the court must consider the child's culpability in committing the offense, including his or her level of participation in planning and carrying out the offense.

Disposition

The act eliminates several of the ways that the court may dispose of a delinquency case when a child is adjudicated delinquent. Under prior law, the court could:

1. order the child to participate in an alternative incarceration program or a program at DCF's wilderness school;
2. withhold or suspend execution of any judgment; or
3. for minors convicted of possessing alcohol, impose a fine of between \$200 and \$500 for a second or subsequent offense (the first offense is an infraction with no specified fine).

The act eliminates these options and instead permits the court to discharge the child from the court's jurisdiction with or without a warning. Under the act, the court may order a child to participate in a youth service bureau program as a condition of probation, instead of allowing the court to order such participation regardless of probation status. The act also allows the court to place a child on probation supervision with or without residential placement for up to 18 months, which may be extended to up to 30 months total. Prior law permitted the court to sentence a child to probation and extend the probation as it deemed appropriate with no maximum length specified.

The act also eliminates provisions that allowed the court to commit a child to DCF if (1) following a delinquency adjudication, it found that the probation services or other services available to it were not adequate for the child or (2) a child that comes under juvenile court jurisdiction was found to be mentally ill. It also eliminates a provision that authorized a child adjudicated delinquent or judged to be from a family with service needs to be employed part-time or full-time as a condition of probation or supervision in certain circumstances.

Additionally, it eliminates an obsolete provision that allowed the court to commit a child it convicted as delinquent and found to be "mentally deficient" to an institution for "mentally deficient" children and youths.

§ 23 — TRANSFER FROM DOC TO CSSD

Prior law permitted the DOC commissioner to transfer an inmate under age 18 from a DOC institution to DCF when he found that the inmate's health or welfare required it. The act instead permits the DOC commissioner to make such a transfer to CSSD. Under the act, the transfer is contingent on the CSSD executive director, rather than the DCF commissioner, finding that the inmate would benefit from the transfer and agreeing to accept the transfer. The act also authorizes the CSSD executive director, instead of the DCF commissioner, to (1) terminate the commitment to CSSD and release the inmate if he determines that this would be in the inmate's best interest or (2) return the inmate to DOC's jurisdiction. Under existing law, unchanged by the act, the inmate must also consent to the transfer from DOC in writing.

§§ 25, 27, 31, 32 & 36-38 — PROBATION SUPERVISION

The act specifies that a person age 18 or older who is on probation supervision with or without residential placement for a delinquency matter falls under the juvenile court's continuing jurisdiction. Anyone on juvenile probation supervision

may be subject to other reasonable court-ordered restrictions or conditions and required to participate in a variety of appropriate programmatic services. The act replaces references to “probation” throughout the juvenile matters statutes with “probation supervision.”

Definitions Related to Probation Supervision (§ 25)

The act defines:

1. “probation supervision” as a legal status under which a juvenile who has been adjudicated delinquent is placed by court order under juvenile probation supervision for a specified period of time and on terms the court determines;
2. “probation supervision with residential placement” as probation supervision that includes a period of placement in a secure or staff-secure residential treatment facility, as ordered by the court, and a period of community supervision;
3. “secure residential facility” as a hardware-secured residential facility that includes direct staff supervision, surveillance enhancements, and physical barriers that allow for close supervision and controlled movement in a treatment setting; and
4. “staff-secure residential facility” as a residential facility that provides residential treatment for children in a structured setting where staff monitor the children.

Probation Supervision Conditions (§ 36)

As under prior law, the act allows the court, when setting conditions on probation supervision with or without residential placement, to order that the child:

1. reside with a parent, relative, or guardian, or in a suitable court-approved residence;
2. attend school and class on a regular basis and comply with school conduct and discipline policies;
3. refrain from violating any laws or ordinances;
4. undergo any medical or psychiatric evaluation the court deems necessary;
5. submit to random drug or alcohol testing, or both;
6. participate in an alcohol or drug treatment program, or both;
7. participate in a community service program; and
8. satisfy any other conditions the court deems appropriate.

The act eliminates as a condition participating in an alternative incarceration program or other program CSSD establishes.

The act also specifies that the court may order, as a condition of probation supervision with or without residential placement, that the child:

1. participate in a youth service bureau program;
2. obtain technical or vocational training, or both;
3. make a good faith effort to obtain and maintain employment;
4. be placed in an appropriate residential facility and remain there until discharged;
5. not leave the state without notifying and receiving permission from his or her probation officer;
6. notify his or her probation officer of any change of address or phone number within 48 hours of the change;
7. make all reasonable efforts to keep all appointments scheduled by the probation officer, evaluators, and therapists, and notify the probation officer if unable to keep an appointment;
8. obey any graduated responses his or her probation officer orders; and
9. not contact any victim of the offense.

The act also allows the court to require a child’s parents or guardian, in addition to or instead of the child, to make restitution to the victim of the offense.

Under the act, at any time during the probation supervision with or without residential placement, the court may modify or enlarge the probation conditions for good cause shown. The act also caps the length of time the court may extend the probation period at up to 12 months for a total supervision period of 30 months. Prior law allowed the court to extend the probation as deemed appropriate with no maximum length specified.

Juvenile Probation Officer Responsibilities (§ 31)

Existing law requires juvenile probation officers to investigate and report as the court directs or the law requires. In addition to investigating and reporting, the act requires these officers to make recommendations to the court, including

pre-dispositional studies. Under the act, the officers must provide supervision and make referrals to pre- and post-adjudication services based on the juvenile's risks and needs, as determined by the risk and needs assessment. The officers must work collaboratively with treatment providers to ensure programs and services are adequately addressing the needs of juveniles they supervise.

The act requires the officers to keep records of all cases they investigate or that come under their care, instead of requiring them to preserve a record of all such cases.

Under the act, a "pre-dispositional study" is a comprehensive written report prepared by a juvenile probation officer regarding the child's social, medical, mental health, educational, risks and needs, and family history, as well as the event surrounding the offense to present a supported recommendation to the court.

Case Review Team Meeting (§ 36)

Under the act, the court may authorize the child's probation officer, at any time during the probation supervision period, to convene a case review team meeting with the child and his or her attorney on any case (1) being considered for residential placement or (2) that is complex and could benefit from a multi-systemic approach. The probation officer and supervisor must facilitate the meeting, which may also include the child's family, the state's attorney, school officials, treatment providers, and state agency representatives, as deemed appropriate. Any recommendations to modify the probation supervision conditions, including residential placement, must be presented to the court for consideration and approval.

Probation Supervision with Residential Placement (§§ 25 & 36)

Under the act, a child may only be placed on probation supervision with residential placement in a secure or staff-secure facility if CSSD has completed a current pre-dispositional study that the court has reviewed and the (1) placement is indicated by the child's clinical and behavioral needs or (2) level of risk the child poses to public safety cannot be managed in a less restrictive setting. The court must consider all relevant reports, evaluations, and studies offered or admitted as evidence and his or her length of stay in a residential facility must be dependent on him or her making treatment progress and attaining treatment goals.

Probation Status Review Hearing (§ 37)

The act also permits the court to convene a probation status review hearing at any time during the probation supervision period. The officer may file an ex parte request for such a hearing with the court clerk, regardless of whether a new offense or violation has been filed. The court may grant the request and convene the hearing within seven days if it finds that it is in the child's or the public's best interest. The officer must inform the child and parent or guardian of the scheduled court date and time. The child must be represented by counsel at the hearing.

Under the act, if the child or his or her parents or guardian do not appear at the hearing, absent actual or in-hand service of the notice, the failure cannot be deemed willful. Instead, the court may continue the hearing to a future date and order the child and his or her parents or guardian to be served notice to appear in court. By agreement of the parties or when the evidentiary hearing concludes, the court may modify or enlarge the probation conditions and, if appropriate, order the child placed in a secure or staff-secure residential facility. But no such placement may be ordered unless (1) it is indicated by the child's clinical and behavioral needs or (2) the level of risk the child poses to the public cannot be managed in a less restrictive setting.

Violation of Probation (§§ 31 & 37)

The act permits the court, upon a finding of probable cause, to issue an order to detain a child who has absconded, escaped, or run away from a residential facility in which the child was placed by court order. All officers named in the order must be authorized to return the child to any suitable juvenile detention facility the court designates. The child must be detained pending a detention hearing to be held the next business day.

The act permits the court to issue an order to take into custody a child who violates any conditions of probation supervision. Existing law allows the court to order an arrest warrant for a child who violates any probation conditions.

The act eliminates provisions that allowed the court to continue or revoke a suspended commitment and, if the probation or suspended commitment to DCF was revoked, require the child to serve the commitment imposed or impose a lesser commitment.

The act also eliminates a requirement that CSSD notify the local law enforcement agency when the court determined that a child or youth violated probation by failing to comply with electronic monitoring requirements.

The act also eliminates provisions that permitted investigators authorized by the chief state's attorney's office to arrest any juvenile on probation without a warrant if the juvenile violated the conditions of his or her probation. The law, unchanged by the act, permits juvenile probation officers to make such arrests or deputize another officer with arrest powers to do so.

§§ 15 & 25 — SERIOUS JUVENILE OFFENSES

Under prior law, it was a serious juvenile offense for a child to run away without just cause from any secure placement, other than home, while referred as a delinquent to CSSD or committed as a delinquent to DCF for a serious juvenile offense. Under the act, it is instead a serious juvenile offense to abscond, escape, or run away, without just cause, from any secure residential facility in which the court places the child as a delinquent.

Under existing law, unchanged by the act, certain felonies constitute serious juvenile offenses. Among other things, serious juvenile offenders (1) are prohibited from obtaining gun permits, (2) are barred from certain court diversion programs, and (3) must keep the juvenile conviction on their record for a longer period than other juvenile offenders.

§§ 20 & 43 — TRANSFER OF DCF-COMMITTED CHILDREN TO DOC CUSTODY

Under prior law, when, in the opinion of the DCF commissioner or her designee, a person committed to the department who was age 14 or older was dangerous to himself or herself or others or could not be safely held at CJTS or any other facility in the state available to DCF, the department could request an immediate juvenile court hearing to determine if the person should be transferred to Manson Youth Institution (if male) or York Correctional Institution (if female). The act eliminates (1) DCF's authority to request such a transfer and (2) the court's authority to grant the request. The act also repeals a provision that generally designated children transferred to these facilities from DCF custody to be under the jurisdiction of DOC, which runs the facilities.

§ 28 — JUVENILE JUSTICE SYSTEM GOALS

The act requires the juvenile justice system to promote prevention efforts by supporting programs and services designed to prevent re-offending, instead of by supporting programs and services designed to meet the needs of juveniles charged with delinquency. It also makes various revisions to the statutory goals of the juvenile justice system. Principally, it requires the goals to include:

1. basing probation case planning on individual risks and needs, instead of basing probation treatment planning on individual case management plans, as under prior law;
2. providing community-based, instead of nonresidential post-release, services to juveniles returned to their families or communities; and
3. creating and maintaining developmentally appropriate, trauma-informed, gender-responsive programs for juveniles that incorporate restorative principles and practices, instead of creating and maintaining programs for juvenile offenders that are gender specific (i.e., comprehensively address the unique needs of a targeted gender group), as required under prior law.

Under prior law, another goal of the system was to promote the development and implementation of community-based programs, including mental health services, designed to prevent unlawful behavior. The act (1) eliminates the requirement that the programs include mental health services and (2) requires them to be designed to prevent reoffending instead of unlawful behavior.

§ 29 — JUDICIAL BRANCH RESPONSIBILITIES

The act permits the judicial branch to establish or contract to establish secure residential facilities and requires it to develop a continuum of community-based programs. Existing law requires the judicial branch to expand its contracted juvenile justice services to include a comprehensive system of graduated responses with an array of services, sanctions, and secure placements available for the court, juvenile probation officers, and other CSSD staff (PA 17-2, JSS (§ 322)).

Contracting to Establish Secure Residential Facilities

Prior law permitted the judicial branch to contract to establish regional secure residential and regional highly supervised residential and nonresidential facilities for court-referred juveniles. Under the act, the judicial branch may instead establish or contract to establish secure and staff-secure residential facilities for court-referred juveniles. As under prior law, (1) the facilities must be exempt from DCF licensing requirements and (2) as part of a publicly bid contract, the

branch may include a requirement that the contractor provide the space necessary for juvenile probation officers and other CSSD staff to perform their duties.

Continuum of Community-Based Programs

The act eliminates a requirement that the judicial branch develop constructive programs for the prevention and reduction of delinquency and crime among juvenile offenders. Instead, it requires the branch to develop a continuum of community-based programs for reducing juvenile delinquency. When appropriate, the judicial branch must coordinate the programs with DCF; SDE; the departments of Social Services, Developmental Services, and Mental Health and Addiction Services; and any other agencies necessary.

The continuum must be:

1. designed to address the individual risks and needs of juveniles;
2. able to take into account the juvenile's history, age, maturity and social development, gender, mental health, alcohol or drug use, need for structured supervision, and other characteristics; and
3. culturally appropriate, trauma-informed, and provided in the least restrictive environment possible in a manner consistent with public safety.

The branch must develop programs that provide research and evidence-based skills training and assistance to promote independent living skills, positive activities, and social connections in the juveniles' home communities. The programs must also address:

1. anti-sociality, impulse control, and behavioral problems;
2. anger management and nonviolent conflict resolution;
3. alcohol and drug use and dependency;
4. mental health needs;
5. inappropriate sexual behavior;
6. family engagement;
7. academic disengagement; and
8. technical and vocational training needs.

§ 30 — DISCLOSURE OF JUVENILE MATTERS RECORDS AND INFORMATION

The act adds the following motor vehicle offenses to those for which records of delinquency proceedings must be disclosed to the DMV:

1. driving under the influence of drugs or alcohol (DUI) (CGS § 14-227a);
2. DUI while under age 21 with a blood alcohol content above .02% (CGS § 14-227g);
3. using, possessing with intent to use, delivering, possessing with intent to deliver, or manufacturing with intent to deliver drug paraphernalia with less than one-half ounce of marijuana (CGS § 21a-267(d)); and
4. possessing less than one-half ounce of marijuana (CGS § 21a-279a).

Existing law permits DCF employees to access records of juvenile delinquency proceedings. The act limits this access by only allowing it if (1) the child who is the subject of the records is committed to the department due to abuse or neglect and (2) the court orders the department to provide services to the child. In such circumstances, the act specifically allows DCF employees to access information that identifies the child as the subject of the delinquency petition, in addition to the delinquency proceeding records.

The act also permits law enforcement officials to disclose information concerning a child who escaped from, or failed to return from an authorized leave from court placement to a detention center or a secure or staff-secure residential treatment facility in which the court placed him or her. Prior law permitted these officials to disclose information for a child who had escaped from a detention center or from a facility to which the court committed him or her. Existing law, unchanged by the act, also permits law enforcement to disclose information about children who allegedly committed a felony and for whom an arrest warrant has been issued.

Additionally, existing law allows information about a child who is the subject of a take into custody order or other delinquency process entered into a central computer system to be disclosed to judicial branch employees and authorized agents, law enforcement agencies, and DCF. Under the act, these disclosures are only permitted if the child is committed to DCF due to abuse or neglect. As under existing law, the disclosures must be made in accordance with the chief court administrator's policies and procedures.

§ 33 — DETENTION FACILITY PLACEMENT

By law, the court may only order a child to be placed in detention in a juvenile detention facility following an arrest or after a detention hearing if it first makes certain findings. The act modifies the findings the court must make in order to detain a child. Under existing law, the court must find that there is probable cause to believe that the child committed the acts alleged and that there is no less restrictive alternative available. The act specifies that the court must find there is no appropriate less restrictive alternative available.

The law also requires the court to make one of three additional findings in order to detain a child after he or she is arrested. Under prior law, two of those findings included that there was (1) probable cause to believe that the child will pose a risk to public safety if released to the community prior to the court hearing or disposition or (2) a need to hold the child to ensure his or her appearance in court as demonstrated by a previous failure to respond to court process. Under the act, the court must instead find that there is (1) probable cause to believe that the risk the child poses to public safety if released to the community prior to the hearing or disposition cannot be managed in a less restrictive setting or (2) a need to hold the child in order to ensure the child's appearance before the court or compliance with court process, as demonstrated by previous failure to respond to court process. As under existing law, the court may also order the child detained if it finds a need to hold him or her for another jurisdiction.

By law, any child confined in a community correctional center or lockup must be kept separate and apart from adult detainees. The act limits to six hours the maximum amount of time a child may be placed at such a facility.

§ 43 — REPEALERS

The act repeals provisions that:

1. granted equal privileges to clergy of all religious denominations to provide religious instruction to inmates at CJTS and each chartered or incorporated institution to which any child may be committed by the court (CGS § 17a-201b);
2. delineated the duties and responsibilities of the judicial branch to provide programs and services to the juvenile justice system (CGS § 46b-121i);
3. required CSSD to design and make available to the judicial branch programs and probation treatment services for juvenile offenders (CGS § 46b-121j);
4. required CSSD to fund projects for a program of early intervention initiatives designed for juvenile offenders (CGS § 46b-121l);
5. required DCF to establish or designate one or more secure facilities in the state devoted to caring for and treating children under Superior Court jurisdiction (CGS § 46b-126);
6. imposed limits on how long a child could be committed to DCF as a result of a delinquency adjudication and required DCF to fulfill certain reporting requirements to the court for each such child committed to its care (CGS § 46b-141);
7. allowed the court to order an assessment for placement in an alternative incarceration program in lieu of commitment to DCF or a juvenile detention center (CGS § 46b-141a);
8. required CSSD to develop a probation treatment plan for each child referred to the division (CGS § 46b-141b); and
9. required the judicial branch to prepare and submit quarterly reports to the legislature and juvenile court judges on the number of children charged with committing serious juvenile offenses (CGS § 46b-147a).

It also repeals provisions that are generally obsolete, mainly due to the transfer of juvenile services from DCF to CSSD, including provisions that:

1. required the CJTS superintendent to notify the appropriate registrar of vital statistics when a child died at the facility (CGS § 7-63);
2. delineated DCF's responsibilities regarding CJTS (CGS § 17a-3a);
3. established the CJTS advisory group (CGS § 17a-6b);
4. required DCF to (a) annually report to the legislature on the number of children committed to the department for delinquency and (b) establish standard leave and release policies for such children (CGS §§ 17a-6c, -7a);
5. permitted DCF to place a child committed to the department for delinquency on parole if it was in the child's best interest (CGS § 17a-7);
6. (a) imposed limits on the length of time a child adjudicated delinquent could be committed to DCF and (b) allowed the commissioner to place such a child over age 14 on vocational parole if it appeared that the child could not benefit from continued school attendance (CGS § 17a-8);
7. (a) required DCF to pay for the support and maintenance of any delinquent child resident in any of the

- department's institutions or facilities and (b) allowed DCF to authorize medical treatment to ensure the child's good health or life (CGS § 17a-10);
8. generally designated a person committed to DCF who was transferred to Manson Youth Institution to be under DCF custody (as noted above, the act also eliminates DCF's authority to authorize such a transfer) (CGS § 17a-13);
 9. referenced the CJTS construction project (CGS §§ 17a-27b, -27d);
 10. allowed DCF to establish a two-year Raise the Grade pilot program ending by July 1, 2015 (CGS § 17a-64); and
 11. allowed the DCF commissioner to authorize leave for children committed to the department for delinquency (CGS § 17-8a).

PA 18-45—sSB 247

Judiciary Committee

AN ACT CONCERNING PROBATE COURT OPERATIONS

SUMMARY: This act makes changes in various unrelated laws that govern probate court operations.

Specifically, the act:

1. expands eligibility for the Kinship and Respite Grant Programs to guardians who are not related to the children in their care (§ 1);
2. establishes a \$150 filing fee for a landlord seeking to remove a deceased tenant's possessions from a rental property (§ 2);
3. eliminates the interest that accrues on probate fees on late estate tax return filings if the probate fee is based on damages recovered from wrongful death actions (§ 3);
4. exempts, from probate fees, hearings to remove a fiduciary that are held on the court's own motion (§ 4);
5. makes minor, technical, and conforming changes, including eliminating obsolete references to trustees in insolvency and persons appointed to sell land belonging to minors (§§ 5, 6 & 16-21);
6. allows the court to accept a fiduciary's resignation before he or she has submitted a final financial report, but requires him or her to file the report within 60 days of the resignation (§ 7);
7. authorizes the probate court to transfer cases on children's matters to a probate court that already has an open case related to the same child (§ 8);
8. allows a petition to appoint a guardian, co-guardian, or temporary guardian to be made in the probate court where the child lives or is domiciled or located (§§ 10 & 12);
9. amends the notice requirement in certain probate court proceedings (§§ 9, 11 & 15);
10. shortens, from six months to 45 days, the window for parents to petition the court for involuntary conservatorship before a child turns age 18 (§ 13); and
11. eliminates the requirement for a temporary conservator to file a written report when the conservatorship terminates (§ 14).

EFFECTIVE DATE: October 1, 2018, except the (1) provisions on the landlord filing fee and probate fee interest are effective January 1, 2019, and (2) provision on the court fee to remove a fiduciary is effective upon passage.

§ 1 — KINSHIP AND RESPITE GRANT PROGRAMS

Under existing law, a grandparent or other relative caregiver who is a court-appointed guardian of a child and who does not receive guardianship subsidies or foster care payments from the Department of Children and Families is eligible to apply for grants under the Kinship Fund and Grandparents and Relatives Respite Fund administered by the probate court administrator. The act expands eligibility for these grants to guardians who are not related to the children in their care.

§ 2 — FILING FEE FOR LANDLORD'S REMOVAL OF DECEASED TENANT'S POSSESSIONS

By law, when the sole tenant in a rental unit dies, and the landlord has complied with provisions in a lease that include the tenant's death as grounds for termination, the landlord may take specific actions to remove the deceased tenant's belongings and reclaim possession of the unit. Landlords that choose to follow this process must generally (1) send notice to the deceased tenant's next of kin and emergency contact, if one is designated, and (2) file an affidavit with the probate court. The act imposes a \$150 fee for this filing.

§ 3 — INTEREST ON PROBATE ESTATE SETTLEMENT FEES

By law, a decedent's estate tax return (or in some cases a copy of the return) must be filed with the probate court within six months after the decedent's death, unless the revenue services commissioner grants a filing extension for reasonable cause.

Under prior law, if an estate tax return or copy was not filed by the due date or extension date, any unpaid portion of the probate estate settlement fee accrued interest of 0.5% per month starting 30 days after the filing was due. Under the act, no interest may accrue on any portion of the probate fee that is based on damages recovered for injuries resulting in death.

§§ 4 & 7 — FIDUCIARIES

Court Fee to Remove Fiduciary (§ 4)

The law generally allows the court to assess probate fees and expenses against one or more parties in a proportion the court finds equitable. The act exempts from probate fees hearings to remove a fiduciary for failure to file required documents that the court holds on its own motion.

Fiduciary's Resignation (§ 7)

By law, the probate court, after notice and hearing, may accept or reject the written resignation of any fiduciary.

Under prior law, the court could not accept the resignation until the fiduciary submitted a final financial report to the court. The act instead allows the court to accept the resignation without the final report, but requires the fiduciary to submit it to the court within 60 days after the court accepts the resignation.

§§ 8, 10 & 12 — VENUE OF CHILDREN'S MATTERS

Transfer of Case (§ 8)

The act allows the probate court, on a party's petition or on its own motion, to transfer cases concerning the guardianship of a child or termination of parental rights to another probate court where a prior matter concerning the same child is pending or continuing. The transferring court may do so if it finds that the transfer is in the child's best interest.

Petition for Guardian, Co-guardian, or Temporary Guardian (§§ 10 & 12)

Under existing law, if a child has no parent or guardian the probate court for the district where the child resides may, on its own motion, appoint a guardian or co-guardian for the child. The act allows the probate court for the district in which the child is domiciled or located to do the same.

Existing law, unchanged by the act, allows a child's parent or guardian to apply to the probate court for the district in which the child resides for the appointment of a temporary guardian to serve for up to one year if the parent or guardian is unable to care for the child. The act allows a parent or guardian to also make such a petition in the probate court for the district in which the child is domiciled or located.

§§ 9, 11 & 15 — NOTICE IN CERTAIN PROCEEDINGS

Reinstatement of a Parent (§ 9)

By law, when a parent seeks to be reinstated as a minor's guardian, the court must hold a hearing on the reinstatement after notifying the guardian, parent, and the minor, if he or she is over age 12. The act requires the court to give the notice by first class mail at least 10 days before the hearing date, instead of in person in accordance with the existing notice requirements for removal of a parent or guardian.

Permanent Guardianship (§ 11)

Existing law allows the probate court to establish a permanent guardianship after removing a parent as guardian if the court gives notice to each parent. The act requires the court to give such notice in-person in accordance with the existing notice requirements for the removal of a parent or guardian.

Emancipation of a Child (§ 15)

By law, any minor who has reached age 16 and lives in the state, or his or her parent or guardian, may petition the juvenile or probate court for the district in which the minor, parent, or guardian resides for a determination that the minor be emancipated. If the minor is the petitioner, the act requires the court to send notice of the emancipation petition by first class mail, rather than in person, to an out-of-state parent.

§§ 13 & 14 — CONSERVATORSHIP

Involuntary Conservatorship (§ 13)

By law, if a parent or guardian anticipates that a child will require a conservator when he or she turns age 18, the parent or guardian may apply to the probate court for involuntary representation. The act shortens the window for them to file this petition from 180 to 45 days before the child turns age 18.

Temporary Conservator's Written Report (§ 14)

The act eliminates a requirement that a temporary conservator (i.e., one who serves no more than 60 days from the date of initial appointment) file a written report with the probate court when the temporary conservatorship ends. However, under the act as under existing law, the temporary conservator must file, if applicable, a final report as directed by the court, of his or her actions as a temporary conservator.

PA 18-56—sSB 468

Judiciary Committee

AN ACT CONCERNING SERVICE OF CIVIL PROCESS ON A MOTOR VEHICLE OPERATOR OR THE OWNER OF A MOTOR VEHICLE

SUMMARY: The law allows for service of process (i.e., the initiation of a civil action) on the Department of Motor Vehicles (DMV) commissioner under certain circumstances in cases involving licensed drivers or owners of registered vehicles who cannot be located for in-person service, regardless of their last known address. This act additionally allows such service for certain cases involving unlicensed drivers or owners of vehicles not registered in this state, provided the driver or owner had a last known address in Connecticut.

The act also specifies that, when the DMV issues a driver's license or motor vehicle registration to a driver or owner whose last known address is in Connecticut, the driver or owner must be deemed to have:

1. appointed the DMV commissioner as his or her attorney and
2. agreed that process related to civil damages for his or her alleged negligence, or that of his or her servant or agent, relating to operating a motor vehicle may be served on the commissioner with the same validity as service to the owner or operator, even though he or she has left the state or his or her whereabouts is unknown.

The act also makes a technical change.

EFFECTIVE DATE: October 1, 2018

SERVICE OF PROCESS

Under the act, service may be made to the DMV commissioner if:

1. an unlicensed driver allegedly caused injury to another person or his or her property and cannot be served at his or her last address on file with the DMV or
2. an owner of a vehicle not registered in this state loaned or permitted another driver to use the vehicle, the vehicle caused injury to another person or his or her property, and the owner cannot be served at his or her last address on file with the DMV.

Existing law allows service to the DMV commissioner in such circumstances involving licensed drivers and owners of vehicles registered in the state, respectively. By law, service may be made at least 12 days before the return date by:

1. leaving a true and attested copy of the writ, summons, and complaint at the commissioner's office and
2. sending such a copy by registered or certified mail to the defendant's last address on file with the DMV.

By law, the following individuals may serve civil process: a state marshal; a constable; other proper officer authorized by statute; or, under limited circumstances, an indifferent person (i.e., a person not involved in the case) (CGS § 52-50).

PA 18-57—sSB 479

Judiciary Committee

AN ACT CONCERNING IMMUNITY FROM CIVIL OR CRIMINAL LIABILITY FOR PERSONS PROVIDING MEDICAL ASSISTANCE OR INTERVENTION IN A CHILD ABUSE OR NEGLECT CASE

SUMMARY: This act provides immunity from civil and criminal liability to any person, institution, or agency that, in good faith, provides professional medical intervention or assistance in any proceeding involving child abuse or neglect. The act's immunity applies to liability that might otherwise arise from or be related to actions such as:

1. causing a photograph, x-ray, or physical custody examination to be made;
2. causing a child to be taken into emergency protective custody;
3. disclosing a medical record or other information pertinent to the proceeding; or
4. performing a medically relevant test.

Under the act, a mandated reporter (see BACKGROUND) who, in good faith, does not report suspected child abuse or neglect or alleged sexual assault of a student to the Department of Children and Families (DCF) or law enforcement as required or permitted by law may be civilly or criminally liable for failure to report. Prior law provided immunity from liability in such circumstances.

The act retains immunity for a person, institution, or agency that, in good faith, makes such a report and applies the immunity to civil or criminal liability that might otherwise arise from, or is related to, making the report. Under prior law, this immunity applied to civil or criminal liability that might otherwise be incurred or imposed.

Under the act, the immunity from civil or criminal liability for providing medical intervention or assistance or making a good faith report does not extend to medical malpractice that results in personal injury or death.

EFFECTIVE DATE: July 1, 2018, and applicable to civil actions pending or filed on or after that date.

BACKGROUND

Mandated Reporters of Child Abuse, Neglect, and Sexual Assault

By law, certain professionals (e.g., school employees, health professionals, and coaches) are designated as mandated reporters of child abuse and neglect. As such, they must report to DCF or law enforcement within prescribed timeframes when, in the ordinary course of their employment or profession, they have reasonable cause to suspect or believe that a child (1) has been abused or neglected, (2) has an injury that is at variance with its given history, or (3) is at imminent risk of physical harm. The law permits a mandated reporter acting outside of his or her professional capacity, or anyone else who has reasonable cause to suspect or believe that a child is in danger of being abused or has been abused or neglected, to report to DCF or law enforcement (CGS § 17a-101(b)).

The law also requires any school employee to report to DCF or law enforcement when, in the ordinary course of his or her employment or profession, he or she has reasonable cause to suspect or believe that a student is the victim of sexual assault and the perpetrator is a school employee (CGS § 17a-101a(a)).

PA 18-61—sSB 509

Judiciary Committee

AN ACT CONCERNING NEWLY DISCOVERED EVIDENCE

SUMMARY: Existing law generally prohibits individuals from petitioning for a new trial in a civil or criminal proceeding if three years or more have passed since the court rendered the judgment or decree. This act:

1. specifies that an existing exception to this limit based on DNA evidence that was not discoverable or available at the time of the original trial applies only to criminal proceedings and
2. allows for additional exceptions to the three-year limit for other newly discovered evidence that was not discoverable or available at the time of the original trial or any such previous petition for a new trial.

Under prior law, the exception applied to DNA evidence that was not discoverable or available at the original trial. The act allows the exception for DNA or other evidence that was not discoverable or available at (1) the original trial or (2) any previous petition for a new trial based on DNA or other newly discovered evidence.

The act permits the court to grant these petitions if the court finds that, had such evidence been presented at trial, there is a reasonable likelihood there would have been a different trial outcome.

Under the act, newly discovered evidence in support of a petition for a new trial may include forensic scientific evidence that was not discoverable or available at the time of the original trial or previous petitions for a new trial, as determined by the court, including evidence that might undermine any forensic scientific evidence presented at the original trial.

The act requires the court to consider whether relevant forensic scientific evidence was not discoverable or available at the time of the original trial based on whether the relevant scientific evidence has changed since the (1) applicable trial date or dates, (2) date a guilty or nolo contendere plea was entered, or (3) date of the most recent petition for a new trial.

The act specifies that none of the provisions regarding petitions for a new trial based on new forensic evidence create civil or criminal liability for an expert witness who repudiates the forensic scientific evidence that he or she (1) provided at a previous hearing or trial, (2) included in a previous petition, or (3) offered and that has since been undermined by later scientific research or technological advancements.

EFFECTIVE DATE: October 1, 2018

DEFINITIONS

Under the act:

1. “forensic” means the application of scientific or technical practices to the recognition, collection, analysis, and interpretation of evidence for criminal and civil law or regulatory issues;
2. “forensic scientific evidence” includes scientific or technical knowledge, reports or testimony by forensic analysts or experts, and scientific standards or a scientific method or technique upon which the relevant scientific evidence is based; and
3. “scientific knowledge” includes knowledge of the general scientific community and all fields of scientific knowledge upon which those fields or disciplines rely.

PA 18-62—sSB 517

Judiciary Committee

AN ACT CONCERNING THE PROVISION OF NOTICE OF CONDEMNATION AND ASSESSMENT OF DAMAGES FROM THE COMMISSIONER OF TRANSPORTATION TO A PERSON HAVING AN INTEREST OF RECORD

SUMMARY: This act allows the Department of Transportation (DOT) commissioner to serve process to the designated agent of a person who has an interest of record in land involved in an eminent domain-related proceeding.

By law, the DOT commissioner may take a person’s land for a number of reasons, including when it is needed for the layout, alteration, extension, widening, or other improvement of a state highway (“eminent domain”). However, the state must pay the property owner for all damages. The DOT commissioner must (1) assess the damages, (2) file the assessment with the Superior Court for the judicial district where the land is located, and (3) sign and file a certificate with the town clerk to record the taking of the property.

Under prior law, the commissioner had to give notice of the assessment directly to each person who has an interest of record in the land. Under the act, the commissioner may send such notice to either the person or the person’s designated agent.

EFFECTIVE DATE: October 1, 2018

PA 18-63—sSB 14

Judiciary Committee

AN ACT CONCERNING SPECIAL PAROLE FOR HIGH-RISK, VIOLENT AND SEXUAL OFFENDERS

SUMMARY: This act makes changes in sentencing laws related to special parole.

Specifically, the act:

1. eliminates special parole as a sentencing option for convictions of offenses related to dependency-producing drugs;
2. prohibits the court from imposing a period of special parole unless it determines that special parole is necessary to ensure public safety, based on the nature and circumstances of the offense and the defendant's criminal record and probation and parole history; and
3. allows the Board of Pardons and Paroles to discharge, from Department of Correction (DOC) custody, a person on special parole who the board believes will lead an orderly life.

"Special parole" is parole ordered by the court as part of the sentence when someone is convicted of a crime. The judge can require a period of special parole under parole supervision after an offender completes his or her maximum prison sentence. Generally, the special parole period must be between one and 10 years. However, the court can impose a period of more than 10 years on certain sexual assault or persistent offenders (CGS § 54-125e).

The act also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2018

DISCHARGE FROM DOC CUSTODY

Under existing law, if a Board of Pardons and Paroles panel believes that a convict or inmate on parole or eligible for parole will lead an orderly life, the panel may declare him or her discharged from DOC custody. The act allows the panel to do the same for a convict or inmate on special parole.

As under existing law, the act (1) allows the panel to do so by a unanimous vote of all the members present at the panel's regular meeting and (2) requires the panel to deliver a written certificate of its decision under the board's seal and signed by its chairperson and the commissioner.

PA 18-70—sSB 485

Judiciary Committee

AN ACT CONCERNING THE PROVISION OF A PAYOFF STATEMENT BY A JUDGMENT LIENHOLDER

SUMMARY: This act creates a process by which a judgment lienholder (see BACKGROUND) or his or her attorney must provide a payoff statement to a debtor, the debtor's attorney, or current owner of the property subject to the lien upon written request.

Specifically, the act:

1. requires a judgment lienholder or the lienholder's attorney to provide a written payoff statement by the date specified in the request, as long as the deadline is at least 21 business days after they receive it;
2. allows the request to be sent to the lienholder using the name and address in the last recorded lien that secures the lienholder's judgment, but requires it to be sent to the lienholder's attorney if the lienholder is a plaintiff in an enforcement action regarding the lien pending in Superior Court; and
3. prohibits the judgment lienholder or attorney from charging for the first payoff statement requested in a calendar year unless (a) the judgment debtor or his or her attorney or other authorized agent requests expedited delivery and agrees to pay a fee for such delivery and (b) the payoff statement is provided by the date the parties agreed on.

EFFECTIVE DATE: October 1, 2018

BACKGROUND

Judgment Lien

By law, a judgment lien secures the unpaid amount of any money judgment and may be placed on any real property of the debtor by recording it on the land records in the town where the property lies. It expires 20 years after the judgment was rendered (10 years for those related to small claims), unless the party claiming the lien (1) begins a foreclosure action within that time period and (2) records a formal notice of the foreclosure proceeding on the land records (CGS § 52-380a).

A judgment lien that expires for failure to comply with the above time limitations is automatically nullified and its continued existence does not affect the record owner's title or the property's marketability (CGS § 52-380c).

PA 18-75—sSB 215
Judiciary Committee

AN ACT CONCERNING COURT OPERATIONS

SUMMARY: This act makes a number of unrelated changes in court procedures and operations. It:

1. prohibits state, municipal public works, and quasi-public agency contractors from discriminating on the basis of veteran status in performing the contract (§ 2);
2. requires a parent requesting certain orders from the court to file specified accompanying documents to demonstrate an existing legal relationship with the child (§ 4);
3. requires the court, after entering a decree to dissolve a marriage, to rule on any motion filed by one of the former spouses to have his or her birth or former name restored without a hearing (§ 5);
4. eliminates a requirement that the chief family support magistrate submit an annual report to the chief court administrator (§ 6);
5. makes a technical change concerning disposal of infractions (§ 9);
6. adds to the documents that the Commission on Official Legal Publications may publish electronically (§§ 10 & 11);
7. expands the circumstances under which a posted bail bond must be automatically terminated and released to include when the defendant is granted admission to a diversionary program for young people charged with certain motor vehicle or alcohol-related offenses (§ 14);
8. extends to victims of aggravated sexual assault of a minor protections that existing law gives to certain sexual assault and other victims regarding the confidentiality of their names and other personal information (§§ 15 & 16);
9. eliminates a requirement that the Department of Rehabilitation Services (DORS) provide a qualified interpreter to a juror who is deaf or hard of hearing, at the juror's or the court's request, for court proceedings and jury deliberations (in practice, the judicial branch gets interpreters through vendors, not through DORS) (§ 17);
10. extends by six months, to July 1, 2019, the date by which the chief court administrator must report to the Judiciary Committee on the pilot program that provides indigent individuals with access to legal counsel in proceedings on applications for civil restraining orders (§ 18);
11. allows individuals applying for or receiving Medicaid benefits to apply for a non-adversarial divorce if they meet certain other eligibility requirements (§ 19);
12. specifies that the victim advocate, upon request, must be provided with a copy of any police report in the state's attorney's possession, rather than in the possession of the chief state's attorney's office (§ 20);
13. eliminates obsolete references to the judicial branch executive and assistant executive secretary (§§ 1, 3, 7, 8, 11, 12 & 13); and
14. makes minor, technical, and conforming changes throughout.

EFFECTIVE DATE: Upon passage, except the provisions:

1. prohibiting contractor discrimination based on veteran status (§ 2), allowing for a name change without a hearing (§ 5), making a technical change concerning infractions (§ 9), and specifying which police reports the victim's advocate may access (§ 20) are effective July 1, 2018 and
2. requiring certain parents to file accompanying documents (§ 4), providing protections to victims of aggravated sexual assault of a minor (§§ 15 & 16), eliminating the requirement that DORS provide interpreters for certain jurors (§ 17), and expanding eligibility for non-adversarial divorce are effective October 1, 2018.

§ 2 — DISCRIMINATION ON THE BASIS OF VETERAN STATUS

The act generally requires state agency, municipal public works, and quasi-public agency project contracts to require the contractors to (1) agree that, in performing the contracts, they will not unlawfully discriminate or permit discrimination on the grounds of veteran status and (2) agree to take affirmative action to ensure that applicants with job-related qualifications are employed and that employees are treated without regard to their status as a veteran. Under existing law, these provisions already apply to various other protected classes (e.g., on the basis of race, age, or disability).

§ 4 — ACCOMPANYING DOCUMENTS FOR CERTAIN COURT ORDERS

When parents of a minor child live separately, prior law permitted a party to apply to the court seeking orders for

custody, care, education, visitation, or support for the child. The act clarifies that only a parent may file such an application with the court. It also requires the requesting parent to file certain accompanying documents with the court no later than the first date that the matter appears on the docket.

Under the act, “accompanying documents” are those that establish an existing legal relationship between the parents and the child for whom the parent seeks the order. These documents include:

1. a copy of a birth certificate naming the applicant and respondent as the parents;
2. a copy of a properly executed paternity acknowledgment;
3. a court order or decree naming the legally responsible parents, including adoptive parents;
4. a gestational agreement;
5. documents showing that the minor was born while the parents were married; or
6. other sufficient evidence within the court’s discretion.

§§ 10 & 11 — COMMISSION ON OFFICIAL LEGAL PUBLICATIONS

The act permits the Commission on Official Legal Publications to publish appellate court decisions in electronic, instead of bound, volumes. The commission must also publish the opinions in the Connecticut Law Journal, as required under existing law.

The act allows the commission to publish, maintain, and distribute all archived official legal publications electronically as the sole format. Prior law allowed the commission to do so for all official legal “protections” and all but the most recent 100 volumes of the Connecticut Reports.

§§ 15 & 16 — NAMES AND ADDRESSES OF CERTAIN SEXUAL ASSAULT VICTIMS

The act extends to victims of aggravated sexual assault of a minor protections that existing law gives to certain sexual assault and other victims regarding their names and other personal information.

It prohibits requiring such a victim to divulge his or her address or phone number during a trial or pretrial evidentiary hearing arising from the alleged crime 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 it is in cases involving other offenses.

Also, under the act, such a victim’s name and address, and other identifying information as the court determines, is confidential and may not be disclosed without a court order, except (1) the information must be available to the accused in the same manner and time as such information is available to individuals accused of other criminal offenses and (2) if a protective order is issued, the victim’s name and address, in addition to the information in and concerning the protective order, must be entered in the protective order registry.

PA 18-94—sHB 5258

Judiciary Committee

AN ACT ADOPTING THE REVISED UNIFORM ARBITRATION ACT

SUMMARY: This act adopts the Revised Uniform Arbitration Act (RUAA). It codifies arbitration rules, standards, and common practices, some of which were previously not regulated by statute. It permits parties to waive or modify many of them, but specifically bars such waiver for other provisions or allows it only under specified circumstances (§ 4). The act covers:

1. agreements to arbitrate and their enforceability;
2. notice requirements;
3. court jurisdiction and procedures before the completion of an arbitration;
4. arbitrators’ qualifications, information they must disclose, and powers;
5. arbitration proceedings; and
6. court proceedings after an award has been issued.

The act generally applies to agreements to arbitrate made on or after October 1, 2018. It does not repeal the existing law on arbitration proceedings (Chapter 909). Under the act, proceedings governed by any other laws (including those on highway and public works contract arbitrations; state and municipal employees; teachers and superintendents; and new car lemon law disputes) related to an agreement to arbitrate, whenever entered, are subject to the existing arbitration law unless:

1. all the parties agree in a record to be governed by the act and the agreement is allowed by other law or
2. another law provides that the proceeding is governed by the act's requirements.

The act also specifies that it does not affect an action or proceeding begun, or right accrued, before the act takes effect (§ 31). This provision may not be waived or modified.

The analysis below notes when the existing arbitration statutes contain provisions similar to the act. It also indicates which of the act's provisions cannot be waived or modified.

EFFECTIVE DATE: October 1, 2018

§ 2 — NOTICE

The act contains a general definition of notice. A person gives notice by taking reasonably necessary action to inform another in ordinary course, regardless of whether that person actually learns about it. A person has notice under this provision if he or she receives or learns about the notice.

Under the act, a person receives notice when it is brought to the person's attention or is delivered to his or her home, office, or other location the person designated for delivery. "Persons" under the act include people, government entities, businesses, and other legal and commercial entities.

Also, as described below, the act has specific notice requirements, such as deadlines, in several of its provisions.

§ 5 — APPLICATIONS FOR JUDICIAL RELIEF

Applications for court relief under the act, other than appeals, must be filed by motion in Superior Court and heard in the manner provided by law or court rule for motions. Before a controversy arises, the parties may not waive or modify this provision.

The act also specifies that, unless a civil action involving the agreement to arbitrate is pending, notice of an initial court motion under the act must be served in the manner provided by law for service of a summons in a civil action. Otherwise, notice of a motion must be given in the manner provided by law or court rules for serving motions in pending cases.

§ 6 — AGREEMENTS TO ARBITRATE

The act specifies that an agreement in a record to submit to arbitration any existing or future controversy between the parties is valid, enforceable, and irrevocable except upon a ground that exists at law or in equity to revoke a contract. The parties may not waive this provision before a controversy arises.

Existing law specifies permissible methods for creating arbitration agreements (e.g., written contracts or other written agreements to submit controversies to arbitration) and similarly permits legal and equitable principles for the avoidance of written contracts to be grounds for making arbitration agreements invalid, revocable, and unenforceable (CGS § 52-408). Existing law also prohibits arbitration of child support, visitation, and custody disputes (CGS §§ 52-408 and 46b-66).

The act directs courts to decide whether an agreement to arbitrate exists or a controversy is subject to such an agreement. It directs arbitrators to decide whether a claim is ripe for arbitration and whether a contract containing an arbitration clause is enforceable.

The act specifies that if a party to a court proceeding challenges the existence of an agreement to arbitrate, or claims that a controversy is not subject to the agreement, the arbitration may continue pending the court's final resolution of the issue, unless the court orders otherwise.

§ 7 — MOTION TO COMPEL OR STAY ARBITRATION

Under the act, if a party files a motion alleging another person's refusal to arbitrate under an agreement, the court must order the parties to arbitrate if (1) it finds there is an enforceable agreement and (2) the refusing party does not appear or does not oppose the motion. If the refusing party opposes the motion, the court must summarily decide the issue and order the parties to arbitrate, unless it finds that there is no enforceable arbitration agreement.

Under the act, the court may not refuse to order arbitration because the claim subject to arbitration lacks merit or grounds for the claim have not been established.

Existing law specifies that (1) applications for orders to proceed with (i.e., compel) arbitration must be made by writ of summons and complaint and (2) complaint allegations not answered within five days of the complaint's return date are deemed denied by operation of law. The court must hear the matter either at a short calendar session, as a privileged case, or otherwise, in order to dispose of the case with the least possible delay (CGS § 52-410).

The act permits people to file motions when an arbitration proceeding has been threatened or initiated and they claim that there is no arbitration agreement. As with motions to compel, the court must decide this issue summarily. If it finds that there is an enforceable arbitration agreement, it must order arbitration to proceed.

If a proceeding involving a claim referable to arbitration under an alleged agreement to arbitrate is pending in court, the act requires a motion under these provisions to be made in that court. Otherwise, a motion may be made in the appropriate court as provided below (see § 27).

The act provides that if a party makes a court motion to order arbitration, the court “on just terms” must stay any judicial proceeding that involves a claim alleged to be subject to the arbitration, until the court decides the matter.

Similarly, if a court orders arbitration, the court on just terms must stay any court proceeding that involves a claim subject to the arbitration. If some claims are not subject to arbitration, the court may order a partial stay, permitting the lawsuit to continue with respect to non-arbitrable issues.

The parties cannot waive or modify these provisions of the act.

Existing law permits the filing of motions to stay court proceedings. It has a similar standard for granting them, but unlike the act, specifically requires the moving party to show that he or she is ready and willing to proceed with the arbitration (CGS § 52-409).

§ 8 — PROVISIONAL REMEDIES

Under the act, before an arbitrator is appointed and authorized to act, the court, upon motion and for good cause shown, may enter orders for provisional remedies. The court may do so to protect the effectiveness of the arbitration proceeding. The act specifies that the court’s authority is the same as if the controversy were the subject of a civil action.

After an arbitrator has been appointed and is authorized to act, the act allows the arbitrator to order provisional remedies, including interim awards, as necessary to protect the proceeding’s effectiveness and promote the fair and expeditious resolution of the controversy, to the same extent as if it were a civil action.

Under the act, a party to an arbitration proceeding can make a court motion for provisional remedies only if the matter is urgent and the arbitrator is not able to act in a timely manner or the arbitrator cannot provide an adequate remedy.

The act specifies that a party filing a court motion for provisional relief does not waive his or her right to arbitration by doing so.

Parties to arbitration agreements can waive the act’s provisional remedy provisions, or make other agreements on such issues, only after a particular controversy arises.

Existing law authorizes courts to issue provisional remedies (i.e., *pendente lite* orders) throughout the arbitration process to protect parties’ rights and secure enforcement if an award in their favor is ultimately issued and confirmed (CGS § 52-422).

§ 9 — INITIATION OF ARBITRATION

The act creates an exception to the general rule for notices when a party seeks to initiate an arbitration proceeding. It specifies that unless the parties have agreed otherwise, they must do this by certified or registered mail, return receipt requested and obtained, or by a service method (such as personal delivery) permitted for beginning a civil lawsuit. The notice must describe the controversy and the requested remedy. Before a controversy arises, parties may not agree to unreasonably restrict the right to such notice of the initiation of an arbitration proceeding.

Parties who appear at the arbitration hearing waive objections based on lack or insufficiency of notice unless they object by the beginning of the hearing.

§ 10 — CONSOLIDATION OF SEPARATE PROCEEDINGS

Unless the arbitration agreement prohibits it, the act permits the court to order consolidation of separate arbitration proceedings as to all or some claims, upon motion of a party. The act allows this if:

1. there are separate agreements to arbitrate or separate arbitration proceedings between the same people or entities, or one of them is a party to a separate agreement to arbitrate or a separate arbitration with a third person;
2. the claims arise in substantial part from the same transaction or series of related transactions;
3. the existence of a common issue creates the possibility of conflicting decisions in the separate proceedings; and
4. prejudice from a failure to consolidate is not outweighed by the risk of undue delay, prejudice, or hardship to parties opposing consolidation.

§§ 11-14 — ARBITRATORS

Appointing Arbitrators (§ 11)

The act permits parties to agree on a method for appointing an arbitrator (or arbitration panel) and requires them to follow it unless the method fails. But it requires the court to appoint an arbitrator on motion of any party if (1) the parties cannot agree on a selection method, (2) the agreed-upon method fails, or (3) an appointed arbitrator fails or is unable to act and a successor has not been appointed. Court-appointed arbitrators have all the powers of the arbitrator designated in the arbitration agreement or appointed pursuant to the agreed-upon method.

The act's provisions are similar to existing law, although existing law specifies that such proceedings be initiated and decided in the same way as applications to proceed with arbitrations (CGS § 52-411). Existing law also specifies that when a substitute or additional arbitrator is appointed to a case where evidence has already been presented, the matter must be reheard unless the parties agree otherwise in writing (CGS § 52-414).

The act prohibits a person with a known, direct, and material interest in the outcome of the proceeding, or a known, existing, and substantial relationship with a party, from serving as a neutral arbitrator.

Required Disclosures by Arbitrators (§ 12)

Under the act, before accepting appointment to serve as arbitrator, a person must make reasonable inquiry and disclose to all parties and to any other arbitrators any known facts that a reasonable person would consider likely to affect his or her impartiality. This includes any (1) financial or personal interest in the outcome and (2) existing or past relationship with any of the parties, their counsel or representatives, a witness, or another arbitrator.

Arbitrators must continue to disclose facts that they learn after accepting appointment that a reasonable person would consider likely to affect the arbitrator's impartiality.

The act specifies that before a controversy arises, the parties may not agree to unreasonably restrict the right to disclosure by a neutral arbitrator under these provisions.

The act allows a court, upon a timely objection, to vacate an arbitration award if the arbitrator (1) did not disclose a fact that he or she should have or (2) disclosed such a fact and the party, based upon that disclosure, objects to the arbitrator's appointment or continued service.

The act provides that a person appointed as a neutral arbitrator who does not disclose a known, direct, and material interest in the proceeding's outcome or a known, existing, and substantial relationship with a party is presumed to have acted with evident partiality. It also specifies that parties who have agreed to the procedures of an arbitration organization or any other procedures for challenges to arbitrators before an award is made must comply substantially with those before asking a court to vacate an award on evident partiality grounds.

Arbitration Panels – Decision by Majority (§ 13)

Unless the parties agree otherwise, the act specifies that when more than one arbitrator is designated to decide an issue (i.e., a panel), the decision of a majority must be obtained. But all must conduct an arbitration hearing. This is consistent with existing law (CGS § 52-414).

Immunity and Related Issues (§ 14)

The act gives an arbitrator and an arbitration organization, acting in those capacities, the same immunity in civil lawsuits as Superior Court judges have when acting in their judicial capacity. (By law, judges are immune from liability for actions taken in their judicial capacity.) The act provides that (1) this immunity supplements any immunity under other law and (2) an arbitrator's failure to disclose information as described above (see § 12) does not strip him or her of this immunity.

Under the act, arbitrators and arbitration organization representatives (1) are not "competent to" (i.e., cannot) testify in judicial, administrative, or similar proceedings and (2) may not be required to produce records concerning any statement, conduct, decision, or ruling occurring during the proceeding to the same extent as a judge acting in a judicial capacity. But this does not apply (1) if testimony or records are needed to determine an arbitrator's or arbitration organization's claim against a party to the proceeding (such as for unpaid fees) or (2) to a hearing on a motion to vacate an award when the moving party establishes a prima facie case (i.e., makes a preliminary showing) of specified grounds to vacate, such as arbitrator misconduct.

The act requires courts to award arbitrators and arbitration organizations or their representatives attorney's fees and other reasonable costs of litigation when they are sued or a person seeks to compel them to testify or produce records but

the court finds they are immune from civil liability or incompetent to testify.

These provisions of the act cannot be waived or modified.

§§ 15-21 — ARBITRATION PROCEEDINGS

General Authority (§ 15(a))

The act permits arbitrators to handle proceedings in the manner they consider appropriate for a fair and expeditious disposition. They may hold conferences with the parties before the hearing and, among other things, determine the admissibility, relevance, material value, and weight of evidence.

Summary Disposition (§ 15(b))

Under the act, arbitrators may decide claims or issues summarily (1) if all interested parties agree or (2) when one party requests this and gives notice of the request to all other parties and the other parties have a reasonable opportunity to respond.

Hearings (§ 15(c) and (d))

Under the act, if the arbitrator orders a hearing, he or she must set a time and place and give notice at least five days in advance. Unless a party objects to the lack or insufficiency of notice by the beginning of the hearing, his or her appearance at the hearing waives the objection. Existing statutes do not (1) specify how much advance notice parties must receive or (2) provide for the waiver of objections to the adequacy of hearing notices.

The act specifies that a party to an arbitration hearing has a right to (1) be heard, (2) present evidence material to the controversy, and (3) cross-examine witnesses.

It provides that hearings may be adjourned on the arbitrator's initiative or if any party requests it and shows good cause. It specifies that hearings cannot be postponed to a time later than that fixed by the arbitration agreement for making the award unless the parties consent. Existing law contains similar provisions (CGS § 52-413).

The act authorizes the arbitrator to proceed and decide controversies upon the evidence presented even if a duly notified party does not appear. This is consistent with existing law (CGS § 52-414).

The act specifies that a party may request the court to direct an arbitrator to conduct the hearing promptly and render a timely decision.

Existing law also specifies that an arbitrator, upon request of all parties, may request a court to give a decision on any question arising at the hearing, if the parties agree in writing to be bound by the court's decision (CGS § 52-415).

Replacement Arbitrator

Under the act, if an arbitrator ceases serving in that role or is unable to do so during a proceeding, a replacement must be appointed under the act's procedures for appointing arbitrators (see § 11).

Representation by Attorney (§§ 3 & 16)

The act specifies that a lawyer may represent a party to an arbitration proceeding, but it permits post-controversy agreements to the contrary. The act also allows employers and labor organizations to waive their right to a lawyer in labor arbitration.

Subpoenas, Depositions, and Discovery (§ 17)

As under existing law (CGS §§ 52-412 & -414), the act gives arbitrators the power to administer oaths and issue subpoenas directing witnesses to attend and produce documents at any hearing. It directs them to serve subpoenas in the same way as for civil actions, and it permits parties or the arbitrator to file a court motion and have a judge enforce the subpoena in the same manner as in a civil action.

Under existing law, both arbitrators and others legally authorized to issue subpoenas (such as a party's lawyer) may issue these subpoenas (CGS § 52-412). It appears that, under the act, only arbitrators may do so unless the parties agree otherwise after a controversy has arisen.

The act permits arbitrators, in order to make the proceedings fair, expeditious, and cost-effective, to permit parties to take depositions for use as evidence at the hearing, including depositions of witnesses who cannot be subpoenaed for, or

are unable to attend, a hearing. The arbitrator must specify the conditions for the depositions.

Parties can waive the above rules or make other agreements after a controversy arises.

Under the act, arbitrators may also permit the parties to engage in discovery that is appropriate under the circumstances. The arbitrator must consider the needs of the parties and other affected persons and the desirability of making the proceeding fair, expeditious, and cost-effective. When discovery is permitted, arbitrators can, to the extent a court could in a civil action, order parties to comply, issue discovery subpoenas, and take action against people who fail to comply.

The act authorizes the arbitrator to issue a protective order to prevent the disclosure of privileged or confidential information, trade secrets, and other information protected from disclosure to the extent a court could in a civil action. It specifies that all laws compelling a person under subpoena to testify and all witness fees applicable in civil actions also apply to arbitrations.

The act permits courts to enforce an arbitrator's subpoena or discovery-related orders for the attendance of witnesses within the state or for the production of records or other evidence in connection with out-of-state arbitrations, upon conditions the court sets to make the arbitration proceeding fair, expeditious, and cost-effective. Existing law does not directly reference out-of-state arbitrations (CGS § 52-414).

The act requires subpoenas or discovery-related orders from out-of-state arbitrators to be served in the manner provided under Connecticut law for serving subpoenas in a civil action. A party or the arbitrator can bring a motion to enforce the order in the same manner under law as for enforcement of subpoenas in civil actions in the state.

Pre-award Rulings (§ 18)

Under the act, if an arbitrator makes a pre-award ruling (i.e., an interim ruling disposing of only some issues or claims), the party may request the arbitrator to incorporate that ruling into the arbitration award. The prevailing party may file a court motion for an expedited order confirming the award, which the court must decide summarily. The court must issue an order to confirm the award unless the court vacates, modifies, or corrects it on grounds specified by the act (see below, §§ 23 and 24). These provisions of the act cannot be waived or altered by agreement.

Awards (§ 19)

Under the act, the arbitrator must make a record of his or her award. Any arbitrator concurring with it must sign or otherwise authenticate it. Either the arbitrator or the arbitration organization must give notice and a copy of the award to each party. The award must be made within the time specified by the agreement to arbitrate, or if not specified, within the time ordered by the court.

These provisions are generally consistent with existing law, although existing law specifies that when the parties' agreement is silent, the time limit is 30 days from the close of the hearing or from the date fixed for the submission of materials to the arbitrator (such as briefs) after the hearing concludes (CGS § 52-416).

Under the act, courts can extend the time for the arbitrator to make the award or the parties may agree in a record to extend it. The court or the parties may do so within or after the time specified or ordered. A party waives any objection that the award was not timely unless he or she objects to the arbitrator before receiving notice of the award. Existing law specifies that an award issued after time limits have expired has no legal effect unless the parties have agreed in writing to an extension or ratification (CGS § 52-416).

Motions to the Arbitrator to Modify or Correct (§ 20)

Under the act, parties may ask the arbitrator by motion to modify or correct an award for the following reasons:

1. evident mathematical miscalculation or mistake in the description of a person, thing, or property referred to in the award;
2. the award is imperfect in a matter of form not affecting the merits of the decision;
3. the arbitrator has not made a final and definite award on a claim that was submitted for arbitration; or
4. to clarify the award.

Such motions must be filed within 20 days after the moving party receives notice of the award, and he or she must give notice to all parties within that time. Objections must be filed within 10 days of receipt.

When a party has filed a court motion to confirm, vacate, modify, or correct an award (see below, §§ 22, 23, & 24), the act allows the court to return the matter to the arbitrator to consider whether to modify or correct the award for any of the reasons specified above for such motions to the arbitrator. Parties cannot waive or vary this provision.

Remedies (§ 21)

The act permits arbitrators to award punitive damages or other exemplary relief when such an award is authorized by law in a civil action involving the same claim and the evidence justifies the award under the legal standards that otherwise apply. If the arbitrator issues such an award, he or she must specify in the award the factual justification and legal authorization and state separately the amount of the punitive damages or other exemplary relief.

The act also permits arbitrators to award reasonable attorney's fees and other arbitration costs if this is authorized by law in a civil action involving the same claim or by the agreement of the parties. It specifies that an arbitrator's expenses and fees, together with other expenses, must be paid as provided in the award.

For all other remedies, the act authorizes arbitrators to fashion such remedies as they consider just and appropriate under the circumstances.

Existing law does not expressly address allowable remedies. Parties may raise this issue in a motion to vacate, claiming that the arbitrator did not have the authority to order a particular remedy.

§§ 22-25 — POST-ARBITRATION COURT PROCEEDINGS

Motion to Confirm (§ 22)

The act permits parties to file court motions to confirm an arbitrator's award and requires courts to grant them unless the (1) arbitrator or court modified or corrected the award or (2) court vacated the award. This rule cannot be waived or modified.

Existing law requires such motions to be filed within one year of the award (CGS § 52-417), but the act does not specify a time limit. Existing law also requires parties applying for these orders (and for orders to modify or vacate an award) to include various specified documents with the motion (CGS § 52-421).

Motion to Vacate (§ 23)

The act generally requires parties to file motions to vacate within 30 days of receiving notice of the original, modified, or corrected award. If the moving party alleges that the award was procured by corruption, fraud, or other undue means, he or she must file the motion within 30 days after (1) learning this information or (2) he or she would have learned the information in the exercise of reasonable care.

Under existing law, motions to vacate must be filed within 30 days of receipt of the notice of an award (CGS § 52-420).

If such a motion is filed, the act requires courts to vacate an award if:

1. it was procured by corruption, fraud, or other undue means;
2. there was (a) evident partiality by an arbitrator appointed as a neutral arbitrator, (b) corruption by an arbitrator, or (c) misconduct by an arbitrator prejudicing a party's rights;
3. an arbitrator refused to postpone the hearing upon showing of sufficient cause, refused to consider material evidence, or otherwise substantially prejudiced a party's rights by the manner of conducting the hearing;
4. an arbitrator exceeded his or her powers;
5. there was no agreement to arbitrate, unless the person participated in the proceeding without raising this objection before or when the hearing began; or
6. the arbitration was conducted without proper notice and a party's rights were substantially prejudiced as a result.

Existing law establishes the first four criteria as grounds for vacating an award. It also requires the court to vacate an award when an arbitrator carried out his or her authority so imperfectly that the resulting award is not mutual, final, or definite (CGS § 52-418).

Under the act, courts that grant a motion to vacate may order re-hearings unless the reason for vacating the award is lack of agreement to arbitrate. If the reason for vacating is the arbitrator's corruption, misconduct, or similar reasons under (1) or (2) above, a different arbitrator must conduct the rehearing. Otherwise, the court may permit the initial arbitrator to conduct the rehearing. Arbitrators must render decisions on rehearings within the deadlines for issuing an original award (see § 19).

Under existing law, courts may direct rehearings when the time limits for issuing an award have not expired. They must do so in labor arbitration proceedings, regardless of these time limits, unless a party shows that there is no issue in dispute (CGS § 52-418).

Under the act, courts that deny a motion to vacate must confirm the award, unless a motion to modify or correct is pending.

The parties cannot waive or modify these provisions by agreement.

Motions to Modify or Correct (§ 24)

Under the act, courts must grant motions to modify or correct for some of the same reasons that arbitrators can grant such motions (i.e., evident mathematical errors or mistaken identifications in the award, and formal defects). Courts must also do so when the arbitrator makes an award on a claim that the parties did not submit to him or her, so long as the award can be corrected without affecting the merits of the arbitrator's decision on the submitted claims. Existing law contains similar provisions (CGS § 52-419).

These court motions must be filed within 90 days of receiving notice of (1) the original award or (2) the award as modified or corrected by the arbitrator. If the court grants the motion, it must modify or correct the award and confirm it. If it denies the motion, it must confirm the award unless a motion to vacate is pending. The existing limitation period for filing these motions is 30 days from notice of the award (CGS § 52-420).

Under the act, courts may join proceedings arising from motions to vacate and to modify or correct.

The parties cannot waive or modify these provisions.

Judgment and Costs (§ 25)

Generally similar to existing law (CGS § 52-421), the act provides that a court order confirming, modifying, or correcting an award, or vacating an award without directing a rehearing, may be enforced as any other judgment in a civil action.

The act allows the court to award reasonable costs of the motion and subsequent court proceedings to the prevailing party.

The parties cannot waive or modify these provisions.

§ 26 — COURT JURISDICTION

The Superior Court has exclusive jurisdiction to enter judgment on arbitration awards under the act when the arbitration agreement provides for arbitration in the state. The Superior Court can enforce other arbitration agreements if it has jurisdiction over the dispute and the parties. Once a controversy arises, parties can make other agreements about jurisdiction.

§ 27 — VENUE

Motions for judicial relief under the act must be filed in (1) the judicial district where the arbitration agreement specifies the hearing will be held or (2) the district where it was held. Otherwise, motions may be filed (1) in any judicial district in Connecticut where an adverse party resides or has an office or (2) if no adverse party has a residence or office in Connecticut, in any Connecticut Superior Court. Unless the court directs otherwise, subsequent motions must be made in the court hearing the initial motion.

Existing law provides that several specified court motions related to arbitration must be brought in the judicial district in which one of the parties resides or, in a controversy concerning land, in the district where the land is situated.

§ 28 — APPEALS

Unless the parties have agreed otherwise after a particular controversy has arisen, the act allows appeals to be taken from a Superior Court order:

1. denying a motion to compel arbitration,
2. granting a stay of arbitration proceedings,
3. confirming or denying confirmation of an award,
4. modifying or correcting an award,
5. vacating an award without directing a rehearing, or
6. of final judgment in a covered proceeding.

It specifies that the same rules that apply to appeals from court orders or judgments in civil matters apply to these appeals.

Existing law does not address appeals from the denial of a motion to compel arbitration or the granting of a stay of arbitration proceedings.

§ 29 — UNIFORM CONSTRUCTION

The act directs that, in applying and construing this uniform act, consideration be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it. This provision cannot be waived or modified by the parties.

§ 30 — RELATIONSHIP TO E-SIGN ACT

The act provides that its provisions governing the legal effect, validity, or enforceability of electronic records or signatures and of contracts that contain them conform with § 102 of the federal Electronic Signatures in Global and National Commerce Act (P.L. 106-229), which regulates the use of electronic records and signatures in interstate and foreign commerce.

This provision cannot be waived or modified by the parties.

§ 32 — INTEREST ON AWARDS

The act sets a 10% interest rate on arbitration awards owed but not paid. This is the same rate that applies to other types of arbitration awards and unpaid civil damages under existing law. The parties cannot waive or modify this provision.

PA 18-127—HB 5477

Judiciary Committee

AN ACT CONCERNING STATE V. MCCAHILL

SUMMARY: This act eliminates an obsolete provision from a law on post-conviction release on bond of defendants awaiting sentencing or appeal. Removing the provision conforms to a case in which the Connecticut Supreme Court held the language to be unconstitutional.

The case involved a statutory prohibition on courts from releasing on bail anyone convicted of any offense involving the use, attempted use, or threatened use of force. The court held that this provision unconstitutionally violated the separation of powers because it significantly interfered with the Superior Court's judicial role (*State v. McCahill*, 261 Conn. 492 (2002)).

The act removes the unconstitutional language from the law. It retains a provision that prohibits courts from releasing on bail anyone convicted of murder, murder with special circumstances, felony murder, or arson murder. (In *McCahill*, the court noted in dicta that this provision does not interfere with the Superior Court's role.)

EFFECTIVE DATE: Upon passage

PA 18-128—sHB 5471

Judiciary Committee

AN ACT CONCERNING VICTIM'S RIGHTS AND RESTITUTION

SUMMARY: This act requires the court, when sentencing an individual convicted of a criminal offense, to inquire on the record whether there are any requests from victims for restitution. Existing law, unchanged by the act, requires the court to order an offender to make financial restitution, under terms that it determines are appropriate, if the:

1. individual was convicted of an offense that resulted in injury to another person or property damage or loss;
2. victim requests financial restitution; and
3. court finds that the victim suffered injury or property damage or loss as a result of the offense.

Under existing law, the court must impose or direct any such restitution by a written order. The act explicitly requires that the order be written on a form the chief court administrator prescribes. It also (1) requires the court to retain each original form containing a written restitution order as part of the offender's court file and (2) makes a conforming change.

EFFECTIVE DATE: October 1, 2018

PA 18-134—HB 5557

Judiciary Committee

AN ACT CONCERNING THE COMPETENCY OF A DEFENDANT TO STAND TRIAL

SUMMARY: This act decreases the frequency of court-ordered periodic examinations for certain criminal defendants deemed incompetent to stand trial after an initial examination. Generally, the act covers defendants charged with certain sex offenses or crimes that resulted in death or serious physical injury.

Under existing law, as a condition of release or placement with a state agency after a defendant is deemed incompetent to stand trial (see **BACKGROUND**), the court may order periodic competency examinations at least every six months. The act extends the intervals between examinations to at least every 18 months if the court finds, after the initial periodic examination and based upon the examiner's recommendation, that there is a substantial probability that the defendant will never regain competency even if provided a course of treatment.

Under existing law, unchanged by the act, periodic examinations must continue until the (1) court finds the defendant attained competency or (2) time within which the defendant may be charged for the alleged crime expires, whichever occurs first.

EFFECTIVE DATE: October 1, 2018

BACKGROUND

Competency to Stand Trial

By law, a defendant in a criminal trial may not be tried, convicted, or sentenced while he or she is deemed incompetent (i.e., unable to understand the proceedings or assist in his or her own defense). If treatment for the defendant is unsuccessful and the defendant does not attain competency, the court may order such a defendant (1) released or (2) placed in the custody of the departments of children and families, developmental services, or mental health and addiction services. Defendants placed in a department's custody may receive further treatment or be civilly committed to a psychiatric facility, if appropriate (CGS § 54-56d(m)).

PA 18-135—sHB 5563

Judiciary Committee

AN ACT CONCERNING ROBO CALLS AND SPOOFING

SUMMARY: Existing law prohibits a person from transmitting unsolicited recorded business, commercial, and advertising messages to Connecticut customers through telephone message devices that do not immediately disconnect when the customer hangs up (e.g., robocalls) and requires violators to be fined up to \$1,000.

This act makes it a class A misdemeanor (see Table on Penalties) for a person to intentionally use a blocking device or service to circumvent a customer's caller identification service or device (e.g., spoofing) to transmit this type of unsolicited message.

EFFECTIVE DATE: October 1, 2018

PA 18-153—sSB 467

Judiciary Committee

AN ACT CONCERNING THE CUSTODY AND CONTROL OF A DECEDENT'S BODY

SUMMARY: This act prohibits a person with disposition rights after a decedent's death from cancelling or substantially revising the funeral service contract's disposition directions and funeral pre-arrangements unless (1) the financial resources set aside to fund the contract are insufficient to implement these provisions and (2) the probate court approved the cancellation or revision.

Additionally, the act establishes requirements for funeral directors and embalmers when there is a dispute regarding the final disposition of a decedent's remains. Among other things, it:

1. generally allows funeral directors or embalmers to preserve and shelter a decedent's remains while parties are

disputing;

2. specifies that they are not responsible for contacting or locating the decedent's relatives or next of kin;
3. authorizes them to carry out the disposition instructions of individuals they reasonably believe hold final disposition rights;
4. generally allows them, when more than one person has equal disposition rights, to act on the instructions of the first person to make arrangements;
5. allows them to add to the final disposition costs, legal fees for petitioning the court, or the cost of preserving remains during a dispute; and
6. grants them immunity against liability under certain conditions.

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2018

DISPUTES ON THE FINAL DISPOSITION OF A BODY

Preserving Remains During a Dispute

The act allows funeral directors or embalmers to embalm or refrigerate and shelter a decedent's remains if they retain the remains for final disposition while parties are disputing. They may do this only to preserve the body while waiting for a final probate court decision and may add the associated cost to the final disposition costs.

If there is a dispute, the act grants funeral directors or embalmers immunity from liability for refusing to (1) accept the remains, (2) inter or otherwise dispose of the remains, or (3) complete final disposition arrangements until they receive a probate court order or other written agreement signed by the parties in the dispute.

Court Petitions

Under the act, funeral directors or embalmers who petition the probate court on the custody, control, or disposition of a decedent's body may add the associated legal fees and court costs to the final disposition costs.

The act specifies that it does not require or impose a duty upon funeral directors or embalmers to initiate such a petition, and they are not criminally or civilly liable for choosing not to do so.

Documents Directing Final Disposition

Under the act, an individual who signs a funeral service agreement, cremation authorization form, or other authorization directing the final disposition of a decedent's body is deemed to warrant the truthfulness of any facts in these documents, including the decedent's identity and the individual's authority to order the final disposition of the decedent's remains.

The act authorizes funeral directors or embalmers to rely on these authorization documents and carry out the instructions of the individuals who they reasonably believe hold final disposition rights.

Objections to Funeral and Final Disposition Arrangements

Under the act, funeral directors or embalmers are not responsible for contacting or independently investigating the existence of the decedent's relatives or next-of-kin. If more than one person has equal disposition rights, directors and embalmers may rely and act on the instructions of the first person to make funeral and final disposition arrangements. But, they may do this only if (1) no other person with final disposition rights submits written notice objecting to these arrangements or (2) they do not know of any such objection.

Additionally, the act grants immunity from criminal liability to funeral directors or embalmers who dispose of a decedent's remains in good faith in accordance with the instructions of a person claiming to have final disposition rights. In any civil action brought against a funeral director or embalmer for negligence relating to such disposition, he or she is presumed to have acted reasonably.

PA 18-155—sSB 521*Judiciary Committee***AN ACT CONCERNING THE ADMINISTRATION OF THE DEPARTMENT OF CORRECTION**

SUMMARY: This act makes various changes in the statutes governing the Department of Correction (DOC). Principally, it:

1. requires the DOC commissioner, within available appropriations, to establish a wellness initiative for employees who interact with inmates at correctional facilities (§ 1);
2. makes the Criminal Justice Policy Advisory Commission (CJPAC), instead of the DOC commissioner, primarily responsible for quarterly reporting to the legislature about earned risk reduction credits awarded to reduce any inmate's sentence (§ 2);
3. requires the DOC commissioner or his designee, instead of the warden at the correctional facility from which an inmate will be released, to review the inmate's records and verify that the inmate earned any risk reduction credits being applied to reduce his or her sentence (§ 3);
4. allows, instead of requires, the DOC commissioner to approve the establishment and maintenance of an optical shop to produce prescription eyeglasses for inmates (§ 4);
5. adds benefit corporations to the entities that may purchase articles, materials, or products produced or manufactured by correctional institution industries (i.e., Correctional Enterprises of Connecticut) (§ 5);
6. eliminates the law, which was never implemented, that required the DOC commissioner to establish inmate discharge saving accounts and makes conforming changes (§§ 6-10); and
7. makes other minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2018

§ 1 — EMPLOYEE WELLNESS PROGRAM

The act requires the DOC commissioner, within available appropriations, to establish a wellness initiative for department employees who interact with inmates at correctional facilities. The initiative must include the following:

1. employee assistance and peer support programs,
2. stress management training and critical incident stress response,
3. military peer support,
4. an employee safety and health committee,
5. periodic wellness fairs, and
6. other programs that have demonstrated effectiveness in addressing the needs of employees who interact with inmates.

The commissioner or his designee may apply for federal, state, or private nonprofit funding to support and advance the initiative's objectives.

§ 2 — EARNED RISK REDUCTION CREDITS REPORT

Under the act, beginning by January 1, 2019, CJPAC must report quarterly to the General Assembly, after consulting with the DOC commissioner, on any earned risk reduction credits awarded to reduce an inmate's sentence. Under prior law, the commissioner was responsible for reporting this information after consulting with CJPAC. By law, the report includes (1) the number of inmates released early due to receiving credits, (2) the inmates' crimes, (3) the amount of credits received, and (4) recidivism data.

PA 18-156—sSB 523 (VETOED)*Judiciary Committee***AN ACT CONCERNING AN ANIMAL ABUSE REGISTRY**

SUMMARY: This act requires the Department of Emergency Services and Public Protection (DESPP) to create and maintain a central record system (i.e., registry) of individuals convicted or found not guilty by reason of mental disease or defect of certain animal abuse crimes. DESPP must do so by January 1, 2019, within available appropriations.

The act requires certain identifying information to be included in the registry, including the registrant's name; home and electronic mail addresses; criminal history; and physical characteristics. It establishes a process for updating

registration information, including requiring criminally convicted registrants to annually appear before law enforcement to verify and update it.

Under the act, first-time animal abusers must maintain their registration for two years and for five years for each subsequent offense. The act makes failing to register, annually appear in person to verify and update registration information, or provide timely notice of a change in name or address a class D felony (see Table on Penalties).

The act makes registry information public records and disclosable under the Freedom of Information Act. DESPP must also make the information publicly available through a secure website.

EFFECTIVE DATE: January 1, 2019

ANIMAL ABUSE REGISTRY

Who Must Register

The act requires individuals to register certain identifying information with DESPP beginning January 1, 2019, if they are convicted or found not guilty by reason of mental disease or defect of (1) animal cruelty (see BACKGROUND) or (2) engaging in sexual contact with an animal.

Under the act, a “convicted” individual is someone with a judgment entered against him or her in a Connecticut court either by a guilty plea, plea of nolo contendere, or a finding of guilt by the court or a jury. “Not guilty by reason of mental disease or defect” is a finding by a court or jury that the defendant, when he or she committed the crime, lacked substantial capacity to either (1) appreciate the wrongfulness of the conduct or (2) control his or her conduct (CGS § 53a-13). These statuses apply regardless of a pending appeal or habeas corpus proceeding.

When to Register

For those who are released into the community, they must register with DESPP within 14 days after their release. For those in the Department of Correction’s (DOC) custody, they must do so whenever the DOC commissioner requires it before their release. The requirement applies regardless of whether the individual’s residence is in Connecticut.

Under the act, “released into the community” means a (1) release by a court after a conviction, finding of not guilty by reason of mental disease or defect, a probation sentence, or other sentence that does not involve DOC custody; (2) release from a correctional facility or to a community correction program (e.g., halfway house, group home); or (3) temporary leave to a Psychiatric Security Review Board-approved residence, conditional release from a hospital for mental illness or facility for persons with intellectual disability, or a release upon a termination of commitment.

Registration Content

The act requires individuals to register at locations DESPP designates. DESPP must develop registration forms for agencies and individuals to report registration information, including address changes (see below). It must do so in cooperation with the Office of the Chief Court Administrator, DOC, and the Psychiatric Security Review Board. DESPP must also include in the registry the most recent photograph of the registrant taken by DESPP, DOC, a law enforcement agency, or the Judicial Branch’s Court Support Services Division.

The act requires offender registrants (i.e., those convicted of one of the covered animal abuse crimes) to provide more information in the registry than those who must register because of being found not guilty by reason of mental disease or defect. Under the act, all registrants must provide their:

1. name;
2. residential and electronic mail addresses;
3. criminal history record; and
4. identifying factors, which under the act include fingerprints, a photograph, or a description of any other identifying characteristic the DESPP commissioner requires.

An offender must also provide, as part of his or her signed and dated registration, the following information:

1. aliases and other names by which he or she has been legally known;
2. description of and conviction date for the offense; and
3. date he or she was released from prison, if sentenced to prison and part of the term was not suspended.

Offender registrants must register in person, at which time DESPP must photograph them and arrange for a complete set of fingerprints to be taken. The photograph and fingerprints must be included in the registry. DESPP may require an offender to provide documentation to verify registration information.

Disseminating Registry Information

Under the act, when DESPP receives registration information, it must enter it into the registry and notify the state or local police, as applicable, with jurisdiction over where the registrant lives or plans to live. If a registrant changes his or her address, DESPP must similarly record the information and notify the police where he or she previously lived and now resides.

The act requires the DESPP commissioner to make each registrant's name and home address available through the state's online law enforcement communication teleprocessing system, which it maintains. If a registrant reports an out-of-state residence, the act authorizes DESPP to notify the state police of the state where the registrant lives or, if known, that state's agency that maintains registry information.

The act also requires the commissioner to develop a protocol for notifying other state agencies, the Judicial Department, and local police departments when a registrant changes his or her name.

Updating Registration Information

Registrant's Responsibilities. Under the act, an offender registrant must, each year within 20 days after the anniversary date of his or her initial registration, appear in person at the police authority with jurisdiction where he or she lives to verify and update the registration. DESPP must notify the registrant about this requirement (see below).

The police may defer the requirement to personally appear to a later date for good cause. The requirement lasts until an offender no longer needs to be registered (i.e., for two or five years; see SUMMARY).

The act also requires registrants who change their name or address, within five business days after the change, to provide written notice to the DESPP commissioner of the new information. Registrants must complete and return any forms mailed to them to verify their home address and, if the commissioner requests it, have their photograph retaken.

DESPP's Responsibilities. The act requires DESPP, at least 30 days before the anniversary date of an offender registrant's initial registration, to notify the registrant and the police with jurisdiction where he or she lives by mail of the requirement for him or her to personally appear to verify and update the information.

If the DESPP commissioner receives notice from a superior or probate court that it ordered a person's name change, the act requires DESPP to find out if that person is a registrant and, if so, update his or her registration information to reflect the change (see below).

Police Responsibilities. The act requires the police with jurisdiction where a registrant lives, within 30 days after the offender registrant's anniversary date, to notify the DESPP commissioner if the registrant personally appeared to verify and update his or her registration information or if the police deferred the requirement. If the police deferred it, they must provide the new date for the registrant's personal appearance and describe the reason for the deferral. The commissioner must provide the form for the notice.

Court Involvement. By law, the superior and probate courts generally have concurrent jurisdiction to grant name changes. The act applies the same procedure for changing a registrant's name as that under existing law for changing the name of someone who is required to register with DESPP as a sexual offender or an offender convicted of committing a crime with a deadly weapon.

As such, under the act, a registrant must, before filing an application for a name change with the court, notify the DESPP commissioner on a form she prescribes of the requested name and provide a sworn statement that the purpose of the change is not to avoid legal consequences of a criminal conviction.

And if the court orders a name change for a registrant, it or the clerk, as applicable, must (1) check the registry and (2) notify the DESPP commissioner of the order.

MISCELLANEOUS PROVISIONS

Pleas of Guilty or Nolo Contendere

The act requires the court, before accepting a guilty plea or a plea of nolo contendere for an animal abuse crime covered by the act, to (1) inform the person that accepting the plea will require him or her to register and (2) find that he or she fully understands what that means.

Suspending Registration

The act authorizes DESPP to suspend a person's registration during the time he or she is incarcerated, under civil commitment, or living out-of-state. DESPP may, during the suspension, withdraw the registration information from access to law enforcement. When the registrant is released from incarceration or civil commitment or moves back to

Connecticut, the act requires DESPP to reinstate the registration and redistribute the registration information.

The act provides that suspending a registration does not affect the date on which the registrant's registration obligations end.

BACKGROUND

Animal Cruelty Law

Violations of the state's animal cruelty statute include, among other things:

1. overdriving, overloading, overworking, torturing, depriving of necessary sustenance, mutilating, cruelly beating or killing, or unjustifiably injuring any animal;
2. failing to give an impounded or confined animal proper care, including wholesome air; food; water; or weather protection; or neglecting to cage or restrain the animal to prevent injury; and
3. engaging in activities related to animal fighting for amusement or profit, including knowingly owning or training the animal; allowing a fight to occur on premises; and betting on the fight's outcome (CGS § 53-247).

PA 18-166—sSB 483

Judiciary Committee

AN ACT CONCERNING THE PREVENTION AND TREATMENT OF OPIOID DEPENDENCY AND OPIOID OVERDOSES IN THE STATE

SUMMARY: This act makes various changes concerning the prevention and treatment of opioid drug abuse and related issues. It:

1. requires the chief court administrator to study the feasibility of establishing an opioid intervention court;
2. prohibits prescribing practitioners ("prescribers") from prescribing, dispensing, or administering schedule II to IV controlled substances to themselves or immediate family members, except in emergencies;
3. allows prescribers or pharmacists authorized to prescribe naloxone to enter into an agreement to distribute opioid antagonists to certain entities (e.g., community health organizations and law enforcement agencies);
4. requires the Alcohol and Drug Policy Council to convene a working group to evaluate methods of combating the opioid epidemic;
5. requires any hospital or emergency medical services personnel that treats a patient for an opioid overdose to report the overdose to the Department of Public Health (DPH) starting in 2019, and requires DPH to report such data to the local health department or district starting in 2020; and
6. extends a Department of Correction (DOC) pilot methadone treatment program, expands its scope if federal funds are available, and requires various related reports.

EFFECTIVE DATE: July 1, 2018, except the provisions on the chief court administrator study, Alcohol and Drug Policy Council working group, and DOC pilot methadone treatment program are effective upon passage.

§ 1 — OPIOID INTERVENTION COURT FEASIBILITY STUDY

The act requires the chief court administrator or his designee, in consultation with the chief public defender, the chief state's attorney, and the dean of UConn's School of Law, or their designees, to study the feasibility of establishing one or more courts that specialize in hearing criminal or juvenile matters where a defendant is an opioid-dependent person who could benefit from intensive court monitoring and placement in a substance abuse treatment program.

The study must examine:

1. the testing of certain arrestees for opioid use and the timing of the tests,
2. innovative and different treatment placement options for opioid-dependent arrestees,
3. the development of a rapid integration team of individuals who focus on meeting the treatment needs of such arrestees,
4. the development of judicial processes that include daily court monitoring of such arrestees, and
5. the use of curfews and electronic monitoring to facilitate successful program completion.

By January 1, 2019, the act requires the chief court administrator or his designee to report the study results to the Judiciary Committee.

§ 2 — PROVISION OF CONTROLLED SUBSTANCES TO SELF OR FAMILY

Under the act, prescribers generally may not prescribe, dispense, or administer schedule II to IV controlled substances to themselves or immediate family members. An “immediate family member” is a spouse; parent; child; sibling; parent-in-law; son- or daughter-in-law; brother- or sister-in-law; step-parent, -child, or -sibling; or other relative residing with the prescriber. Animals living with the prescriber are not considered immediate family members for these purposes.

In an emergency, the act allows prescribers to prescribe, dispense, or administer up to a 72-hour supply of a schedule II to IV controlled substance to themselves or immediate family members, but only if there is no other qualified prescriber available. If prescribing, dispensing, or administering a controlled substance to an immediate family member, the prescriber must (1) assess the patient’s care and treatment; (2) medically evaluate the patient’s need for the controlled substance; (3) document the assessment and patient’s need in the normal course of his or her business; and (4) document the emergency.

§ 3 — OPIOID ANTAGONIST PROGRAM

The act authorizes prescribers or pharmacists certified to prescribe naloxone (an opioid antagonist) to enter into an agreement with a law enforcement agency, emergency medical service (“EMS”) provider, government agency, or community health organization (“agencies”) concerning the distribution and administration of opioid antagonists. The agreement must address the agencies’ opioid antagonist storage, handling, labeling, recalls, and recordkeeping.

The prescriber or pharmacist must provide training to the individuals who will distribute or administer opioid antagonists under such an agreement. Additionally, the act requires individuals who will distribute or administer opioid antagonists to receive training before doing so.

Under the act, prescribers or pharmacists who enter into an agreement as permitted by the act cannot, as a result of an agency’s administration or dispensing of an opioid antagonist, be (1) held liable for damages in a civil action or (2) subjected to administrative or criminal prosecution.

The act authorizes the consumer protection commissioner to adopt regulations implementing these provisions.

§ 4 — ALCOHOL AND DRUG POLICY COUNCIL WORKING GROUP

The act requires the Alcohol and Drug Policy Council to convene a working group to evaluate methods of combating the opioid epidemic in the state. The working group must investigate and advise the council’s chairpersons on:

1. the number of people annually receiving services from each methadone treatment program funded by a Department of Mental Health and Addiction Services (DMHAS) contract, the rate at which such people relapse, and the number of people who die from a drug overdose while participating in such program;
2. the availability of opioid antagonists at such methadone and state-funded treatment programs for people with substance use disorders;
3. the advantages and disadvantages of allowing a licensed mental health professional at each methadone treatment program and treatment program for people with substance use disorder to dispense an opioid antagonist directly to a person at discharge without having him or her go to a pharmacy to obtain it;
4. whether a nonfatal drug overdose at a hospital or outpatient surgical facility should qualify as an adverse event (which would require the facility to report such overdoses to DPH);
5. the role of health carriers in shortening a person’s stay at a treatment program for people with substance use disorders;
6. the availability of federal funds to supply EMS personnel in the state with opioid antagonists and train them in administering such drugs;
7. the development and implementation of a statewide uniform prehospital data reporting system to capture the demographics of prehospital administration or use of opioid antagonists and the opioid reversal outcomes due to such administration or use;
8. the development of a statewide strategy to (a) identify potential federal funding sources for treating and preventing opioid use disorders and (b) maximize federal reimbursement and grant funding for state initiatives in combating the opioid epidemic in the state; and
9. whether using physical therapy, acupuncture, massage, and chiropractic care can reduce the need for opioid drugs in mitigating a patient’s chronic pain.

By January 1, 2019, the working group must report its findings to the Alcohol and Drug Policy Council chairpersons. The chairpersons must then report to the Public Health Committee the findings and any recommendations for legislation.

§ 5 — OVERDOSE REPORTING

Under the act, starting January 1, 2019, any hospital or EMS personnel that treats a patient for an opioid overdose must report the overdose to DPH in a form and manner the commissioner prescribes.

By January 1, 2020, DPH must provide the data to the municipal or district health department that has jurisdiction over the overdose location, or, if that location is unknown, the location in which the hospital or EMS personnel treated the patient, as DPH in its discretion deems necessary to develop preventive initiatives.

Under the act, the data the hospital or EMS personnel reports must remain confidential in accordance with existing law for records provided to DPH.

§§ 6 & 7 — DOC PILOT METHADONE TREATMENT PROGRAM

Prior law allowed DOC to initiate a pilot treatment program for 18 months for methadone maintenance and other drug therapies at correctional facilities. The act extends the pilot program, expands its scope if federal funds are available, and requires a new report on the program's results by July 1, 2019. DOC must submit the report to the Appropriations, Human Services, Judiciary, and Public Health committees. As under prior law, the program must treat 60 to 80 inmates per month.

The act requires DOC, by January 15, 2019, and in consultation with DMHAS, DPH, the Department of Social Services, and the Office of Policy and Management, to review the pilot program and report to the Judiciary and Public Health committees the following:

1. a comprehensive plan for expanding the pilot program to serve all state inmates with opioid use disorders, including estimates of the lives the pilot program saved; the costs; short-and long-term savings, which include savings to other state departments and agencies; and the availability of federal funds to expand the pilot program;
2. opportunities to expand the program without incurring additional costs, including through existing programs that make long-term injectable opioid antagonists available to the state at a reduced cost or no cost; and
3. the feasibility of DOC embedding, within available resources, treatment of opioid use disorders in its health care delivery system.

Under the act, DOC and DMHAS must seek, within available resources, all available federal funds for expanding access to medication-assisted treatment for opioid use disorders in correctional facilities. If federal funds are available, DOC must expand the pilot program, including offering the program in additional facilities, increasing the number of inmates who can access it, or providing partial opioid agonists through the program. By January 1, 2020, the DOC and DMHAS commissioners must report to the Judiciary and Public Health committees the availability of funds and the plan for expanding the pilot program.

Under the act, “long-term injectable opioid antagonist” means naltrexone for extended-release injectable suspension or any other similarly acting and equally safe drug approved by the federal Food and Drug Administration (FDA) for treating opioid use disorder. “Partial opioid agonist” means a medication that (1) binds to the opiate receptors and provides relief to individuals in treating opioid drug abuse or dependency and (2) causes less conformational change and receptor activation in the central nervous system than a full opioid agonist.

BACKGROUND

Prescribing Practitioners

The following health providers may prescribe medication within the scope of their practice: physicians, dentists, podiatrists, optometrists, physician assistants, advanced practice registered nurses, nurse-midwives, and veterinarians (CGS § 20-14c).

Opioid Antagonists

An “opioid antagonist” is naloxone hydrochloride (e.g., Narcan) or any other similarly acting and equally safe drug that the FDA approved for treating a drug overdose (CGS § 17a-714a).

Pharmacists Authorized to Prescribe Opioid Antagonists

Licensed pharmacists may prescribe opioid antagonists if they (1) have been trained and certified by a program approved by the consumer protection commissioner and (2) act in good faith (CGS § 20-633c).

PA 18-177—sHB 5575

Judiciary Committee

AN ACT CONCERNING THE APPOINTMENT OF A QUALIFIED, LICENSED HEALTH CARE PROFESSIONAL TO PROVIDE TREATMENT OR AN EVALUATION IN CONNECTION WITH A FAMILY RELATIONS MATTER

SUMMARY: This act establishes a process for selecting qualified, licensed health care providers in family relations matters involving court-ordered treatment or evaluation of parents and children.

The act requires the court to allow (1) a parent to select his or her own treatment provider and (2) a parent or legal guardian to do so for the child. If the child's parents do not agree on a provider within a specific timeframe, the act requires the court to select the provider. In doing so, the court must consider the parents' insurance coverage and financial resources.

Additionally, when the parties agree or the court orders that a parent or child undergo an evaluation from a qualified, licensed healthcare provider, the court must first find that the parties can afford to pay the provider.

The act establishes the (1) components of the court order and (2) deadline by which the provider must file a report containing evaluation results with the court. The parties must have a reasonable time to examine the report before the case is heard and the court must seal the report.

EFFECTIVE DATE: October 1, 2018

COURT-ORDERED TREATMENT OF A PARENT

Under the act, if the court in a family relations matter orders a parent to undergo treatment from a qualified, licensed health care provider, the court must allow the parent to select the provider.

COURT-ORDERED TREATMENT OF A CHILD

Under the act, if the court in a family relations matter orders that a child undergo treatment from a qualified, licensed health care provider, the court must allow the child's parent or guardian to select the provider.

Except in cases where one parent has sole custody, if the child's two parents do not jointly agree on the selection of the provider, the court must continue the matter for two weeks to allow them an opportunity to jointly select one. If they are unable to do so within the two-week period, the court must select the provider after considering the parents' health insurance coverage and financial resources.

COURT-ORDERED EVALUATION OF PARENT OR CHILD

The Court's Findings

Under the act, if the parties in a family relations matter agree or if the court orders a parent or a child to undergo an evaluation from a qualified, licensed health care provider, the court must first find that the parties have the financial resources to pay for the evaluation.

The Court's Order

If the court determines that an evaluation can be undertaken and a provider has been selected, its order for the evaluation must contain the:

1. name and professional credentials of the health care provider who will complete the evaluation,
2. estimated cost of the evaluation and each party's share of the cost, and
3. estimated deadline by which the evaluation report must be completed and submitted to the court.

Evaluation Submission

The act requires the provider to file a report containing the evaluation's results with the court clerk within 30 days after completing the evaluation. The clerk must seal the report.

Under the act, an evaluation report must be mailed to counsel and self-represented parties (presumably, by the court). The same is required for investigation reports under existing law.

Parties' Review of the Evaluation

The act prohibits the court from disposing of the case until (1) the evaluation report has been filed with the court and (2) the parties and the attorney have had an opportunity to examine it before the case is heard. Existing law has the same restriction in family relations cases involving court-ordered investigations.

PA 18-186—sHB 5470

Judiciary Committee

AN ACT CONCERNING THE PROVISION OF TIMELY NOTICE OF CHILD PLACEMENT INFORMATION FROM THE DEPARTMENT OF CHILDREN AND FAMILIES TO THE ATTORNEY OR GUARDIAN AD LITEM REPRESENTING THE CHILD IN A CHILD PROTECTION MATTER

SUMMARY: This act generally requires the Department of Children and Families (DCF) to provide written notice to an attorney or guardian ad litem (GAL) representing a child before any:

1. meeting in which the department is considering removing a child from his or her home on the basis of abuse or neglect,
2. placement or placement change of a child who is in DCF custody, and
3. administrative or permanency team meeting to review the child's permanency plan.

The act establishes timeframes for each of these notice requirements. It provides an exception to the first notice requirement above when the DCF commissioner or her designee authorizes an emergency removal from the home to ensure a child's safety.

The act also requires DCF to provide notice to any attorney or GAL appointed to represent a child when he or she absconds from care, but it does not specify a timeframe for the notification.

EFFECTIVE DATE: October 1, 2018

§ 4 — NOTICE OF MEETING TO DISCUSS REMOVAL

The act generally requires DCF to provide written notice to any attorney or GAL representing a child at least five days before any meeting at which the department is considering removing the child from the household. The act provides an exception to this notice requirement if the DCF commissioner or her designee authorized the child's immediate removal from the home. By law, the commissioner must authorize an immediate removal if there is probable cause to believe that (1) the child or any other child in the household is in imminent risk of physical harm from his or her surroundings and (2) immediate removal is necessary to ensure the child's safety (CGS § 17a-101g(e)).

§ 1 — PLACEMENT NOTIFICATION

The act requires DCF, when placing a child or youth committed to its care (e.g., placement in a foster home), to provide written notice to any attorney or GAL appointed by the court to represent the child. The notice must include the name, address, and other relevant contact information related to the placement. The commissioner must also provide written notice to the attorney or GAL of any change in placement, including a hospitalization or respite placement. The notice must be provided (1) within 10 business days before a placement change in a nonemergency situation or (2) no later than two days after a placement change in an emergency.

§§ 2 & 3 — PERMANENCY PLAN NOTIFICATION

By law, the DCF commissioner must prepare and maintain a plan for the care, treatment, and permanent placement (i.e., permanency plan) for each child under her care; and she must review the plan at least every six months to (1) determine if it is appropriate and (2) make any appropriate modifications. The act requires DCF to provide written notice to the child's attorney or GAL at least 21 days before any administrative meeting to review the plan.

Additionally, under the act, the commissioner must provide written notice to any attorney or GAL the court appointed for the child, regardless of the child's age, at least five days in advance of any permanency team meeting concerning the permanency plan.

BACKGROUND*Permanency Teams*

Under DCF policy, permanency teams are multidisciplinary teams that serve as the decision-making groups for selecting an adoptive family, approving relative adoption or guardianship for children in placement for less than six months, or approving another planned permanent living arrangement for a child under age 14 (DCF Policy 48-14-6.1).

Related Act

PA 18-58 requires DCF to provide written notice to any child or youth being transferred to a second or subsequent placement and his or her attorney at least 10 days before the transfer, with an exception for emergency placements.

PA 18-187—sHB 5475*Judiciary Committee***AN ACT CONCERNING THE BODY-WORN RECORDING EQUIPMENT TASK FORCE**

SUMMARY: This act expands the charge of the 26-member task force on state and local police use of body-worn recording equipment by requiring it to examine under what circumstances, if any, (1) a police officer should be allowed to review a recording before giving a formal statement about his or her or another officer's use of force and (2) members of the public or alleged victims or their family members should be allowed to review a recording during an investigation or after a police officer is alleged to have used excessive force. The task force must already examine issues such as training, data storage, freedom of information, and whether the law should also apply to electronic defense recording equipment.

The act also extends, from February 1, 2018, to January 1, 2019, the deadline by which the task force must report its findings and recommendations to the Public Safety and Judiciary committees and terminate.

Under existing law, the House speaker and minority leader each appoint one member to the task force. The act requires that the (1) speaker's appointee be a representative or family member of someone who died due to a police officer's use of force and (2) minority leader's appointee be a representative or family member of a police officer who died in the line of duty.

EFFECTIVE DATE: Upon passage

PA 18-8—sHB 5386

Labor and Public Employees Committee

AN ACT CONCERNING PAY EQUITY

SUMMARY: This act generally prohibits employers, including the state and its political subdivisions, from asking or directing a third-party to ask about a prospective employee's wage and salary history. The prohibition does not apply (1) if the prospective employee voluntarily discloses his or her wage and salary history or (2) to any actions taken by an employer, employment agency, or its employees or agents under a federal or state law that specifically authorizes disclosure or verification of salary history for employment purposes. The act also specifically allows an employer to ask about other elements of a prospective employee's compensation structure (e.g., stock options), as long as the employer does not ask about their value.

The act allows prospective employees to bring a lawsuit within two years after an alleged violation of the act's prohibition on asking about wage and salary histories. Employers may 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: January 1, 2019

PA 18-126—sHB 5478

Labor and Public Employees Committee

AN ACT CONCERNING TECHNICAL AND MINOR CHANGES TO THE LABOR DEPARTMENT STATUTES

SUMMARY: This act reconfigures the formula used to determine the maximum weekly unemployment benefit provided to claimants. It also:

1. eliminates two Connecticut Employment and Training Commission (CETC) reporting requirements,
2. exempts registered pre-apprentices from the law's prohibition on minors working in certain hazardous occupations,
3. allows the Department of Labor's (DOL) wage and workplace standards director's designees to enter businesses to investigate certain wage- and workers' compensation-related complaints,
4. repeals the laws creating the Connecticut Career Ladder Advisory Committee (CGS § 4-124bb) and the Connecticut Allied Health Workforce Policy Board (CGS § 4-124dd), and
5. makes numerous technical and conforming changes (§§ 1-5, 11 & 12).

EFFECTIVE DATE: October 1, 2018

§ 10 — UNEMPLOYMENT BENEFITS CAP

The act reconfigures the formula used to determine the maximum weekly unemployment benefit a claimant may receive. Prior law capped benefits at 60% of the average wage paid to the state's production (i.e., manufacturing) workers, as determined by the labor commissioner under the U.S. Bureau of Labor Statistics' standards for determining average production wages, for each year ending June 30.

Starting in any benefit year commencing on or after the first Sunday in October 2018, the act instead caps benefits at 50% of the average wage of all workers in the state, as determined by the commissioner and the Connecticut Quarterly Census of Employment and Wages or another method prescribed by the commissioner that accurately reflects the average wage of workers in the state. Under the act, the commissioner must determine the average wage of all workers in the state for each year ending March 31, instead of for each year ending June 30.

By law, unchanged by the act, the commissioner must annually determine a new cap by August 15. It becomes effective on the first Sunday of October but cannot increase more than \$18 each year.

§§ 6 & 7 — CONNECTICUT EMPLOYMENT AND TRAINING COMMISSION

The law requires CETC to carry out a number of duties related to employment and training programs in the state. The act eliminates its duty to develop a written plan for the coordination of state employment and training programs. (The federal Workforce Innovation and Opportunity Act requires this same information to be included in an annual report and biennial state plan which CETC produces.)

The act also eliminates:

1. an obsolete requirement for CETC to report on a plan to implement, expand, or improve on career certificate programs, middle college programs, early college high school programs, and the Connecticut Early College Opportunity program by January 1, 2018, and
2. a requirement for CETC, starting by September 1, 2018, to annually report the status of those programs to the Higher Education and Employment Advancement Committee.

§ 8 — MINORS WORKING IN HAZARDOUS OCCUPATIONS

The law generally prohibits minors under age 18 from working in certain hazardous occupations, but makes an exception for apprentices who are at least age 16 and in manufacturing or mechanical establishments, technical education and career schools, or public schools. The act defines these apprentices as those who are (1) employed under a written agreement to work at and learn a specific trade and (2) registered with DOL, thus limiting the exception to DOL-registered apprentices.

The act also expands the exemption to include registered “pre-apprentices” who are at least age 16. Under the act, a pre-apprentice is a person, student, or minor (1) employed under a written agreement with an apprenticeship sponsor for a term of training and employment up to 2,000 hours or 24 months long and (2) registered with DOL.

§ 9 — WAGE COMPLAINT INVESTIGATIONS

The act expands the type of DOL personnel who can enter a business to investigate complaints of an employer’s nonpayment of wages or failure to meet certain workers’ compensation coverage requirements. Prior law authorized DOL’s wage enforcement agents to enter an employer’s place of business to conduct these investigations. The act instead allows the department’s director of wage and workplace standards to assign this authority to his designees (which, in practice, can include wage enforcement agents and wage and hour investigators). The law, unchanged by the act, also authorizes the DOL commissioner and the director to enter businesses to conduct these investigations.

PA 18-130—HB 5481

Labor and Public Employees Committee

AN ACT CONCERNING CHANGES TO THE STATE PERSONNEL ACT

SUMMARY: This act shortens certain deadlines related to open positions in the state employee classified service. It requires the Department of Administrative Services (DAS) commissioner to give public notice of exams for these positions at least six business days, rather than two weeks, in advance. It also removes the requirement for the commissioner to post the notice on a bulletin board in or near DAS. Existing law, unchanged by the act, requires the commissioner to post the notice on the department’s website and submit it to the director of the state employment service.

The act also shortens the deadline by which applicants may appeal a rejection of their application for a classified service position. It requires them to appeal, in writing, to the DAS commissioner within six business days after the rejection was transmitted, rather than within 12 days after the rejection was mailed.

Lastly, the act removes an obsolete reference to the mandatory state employee retirement age.

EFFECTIVE DATE: October 1, 2018

PA 18-12—HB 5184

Planning and Development Committee

AN ACT PERMITTING THE AMENDMENT OF MUNICIPAL CHARTERS FOR THE PURPOSE OF MODIFYING BUDGET ADOPTION DATES

SUMMARY: This act authorizes municipal legislative bodies to amend budget adoption dates in their charters by a two-thirds vote. Dates subject to modification include those concerning: the executive presentation of the proposed budget, public hearings, action by the fiscal authority, publications, referenda, and final budget adoption.

The act’s authorization applies regardless of conflicting (1) special act, charter, or home rule ordinance provisions or (2) laws on municipalities, local taxes, public schools, or boards of education. (Generally, to amend a charter, a municipality must (1) ask the General Assembly to change the municipality’s special act charter or (2) in the case of home rule charters, establish a charter revision commission and comply with a statutory procedure.)

“Municipalities” covered by the authorization include towns; cities; boroughs; consolidated towns and cities; consolidated towns and boroughs; school districts; regional school districts; metropolitan districts; and similar municipal corporations, organizations, authorities, and taxing districts.

EFFECTIVE DATE: Upon passage

PA 18-79—SB 271

Planning and Development Committee

Finance, Revenue and Bonding Committee

AN ACT EXEMPTING CERTAIN TANGIBLE PERSONAL PROPERTY OWNED BY A BUSINESS FROM THE PROPERTY TAX

SUMMARY: This act exempts a business organization from paying property tax on tangible personal property that had an original value of \$250 or less after the business has owned it for 10 full assessment years.

EFFECTIVE DATE: October 1, 2018, and applicable to assessment years beginning on or after that date.

PA 18-110—sHB 5283

Planning and Development Committee

Appropriations Committee

AN ACT CONCERNING NEIGHBORHOOD REVITALIZATION ZONES

SUMMARY: This act requires municipalities to defend and indemnify neighborhood revitalization zone (NRZ) committees and their members under specified circumstances. Its provisions apply to NRZ planning committees and NRZ committees. NRZ planning committees are responsible for preparing a strategic plan for revitalizing the neighborhood and NRZ committees are established to implement the planning committee’s strategic plan after the municipality adopts it (CGS §§ 7-601 & -602).

The state’s NRZ program helps neighborhood residents and businesses develop and implement plans to revitalize economically- and socially-distressed neighborhoods. NRZs are municipally designated. Under the NRZ statutes, municipalities can, among other things, (1) take property by eminent domain and (2) request the appointment of a rent receiver to enable the correction of code violations (CGS § 7-600 *et seq.*).

EFFECTIVE DATE: July 1, 2018

REQUIRED DEFENSE AND INDEMNIFICATION

The act requires municipalities to defend and indemnify a NRZ committee (including a planning committee) and its members in any civil action arising out of an act, error, or omission made while exercising the committee or members’ responsibilities for developing or implementing a strategic plan. The indemnification requirement applies to judgments or settlements.

Municipalities must defend committees and members if they act:

1. within the scope of their official capacity;

2. in a manner consistent with advice from the municipality's legal counsel; and
3. in the case of planning committees, in accordance with the committee's bylaws and any municipally-approved master plan.

Municipalities need not indemnify (1) planning committees or their members if their acts, errors, or omissions constitute reckless, willful, or wanton misconduct or (2) NRZ (implementation) committee members if their acts, errors, or omissions constitute reckless, willful, or wanton misconduct.

PA 18-131—HB 5503

*Planning and Development Committee
Judiciary Committee*

AN ACT CONCERNING THE KILLING OR INJURING OF SEEING EYE DOGS AND ASSISTANCE DOGS

SUMMARY: Under existing law, the owner or keeper of a dog that injures a companion animal is generally liable for veterinary costs, the companion animal's monetary value, and any burial expenses. This act adds training expenses to the damages for which the owner or keeper of a dog is generally liable if the dog injures or kills a deaf, mobility-impaired, or blind person's assistance or guide dog.

As under existing law, an owner or keeper is exempt from liability when (1) his or her dog caused the injury while being teased, tormented, or abused or (2) the injured animal was trespassing or committing some other wrongful act.

EFFECTIVE DATE: Upon passage

BACKGROUND

Companion Animals

By law, companion animals include domesticated dogs and cats that are normally kept in or near an owner's household and are dependent on a person for food, shelter, and veterinary care (CGS § 22-351a).

PA 18-132—HB 5487

Planning and Development Committee

AN ACT CONCERNING THE CONTINUANCE OF A NONCONFORMING USE, BUILDING OR STRUCTURE

SUMMARY: This act prohibits municipal zoning authorities from requiring a special permit or special exception for the continuance of a nonconforming use, building, or structure.

By law, a nonconforming use is a property use that legally exists at the time a zoning restriction prohibiting or limiting it is adopted. Existing law specifies that municipal zoning regulations may not prohibit the continuance of a nonconforming use that was legal when the regulations were adopted or amended.

EFFECTIVE DATE: July 1, 2018

BACKGROUND

Special Permits and Special Exceptions

"Special permit" and "special exception" are synonymous. Zoning commissions may grant special permits and exceptions pursuant to their general zoning powers (CGS § 8-2).

Special permits and exceptions allow one to use a property in a manner explicitly permitted by the zoning regulations, but subject to conditions not applicable to other uses in the same district. The rationale for special permits and exceptions is that "while certain land uses may be generally compatible with the uses permitted as of right in a particular zoning district, their nature is such that their precise location and mode of operation must be individually regulated" (T. Tondro, *Connecticut Land Use Regulation*, (1992, 2d ed.)).

PA 18-174—sHB 5509

Planning and Development Committee

AN ACT CONCERNING WATER POLLUTION CONTROL AUTHORITIES

SUMMARY: Beginning July 1, 2018, this act prohibits a water pollution control authority (WPCA) or its representative from instituting a lien foreclosure action for one year after it is filed. (Presumably, meaning that it stays a foreclosure action for one year after the action’s filing.)

The act also requires each municipality with a population of at least 100,000 and that is served by a private water company regulated by the Public Utilities Regulatory Authority (PURA) to adopt an ordinance to:

1. lower the interest rate the municipality charges on delinquent sewer assessments;
2. restrict WPCA assignees from purchasing foreclosed properties;
3. establish financial guidelines for triggering foreclosure due to fee nonpayment; and
4. protect seniors, veterans, and low-income families from WPCA foreclosures by restricting “accelerated foreclosure” proceedings for delinquent sewer fees.

The ordinance adoption requirement applies to towns, cities, consolidated towns and cities, and consolidated towns and boroughs meeting the population threshold, regardless of any conflicting statute, special act, or municipal ordinance or charter.

The act also requires PURA to establish a program, by January 1, 2019, regulating WPCA charges, assessments, and lien processes in such municipalities.

EFFECTIVE DATE: July 1, 2018

PURA PROGRAM REGULATING WPCAS

Regardless of conflicting statutes, special acts, or municipal charters or ordinances, the act requires PURA to establish a program, by January 1, 2019, to regulate WPCAs located in municipalities with a population of at least 100,000 and that are served by a PURA-regulated private water company. The program must regulate the WPCA’s charges, assessments, and lien processes, including foreclosures.

To offset the cost of establishing and administering the program, the act requires PURA to direct each WPCA or private water company regulated by the program to collect and remit to PURA an annual \$4 surcharge from each of its customers.

Within two years of establishing the program, the energy and environmental protection commissioner must submit a report to the Planning and Development, Environment, and Energy and Technology committees detailing (1) the program’s status and (2) any recommendations for legislation to facilitate or expand the program.

PA 18-176—HB 5534

Planning and Development Committee

AN ACT CONCERNING THE CLASSIFICATION OF FARM LAND

SUMMARY: This act requires tax assessors to approve applications to classify as farm land any land that meets the farm land criteria under the PA 490 program (see BACKGROUND). Specifically, assessors may not refuse to classify a portion of land as farm land on account of municipal zoning regulations establishing minimum acreage requirements for residential or agricultural parcels.

Existing law, unchanged by the act, requires tax assessors, when a timely application is made to classify land as farm land under the program, to (1) determine whether the subject land qualifies as such and (2) if so, classify it as such on the municipality’s grand list. By law, “farm land” is any tract or tracts of land, including woodland and wasteland, constituting a farm unit. In determining whether land is farm land, a tax assessor must consider, among other things, total acreage; the portion being used for agricultural purposes; productivity; gross income derived from the land; the nature and value of related equipment; and the extent to which farm land tracts are contiguous (CGS §§ 12-107b & 12-107c).

EFFECTIVE DATE: October 1, 2018, and applicable to assessment years beginning on or after that date.

BACKGROUND*PA 490 Program*

In 1963, the legislature enacted PA 63-490, commonly referred to as “PA 490” or the “490 program” (CGS § 12-107a *et seq.*). The program allows four classifications of land—farm, forest, open space, and maritime heritage land—to be assessed at their current use value, rather than their fair market value (CGS § 12-63). “Current use value” refers to what the land is worth as it is actually used; “fair market value” refers to what the land may be worth on the open market (i.e., its highest and best use).

PA 18-11—HB 5148
Public Health Committee
Judiciary Committee

AN ACT CONCERNING PREGNANT PATIENTS EXERCISING LIVING WILLS

SUMMARY: This act allows pregnant women age 18 or older to exercise living wills and other advance directives. Specifically, it repeals a statute that provided that specified laws on such matters and the removal of life support did not apply to pregnant patients. These laws:

1. allow adults to execute (a) health care instructions (living wills), including the withholding of life support, or (b) combined documents with health care instructions, appointment of a health care representative, designation of a conservator for future incapacity, and anatomical gift instructions;
2. establish conditions under which certain health care providers may not be held civilly or criminally liable for the removal of life support (see BACKGROUND); and
3. provide that such laws do not create a presumption about the wishes of a patient who has not executed such a document as described above.

Existing law (1) requires such documents to be signed and dated by the maker with at least two witnesses and (2) provides that the documents may be substantially in the form set forth in the law. The act adds language to the standard documents allowing a pregnant woman to indicate whether she:

1. intends to accept life support if her doctor believes that doing so would allow the fetus to reach a live birth;
2. intends the document to apply without modifications; or
3. intends the document to apply differently, as she sets forth in the document.

Existing law already allows pregnant women age 18 or older to exercise documents only appointing a health care representative (CGS §§ 19a-576 & 19a-577).

EFFECTIVE DATE: Upon passage

BACKGROUND

Immunity for Withholding of Life Support

By law, any licensed physician, advanced practice registered nurse (APRN), or medical facility that withholds or removes, or causes the removal of, an incapacitated patient's life support system is not liable for civil damages or subject to criminal prosecution if:

1. the decision is based on the best medical judgment of the attending physician or APRN (provider) in accordance with the usual and customary standards of medical practice;
2. the provider deems the patient to be in a terminal condition or, in consultation with a physician qualified to make a neurological diagnosis who has examined the patient, deems the patient to be permanently unconscious; and
3. the provider has considered the patient's wishes (including an advance directive presented to the provider).

The law also extends immunity to the consulting neurologist for determinations made in accordance with usual and customary medical standards (CGS § 19a-571).

Related Act

PA 18-168 (§§ 34-39) incorporates APRNs into the laws on advance directives, authorizing them to perform certain functions which previously could be performed only by a physician.

PA 18-32—sSB 165
Public Health Committee

AN ACT CONCERNING THE DEPARTMENT OF DEVELOPMENTAL SERVICES' RECOMMENDATIONS FOR REVISIONS TO ITS STATUTES

SUMMARY: This act makes numerous changes in statutes governing the Department of Developmental Services (DDS). Specifically, the act:

1. allows other relatives, rather than just parents or guardians, of camp participants to be appointed to the Camp Harkness Advisory Committee (§ 6);

2. allows other relatives, rather than just parents, of individuals with intellectual disability to be members of DDS's regional advisory and planning councils (§ 23);
3. modifies reporting requirements for DDS-appointed assessment teams that evaluate individuals alleged to have intellectual disability as part of a probate court guardianship hearing (§ 37);
4. allows the DDS commissioner to waive the \$50 application fee for private providers applying for a license to operate DDS community living arrangements (i.e., group homes) (§ 38);
5. specifies that such licensure applications do not need to be notarized, but must be verified by oath, as under prior law (§ 38);
6. requires the DDS commissioner to establish a minimum number of unannounced licensure-related visits for group homes, and eliminates the requirement that at least half of a broader range of DDS facility visits be unannounced (§ 38); and
7. allows an advanced practice registered nurse (APRN) to order, or provide a second opinion on, a properly executed medical order to withhold cardiopulmonary resuscitation ("CPR") for an individual with intellectual disability under DDS supervision (§ 39).

In several sections, the act updates terminology to conform to existing practice, such as standardizing references to an individual's "legal representative" in laws that previously referenced specific types of such representatives (e.g., parent, guardian, or conservator).

It also makes various minor, technical, and conforming changes.

EFFECTIVE DATE: July 1, 2018, except (1) upon passage for the provision on guardianship assessment teams and (2) October 1, 2018 for the provisions on licensure applications and fee waivers, licensure-related visits, and APRN orders.

§ 6 — CAMP HARKNESS ADVISORY COMMITTEE

By law, a 12-member committee advises the DDS commissioner on issues concerning the health and safety of users of Camp Harkness facilities. Under prior law, the committee membership had to include two parents or guardians of individuals who use the camp (one each appointed by the governor and Senate president pro tempore). The act allows other relatives, not just parents or guardians, to fill these positions.

§ 23 — REGIONAL ADVISORY AND PLANNING COUNCILS

By law, DDS's regional advisory and planning councils each consist of at least 10 members appointed by the DDS commissioner. Prior law required at least two members of each council to be parents of individuals with intellectual disability. The act allows other relatives, not just parents, to fill these positions.

§ 37 — DDS GUARDIANSHIP ASSESSMENTS

By law, a DDS-appointed assessment team must evaluate an individual alleged to have intellectual disability as part of a probate court hearing on whether to appoint the individual a guardian.

The act eliminates the requirement that the assessment team submit a written report or testimony to the court if the DDS commissioner, or his designee, determined that the individual does not have an intellectual disability and thus is ineligible for DDS services. The act instead requires DDS to provide the court with a copy of the eligibility determination letter and the team is not required to further evaluate the individual.

§ 38 — UNANNOUNCED LICENSURE VISITS

The act requires the DDS commissioner, through regulations, to establish a minimum number of unannounced licensure-related visits for community living arrangements (i.e., group homes). It eliminates the requirement that the commissioner provide, in regulations, that at least half of DDS's quality service reviews, licensing inspections, or facility visits to community living arrangements and community companion homes be unannounced.

§ 39 — PROPERLY EXECUTED MEDICAL ORDERS

The act allows an APRN to order, or provide a second opinion on, a properly executed medical order to withhold CPR for an individual with intellectual disability under DDS supervision. Prior law required the signatures of only physicians, including: (1) the patient's attending physician and (2) a state-licensed physician in an appropriate specialty who confirms the patient's terminal condition (i.e., second opinion).

Under existing law, the DDS commissioner may not seek to impede such a properly executed order. As under prior law, an order may be executed only if the patient is in a terminal condition and the patient or a legally authorized person is consulted and provides consent. But the act allows an APRN, instead of only an attending physician, to determine the patient's condition and obtain such consent.

Similar to prior law, under the act, if the patient is permanently unconscious, an order cannot be entered unless (1) a physician, or under the act an APRN, confirms the patient's condition with a neurologist and (2) the DDS commissioner determines the order is medically acceptable. The commissioner must make this determination after reviewing the decision with the DDS director of health and clinical services, or the director's designee; the patient's legal representative; and others the commissioner deems appropriate.

The act specifies that the provisions on such orders do not apply to individuals with intellectual disability who have a legally valid advance directive.

PA 18-39—SB 170

Public Health Committee

AN ACT CONCERNING THE DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES' RECOMMENDATIONS REGARDING STREAMLINING REPORTS

SUMMARY: This act eliminates the requirement that the Department of Mental Health and Addiction Services (DMHAS) annually report to the Public Health Committee on substance abuse treatment program availability for pregnant women. Instead, the act requires DMHAS to include this same information, which includes statistical and demographic data on pregnant women and women with children in treatment and on waiting lists, as part of its triennial state substance abuse plan.

The act also makes a technical change, correcting an inaccurate statutory reference.

EFFECTIVE DATE: July 1, 2018

PA 18-48—sSB 295

Public Health Committee

AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS REGARDING TECHNICAL REVISIONS TO THE PUBLIC HEALTH STATUTES

SUMMARY: This act makes technical corrections in various public health-related statutes.

EFFECTIVE DATE: Upon passage, except one provision (§ 9) is effective July 1, 2018.

PA 18-86—sSB 404

Public Health Committee

AN ACT CONCERNING WHITING FORENSIC HOSPITAL AND CONNECTICUT VALLEY HOSPITAL

SUMMARY: This act makes various changes affecting Department of Mental Health and Addiction Services (DMHAS) facilities, principally Connecticut Valley Hospital (CVH) and Whiting Forensic Hospital (Whiting). Specifically, it:

1. establishes an eight-member task force to, among other things, (a) review and evaluate DMHAS facility operations and conditions and (b) evaluate the feasibility of creating an Office of Inspector General to receive and investigate complaints about DMHAS hospitals (§ 1);
2. establishes mandatory reporting of suspected patient abuse at DMHAS-operated behavioral health facilities and related reporting requirements and penalties (§ 2);
3. requires the DMHAS commissioner to investigate reports of suspected abuse of behavioral health facility patients and establishes related requirements, such as disclosure of and access to patient abuse reports and investigations (§ 3);
4. requires the Department of Public Health (DPH) to conduct an on-site inspection and records review of Whiting by January 1, 2019, and report the outcome to the Public Health Committee and DMHAS facility task force (§ 4);

5. subjects Whiting to DPH licensure and regulation, which it was previously exempt from, and makes minor, technical, and conforming changes to reflect the hospital's separation from CVH pursuant to 2017 Executive Order 63 (§§ 5-53); and
 6. repeals obsolete provisions in various DPH- and DMHAS-related statutes (§ 54).
- EFFECTIVE DATE: Upon passage, except that the provisions on (1) mandatory reporting of abuse at DMHAS-operated behavioral health facilities take effect October 1, 2018, and (2) DPH's inspection and review of Whiting take effect July 1, 2018.

§ 1 — DMHAS TASK FORCE

The act establishes an eight-member task force to evaluate various matters concerning DMHAS facilities, including CVH and Whiting.

Duties

Under the act, the task force's duties include:

1. reviewing and evaluating DMHAS facilities, including the operations, conditions, culture, and finances of CVH and Whiting;
2. evaluating the feasibility of creating an independent, stand-alone Office of Inspector General responsible for providing independent oversight of and receiving and investigating complaints about CVH and Whiting employees;
3. examining complaints and other reports of discriminatory employment practices at these hospitals, except information or documents that are not disclosable under the Freedom of Information Act (FOIA) or other state or federal confidentiality laws;
4. assessing the implications of allowing a Whiting patient to be present during a search of his or her possessions;
5. evaluating the membership of Whiting's advisory board;
6. examining the role of the Psychiatric Security Review Board;
7. evaluating the need to conduct a confidential survey on the employee work environment at CVH and Whiting, including worker morale; management; and incidences of bullying, intimidation, or retribution; and
8. reviewing statutory definitions of abuse and neglect in the context of behavioral health.

Membership

Under the act, task force members include:

1. two appointed by the House speaker, (a) one of whom must be a behavioral health facility senior administrator and (b) one of whom must have experience in law enforcement, corrections, or working in a secured facility;
2. two appointed by the Senate president pro tempore, (a) one of whom must be a psychiatrist or psychologist with forensic experience and (b) one of whom must be a person who has lived with or experienced mental illness;
3. one appointed by the House majority leader, who must be a former or current administrator of a hospital with at least 200 beds;
4. one member appointed by the Senate majority leader, who must be a patient advocate;
5. one appointed by the House minority leader, who must have experience providing direct care services to people with behavioral health disorders; and
6. one appointed by the Senate minority leader, who must have experience providing hospital direct care services.

The appointing authorities must make all appointments no later than 30 days after the act's passage and fill any vacancies.

The act requires the chairperson to be selected from among the task force members, but it does not specify who makes the selection. The chairperson must schedule the first meeting to be held no later than 60 days after the act's passage. The Public Health Committee's administrative staff must serve as the task force's administrative staff.

The act also allows the task force, when completing its work, to hold a public forum that provides an opportunity for public comment.

Report

The act requires the task force to submit to the Public Health Committee a (1) preliminary report on its findings and recommendations by January 1, 2019, and (2) final report by January 1, 2021. The task force terminates when it submits

the final report or January 1, 2021, whichever is later.

§ 2 — MANDATORY REPORTING OF SUSPECTED PATIENT ABUSE

The act requires a person to report suspected abuse of a patient receiving services from a DMHAS-operated facility for mental health or substance abuse disorders (i.e., “behavioral health facility”) if the person is a mandatory reporter who, in the ordinary course of his or her employment, reasonably suspects a patient has:

1. been abused or is in a condition resulting from abuse or
2. had an injury that is at variance with the history given of the injury.

Under the act:

1. “abuse” means (a) the willful infliction of physical pain, injury, or mental anguish or (b) a caregiver’s willful deprivation of services necessary to maintain a patient’s physical and mental health and
2. “mandatory reporter” means a behavioral health facility (a) employee paid to provide direct patient care or (b) employee, contractor, or consultant who is a licensed health care provider.

The report must be made to the DMHAS commissioner, or her designee, within 72 hours after the suspicion or belief arose.

The act requires behavioral health facilities providing direct patient care to (1) provide mandatory training to mandated reporters on detecting potential patient abuse and (2) inform them of their obligations to report abuse.

Additionally, the act requires any other person having reasonable cause to suspect such patient abuse to report it to DMHAS in the same manner as the mandatory reporters. The DMHAS commissioner, or her designee, must then inform the patient or the patient’s legal representative of the services provided by Disability Rights Connecticut, Inc., the state’s protection and advocacy system.

Report Contents

The act requires a patient abuse report to include (1) the facility’s name and address, (2) the patient’s name, (3) information on the nature and extent of the abuse, and (4) any other information the mandatory reporter believes may help the investigation of the case or the patient’s protection.

Report Confidentiality

Under the act, a patient abuse report filed with DMHAS is not disclosable under FOIA. The DMHAS commissioner must disclose information derived from the report for which reasonable grounds are determined to exist after investigation, including the (1) facility’s identity, (2) number of complaints received, and (3) number and types of substantiated complaints. But the act prohibits her from disclosing the patient’s name, unless the patient or his or her representative requests it or a judicial proceeding results from the report.

The act requires the commissioner, or her designee, to notify the patient’s legal representative, if any, within 24 hours, or as soon as possible, after receiving a report of suspected abuse. The commissioner must obtain the legal representative’s contact information from the facility.

Under the act, notification is not required if the legal representative is suspected of causing the abuse that is the subject of the report.

Immunity from Liability

Under the act, a person who reports suspected patient abuse to DMHAS or who testifies in any related administrative or judicial proceeding is generally immune from civil or criminal liability. The act exempts from this protection perjury related to making the report, giving false testimony, or making fraudulent or malicious reports (see below).

Penalties

A mandatory reporter who fails to report the abuse to DMHAS within the 72-hour deadline can be fined up to \$500. If the failure was intentional, the reporter can be charged with a class C misdemeanor for the first offense and a class A misdemeanor for any subsequent offense (see “Table on Penalties”).

Additionally, a person is guilty of (1) making a fraudulent or malicious patient abuse report or (2) providing false testimony related to such a report if he or she:

1. willfully makes a fraudulent or malicious report,
2. conspires with another person to make a fraudulent or malicious report or cause such a report to be made, or

3. willfully provides false testimony in any administrative or judicial proceeding related to the patient abuse report. Violators are guilty of a class A misdemeanor.

Whistleblower Protection

Under the act, a person who is discharged or who is discriminated or retaliated against for making a patient abuse report in good faith is entitled to all remedies available by law.

§ 3 — PATIENT ABUSE INVESTIGATIONS

The act requires the DMHAS commissioner to investigate reports of suspected abuse of behavioral health facility patients she receives to determine the patient's condition and if any actions or services are required. The investigation must include:

1. an in-person visit with the patient,
2. consultation with individuals having knowledge of the facts surrounding the report, and
3. a patient interview, unless the patient refuses to participate.

After completing the investigation, the act requires the commissioner to prepare written findings and recommended actions.

Investigation Results

The act requires the commissioner, within 45 days after completing an investigation, to disclose its results in general terms to the person who reported the suspected abuse if the:

1. person who made the report is a mandated reporter (see § 3),
2. information is not otherwise privileged or confidential under state or federal law,
3. names of the witnesses or other people interviewed are kept confidential, and
4. names of the people suspected to be responsible for the abuse are not disclosed unless they were arrested as a result of the investigation.

Disclosure of Records

Under the act, DMHAS must maintain a statewide registry of the number of patient abuse reports it receives, the allegations in the reports, and the outcomes of the resulting investigations.

The patient's file, including the original abuse report and investigation report, is not disclosable under FOIA. The act permits the DMHAS commissioner to disclose part or all of it to a person, agency, corporation, or organization if the patient or patient's legal representative consents to its disclosure in writing or the disclosure is authorized under the act. But it prohibits the commissioner from disclosing the name of the person who reported the suspected abuse, unless he or she provides written permission or a court order requires the name to be disclosed to a law enforcement officer.

Access to Records

The act generally permits the patient, or the patient's legal representative or attorney, to access DMHAS records that pertain to or contain information or material concerning the patient. Such records include those on investigations; reports; or the patient's medical, psychological, or psychiatric examinations, except:

1. if it includes protected health information from someone other than a health care provider under the promise of confidentiality and the requested access would, with reasonable likelihood, reveal the information's source;
2. information identifying the person who reported the abuse, neglect, or exploitation cannot be released unless the patient or the patient's representative or attorney applies to the Superior Court, serves the application to the DMHAS commissioner, and a judge determines after a private records review and a hearing that there is reasonable cause to believe the person knowingly made a false report or that other interests of justice require the release;
3. if a licensed health care provider determines that the access is reasonably likely to endanger the life or physical safety of the patient or another person;
4. if the protected health information references another person, other than a health care provider, and the requested access would reveal the other person's protected health information; or
5. the access is requested by the patient's legal representative and a licensed health care provider determines, in his or her professional judgement, that the requested access is reasonably likely to harm the patient or another

person.

§ 4 — WHITING FORENSIC HOSPITAL INSPECTION

The act requires DPH, by January 1, 2019, to conduct an on-site inspection of Whiting and a review of its records, including (1) the hospital's operating protocols and procedures, (2) documentation of employee training, (3) complaints against the hospital or its employees, and (4) allegations of patient abuse or neglect.

The act requires the DPH commissioner to report the outcome of the inspection and review to (1) the Public Health Committee and (2) the DMHAS facility task force (see § 1). The commissioner must do this within 30 days after completing the inspection and review.

By law, Whiting, under maximum security conditions, generally cares for patients with psychiatric issues, some of whom have been convicted of serious offenses or were found incompetent to stand trial.

§§ 5-53 — WHITING FORENSIC HOSPITAL

In December 2017, the governor issued Executive Order 63, which designated Whiting as an independent division within DMHAS, instead of a division of CVH. The act effectuates the executive order by making various minor, technical, and conforming changes to reflect the hospital's separation from CVH.

As under prior law, Whiting remains under DMHAS administrative control and supervision. But the act subjects it to DPH regulation by adding Whiting to the statutory definition of health care "institution." In doing so, the act subjects Whiting to DPH hospital licensure, inspection, and complaint investigation requirements. Under prior law, state psychiatric hospitals were not licensed and were exempt from DPH regulation.

DMHAS Control (§ 17)

The act requires the director of Whiting to report to the DMHAS commissioner, instead of CVH's director of forensic services.

Searches of Patients' Personal Belongings (§ 32)

Prior law prohibited Whiting patients from being present when their personal belongings were searched. The act specifies that this prohibition applies only to patients in the hospital's maximum security service, and not those in other units.

§ 54 — REPEALERS

The act repeals obsolete provisions:

1. requiring DMHAS to complete a consolidation program at CVH to consolidate inpatient mental and substance abuse services (CGS § 17a-451b);
2. substituting "Whiting Forensic Institute" for "Whiting Forensic Division" in various statutes (CGS § 17a-560a);
3. establishing an effective date for statutes on evaluating and treating certain individuals with psychiatric disabilities who commit crimes (CGS § 17a-576); and
4. establishing a behavior analyst licensing fee expense account within the General Fund to contain behavior analyst license fees to cover DPH staff and equipment costs for collecting the fees (DPH now funds the licensure program through its General Fund appropriation and no longer needs a dedicated account) (CGS § 20-185n).

PA 18-91—sHB 5290

Public Health Committee

AN ACT CONCERNING THE OFFICE OF HEALTH STRATEGY

SUMMARY: PA 17-2, JSS, established the Office of Health Strategy (OHS), headed by an executive director appointed by the governor with confirmation by the House or Senate. It placed the office in the Department of Public Health (DPH) for administrative purposes only and made it the successor to the:

1. Connecticut Health Insurance Exchange for administering the all-payer claims database and

2. lieutenant governor's office for (a) consulting with DPH to develop a statewide chronic disease plan; (b) housing, chairing, and staffing the Health Care Cabinet; and (c) appointing the state's health information technology officer and overseeing the officer's duties.

This act effectuates OHS's establishment by making minor, technical, and conforming changes to various statutes.

The act also transfers administration of the Office of Health Care Access (OHCA) from DPH to OHS and renames it the Health Systems Planning Unit (HSPU). Among other things, HSPU administers the state's certificate of need (CON) program for health care institutions. Under the CON law, health care facilities must generally receive state approval when (1) establishing new facilities or services, (2) changing ownership, (3) acquiring certain equipment, or (4) terminating certain services.

Additionally, the act transfers, from the State Innovation Model Initiative Program Management Office to the OHS executive director, responsibility for studying the feasibility of creating a certification program for community health workers. As under prior law, she must report the study results and recommendations to the Public Health and Human Services committees by October 1, 2018.

EFFECTIVE DATE: Upon passage, except the provisions (1) adding the OHS executive director to the statutory list of department heads take effect July 1, 2019 and (2) making technical and conforming changes to the Health Care Cabinet take effect July 1, 2018.

OFFICE OF HEALTH STRATEGY

Responsibilities (§ 1)

The act adds to OHS's responsibilities, promoting effective health planning and providing health care in Connecticut in a manner that (1) ensures all residents' access to cost-effective health care services, (2) avoids duplicating these services, and (3) improves the availability and financial stability of these services.

Existing law requires the office to perform various responsibilities, such as coordinating the state's health information technology initiatives, developing and implementing a coordinated and cohesive health care vision for the state, and overseeing and directing OHCA, which the act renames the HSPU.

Statewide Health Information Technology Plan (§§ 7 & 8)

The act requires the OHS executive director, instead of the Health Information Technology Officer, to annually report to the Human Services and Public Health committees on (1) the statewide health information technology plan and related uniform data standards used by specified human services agencies; (2) the statewide health insurance exchange; and (3) legislative, policy, and regulatory recommendations to promote the state's health information technology and exchange goals.

The act also eliminates a similar requirement that the DSS commissioner annually report the statewide health information technology plan to the Appropriations, Human Services, and Public Health committees.

State Health Information Technology Advisory Council Membership (§ 11)

The act modifies the State Health Information Technology Advisory Council's membership by:

1. removing the director of the State Innovation Model Initiative Program Management Office, or the director's designee;
2. adding one member appointed by the OHS executive director, who must be an expert in state health care reform initiatives; and
3. replacing one Connecticut State Medical Society member with a licensed physician appointed by the Senate president pro tempore.

By law, the council advises the state's health information technology officer and, under the act, the OHS executive director, on the statewide health information technology plan and standards for the state's health information exchange, among other things.

Office of Health Care Access (§§ 14-60, 66-77 & 79)

The act transfers, from DPH to OHS, administration of OHCA and renames it HSPU. Among other things, HSPU administers the state's CON program for health care institutions. Under the act, any OHCA order, decision, agreed settlement, or regulation in force on July 1, 2018, is effective until it is amended, repealed, or superseded by law.

Additionally, the act grants the DPH deputy commissioner independent decision making authority over pending CON

applications that are completed before the act's passage. Any further action required after the DPH deputy commissioner issues final decisions on these applications will be decided by the OHS executive director.

The act imposes a new deadline, October 1, 2018, instead of October 1, 2011, for HSPU to enter into a memorandum of understanding with the comptroller to allow him access to specified collected data from hospitals and outpatient surgical facilities. Such data includes, among other things, patient-identifiable inpatient discharge data, emergency department data, and outpatient provider and patient data. Existing law, unchanged by the act, requires the comptroller to agree in writing to keep confidential individual patient and provider data, identified by name or personal identification code (§ 40).

Community Health Workers (§ 63)

The act transfers, from the State Innovation Model Initiative Program Management Office to the OHS executive director, responsibility for studying the feasibility of creating a certification program for community health workers. As under prior law, the OHS executive director must do this within available appropriations and in consultation with the Community Health Worker Advisory Committee.

The OHS executive director must report the study findings and recommendations to the Public Health and Human Services committees by October 1, 2018.

Insurance Assessment to Fund OHS (§§ 64 & 65)

The act requires Connecticut insurance companies and hospital and medical service corporations to annually pay the insurance commissioner an amount that covers OHS's appropriation, including fringe benefits and capital equipment purchases, except for those made on behalf of HSPU.

Existing law already requires insurance companies and hospital and medical service corporations to annually pay the insurance commissioner the (1) actual expenditures, including fringe benefits and capital equipment purchases, of the Insurance Department and Office of the Healthcare Advocate and (2) an amount that covers the Department of Social Services' fall prevention program appropriation. As under prior law, the act requires the insurance commissioner to deposit these payments in the Insurance Fund.

The act makes related technical and conforming changes to the statutory requirements for determining and notifying insurers of their annual assessment amounts.

§ 80 — REPEALERS

The act repeals obsolete provisions:

1. transferring, from John Dempsey Hospital to the Connecticut Children's Medical Center, licensure and control of certain neonatal intensive care unit beds after receiving a certificate of need from DPH (CGS § 10a-109ii);
2. (a) requiring DSS to notify the Newington Children's Hospital of each referral for whom the department can apply for federal matching grants and (b) permitting the state to pay the hospital retroactive claims related to federal reimbursement claims (CGS §§ 17b-234 & 17b-235);
3. authorizing a demonstration project for long-term acute care hospitals or satellite facilities (CGS § 19a-617b);
4. requiring OHCA to promote effective health planning in the state (CGS § 19a-637);
5. requiring the Lieutenant Governor to designate an individual to serve as Health Information Technology Officer (the act transfers this responsibility to OHS) (CGS § 19a-755); and
6. requiring OHCA to adopt certain regulations by April 1, 1977 (CGS § 38a-558).

PA 18-109—HB 5293

Public Health Committee

General Law Committee

AN ACT CONCERNING THE SALE OF ELECTRONIC NICOTINE DELIVERY SYSTEMS AND VAPOR PRODUCTS

SUMMARY: This act allows retail establishments to sell e-cigarettes (i.e., electronic nicotine delivery systems or vapor products) to consumers only through employee-assisted sales where customers cannot access the e-cigarettes without the employee's assistance. It expressly prohibits these establishments from selling or offering for sale e-cigarettes through self-service displays.

The act exempts from the limitation retail establishments that prohibit minors from entering and post notice of the prohibition clearly at all of the establishment's entrances. In doing so, the act allows such establishments to sell or offer for sale e-cigarettes through self-service displays.

Existing law, unchanged by the act, prohibits the sale of e-cigarettes to minors.

EFFECTIVE DATE: October 1, 2018

PA 18-148—sSB 302

Public Health Committee

AN ACT CONCERNING TELEHEALTH SERVICES

SUMMARY: This act modifies requirements for health care providers who provide medical services through the use of telehealth. Among other things, it:

1. allows telehealth providers to prescribe non-opioid Schedule II or III controlled substances using telehealth to treat a psychiatric disability or substance use disorder, if certain conditions are met, and
2. modifies requirements for telehealth providers to obtain and document patient consent in order to provide telehealth services or disclose related records.

Additionally, the act adds registered nurses and pharmacists to the list of health care providers authorized to provide telehealth services (see BACKGROUND). It also specifies that its provisions do not prohibit a licensed or certified health care provider from using telehealth for a hospital inpatient, including to order medication or treatment for hospital inpatients in accordance with the federal Ryan Haight Online Pharmacy Consumer Protection Act (see BACKGROUND).

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2018

TELEHEALTH REQUIREMENTS

Prescribing Controlled Substances

Subject to certain conditions, the act allows telehealth providers to prescribe a non-opioid Schedule II or III controlled substance using telehealth to treat a psychiatric disability or substance use disorder, including medication-assisted treatment (i.e., the use of federal Food and Drug Administration-approved medication in combination with counseling and behavioral therapies).

Under the act, providers may only do this (1) in a manner consistent with the federal Ryan Haight Online Pharmacy Consumer Protection Act; (2) if it is allowed under their current scope of practice; and (3) if they submit the prescription electronically, in accordance with existing law. Prior law prohibited telehealth providers from prescribing any Schedule I, II, or III controlled substances using telehealth.

Patient Consent

By law, at the first telehealth interaction with a patient, a telehealth provider must document in the patient's medical record that the provider (1) informed the patient about telehealth methods and limitations and (2) obtained the patient's consent to provide telehealth services. Under the act, if the patient later revokes his or her consent, the telehealth provider must document it in the patient's medical record.

Additionally, existing law requires a telehealth provider to ask for the patient's consent to disclose telehealth records to his or her primary care provider. Under the act, the provider must do this only at the initial telehealth interaction, instead of at every interaction as under prior law. If the patient consents, the telehealth provider must give the primary care provider records of all telehealth interactions.

Under the act, consent for providing telehealth services or records disclosure may be obtained from the patient or the patient's legal guardian, conservator, or other authorized representative.

BACKGROUND

Ryan Haight Online Pharmacy Consumer Protection Act ("Haight Act")

The 2008 Haight Act established standards for dispensing and prescribing controlled substances via the internet (e.g., online pharmacies and telehealth). Among other things, the act prohibits dispensing controlled substances via the internet

without a valid prescription. For a prescription to be valid, it must be issued for a legitimate medical purpose in the usual course of a health care provider's professional practice. The act requires providers to conduct at least one medical evaluation in-person or, if specified conditions are met, via telehealth, before prescribing a person a controlled substance. The federal Drug Enforcement Agency enforces the act's provisions.

Authorized Telehealth Providers

Existing law allows the following health care providers to provide health care services using telehealth: physicians, advanced practice registered nurses, physician assistants, occupational and physical therapists, naturopaths, chiropractors, optometrists, podiatrists, psychologists, marital and family therapists, clinical or master social workers, alcohol and drug counselors, professional counselors, dietician-nutritionists, speech and language pathologists, respiratory care practitioners, and audiologists.

By law, these providers must provide telehealth services within their profession's scope of practice and standard of care (CGS § 19a-906).

PA 18-149—sSB 303

Public Health Committee

AN ACT CONCERNING OUTPATIENT CLINICS, URGENT CARE CENTERS AND FREESTANDING EMERGENCY DEPARTMENTS

SUMMARY: This act requires freestanding emergency departments to (1) clearly identify themselves as hospital emergency departments and (2) post signs with certain information, including whether the facility includes an urgent care or primary care center. Under the act, a "freestanding emergency department" is a free-standing emergency care facility that (1) is a department of a hospital, but structurally separate and distinct from the hospital, and (2) has received a certificate of need to operate as such a facility.

The act modifies the definition of "urgent care center" for purposes of licensing such centers. For example, it specifies certain services that a facility must offer for it to be considered an urgent care center.

It allows the Office of Health Care Access to adopt regulations to implement the act's provisions on freestanding emergency department signage and urgent care centers.

Existing law sets certain restrictions on facility fees for outpatient hospital services. Prior law exempted from these restrictions fees for services at off-site hospital emergency departments. The act instead specifies that the exemption applies to freestanding emergency departments, as defined above.

The act also makes minor and technical changes.

EFFECTIVE DATE: October 1, 2018

FREESTANDING EMERGENCY DEPARTMENTS

The act requires freestanding emergency departments to clearly identify themselves as hospital emergency departments. At a minimum, they must display prominent lighted external signs that include the word "emergency" and state the hospital's name.

It requires freestanding emergency departments to post signs conspicuously at locations that are readily accessible to and visible by patients, including the entrance and patient waiting areas, stating: "THIS IS A HOSPITAL EMERGENCY DEPARTMENT." Immediately after that statement, the sign must include the following:

1. "THIS IS NOT AN URGENT CARE OR PRIMARY CARE CENTER," if the facility does not include an urgent care center or primary care center or clinic, or
2. if the facility has an urgent care center or primary care center or clinic, information on the center's or clinic's location, hours, contact information, and services.

The act specifies that these signage requirements are in addition to any other signs or notices required by other state or federal law.

URGENT CARE CENTERS

By law, urgent care centers must be licensed as outpatient clinics by the Department of Public Health (DPH). The act modifies the definition of urgent care center for this purpose.

The prior definition provided that urgent care centers treated medical conditions that did not require critical or

emergent intervention for life-threatening or potentially permanently disabling conditions. The act instead specifies that these facilities provide urgent care services as defined in specified Medicare regulations (42 C.F.R. § 405.400). Under those regulations, “urgent care services” are those furnished to someone who needs services within 12 hours in order to avoid the likely onset of an emergency medical condition.

Under the act, to be considered an urgent care center, a facility must offer at least the following: (1) diagnostic imaging, (2) intravenous fluid administration, and (3) the ability to employ minimal resuscitative methods.

Existing law specifies that urgent care centers are distinct from emergency departments. The act additionally specifies that they are distinct from primary care settings. It also removes the condition that these urgent care centers must be freestanding facilities.

Under existing law, unchanged by the act, urgent care centers must offer services without an appointment and at times when primary care providers are not generally open.

BACKGROUND

Facility 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 from the provider’s professional fee (CGS § 19a-508c(a)).

Related Act

PA 18-91 transfers administration of the Office of Health Care Access from DPH to the Office of Health Strategy and renames the office as the Health Systems Planning Unit.

PA 18-150—sSB 304

Public Health Committee

AN ACT ESTABLISHING A MATERNAL MORTALITY REVIEW PROGRAM AND COMMITTEE WITHIN THE DEPARTMENT OF PUBLIC HEALTH

SUMMARY: This act establishes a Maternity Mortality Review Program within the Department of Public Health (DPH) to identify maternal deaths in the state, and review related medical records and other relevant data, including information from death and birth records, the Office of the Chief Medical Examiner’s files, and physician office and hospital records.

It also establishes a Maternal Mortality Review Committee within DPH to conduct comprehensive, multidisciplinary reviews of maternal deaths to identify associated factors and make recommendations to reduce these deaths. Specifically, when meeting, the committee must consult with relevant experts to evaluate DPH’s information and findings from its review of maternal deaths in the state. Within 90 days after meeting, the committee must report its findings and recommendations to the DPH commissioner.

The act establishes related medical records requirements for licensed health care providers, health care facilities, and pharmacies. Under the act, information obtained by the program and the committee generally (1) is confidential and not subject to disclosure, (2) is not admissible as evidence in a court or agency proceeding, and (3) must be used solely for medical or scientific research purposes.

Under the act, a “maternal death” is a death occurring (1) during a woman’s pregnancy or (2) within one year after the date when the woman is no longer pregnant, regardless of whether it is pregnancy-related.

EFFECTIVE DATE: October 1, 2018

MATERNAL MORTALITY REVIEW COMMITTEE MEMBERSHIP

Under the act, the Maternal Mortality Review Committee may include the following members, as needed, depending on the case under review:

1. licensed physicians appointed by the Connecticut State Medical Society, including a pediatrician and a specialist in obstetrics and gynecology;
2. a community health worker appointed by the Commission on Equity and Opportunity;
3. a licensed nurse-midwife appointed by the Connecticut Nurses Association;
4. a licensed clinical social worker appointed by the National Association of Social Workers’ Connecticut Chapter;

5. a licensed psychiatrist appointed by the Connecticut Psychiatric Society;
6. a licensed psychologist appointed by the Connecticut Psychological Association;
7. the Chief Medical Examiner, or his designee;
8. a Connecticut Hospital Association member;
9. a DPH commissioner-appointed representative of a community or regional program or facility that provides services to individuals with psychiatric disabilities or substance use disorders;
10. a representative of the UConn-sponsored Health Disparities Institute; or
11. additional members the co-chairs determine would be beneficial.

Under the act, the committee co-chairs are (1) the DPH commissioner, or his designee, and (2) a representative designated by the Connecticut State Medical Society. The co-chairs must convene a committee meeting at the DPH commissioner's request.

MEDICAL RECORDS

Under the act, licensed health care providers, health care facilities, and pharmacies must provide the Maternal Mortality Review Program reasonable access to all relevant medical records associated with maternal death cases the program reviews.

The act also authorizes DPH to provide the Maternal Mortality Review Committee with information it deems as necessary for the committee to make recommendations to prevent maternal deaths.

PA 18-168—sHB 5163

Public Health Committee

AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATIONS REGARDING VARIOUS REVISIONS TO THE PUBLIC HEALTH STATUTES

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§§ 42-45 — MARRIAGE AND FAMILY THERAPIST, PROFESSIONAL COUNSELOR, AND PSYCHOLOGY STUDENTS

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§§ 46-49 — MODEL FOOD CODE

Extends until January 1, 2019, the date by which DPH must adopt and administer the FDA Model Food Code as the state's food code for regulating food establishments; requires food establishments to designate an alternate person to be in charge when their certified food protection manager is absent

§ 50 — OFFICE OF ORAL PUBLIC HEALTH

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§ 51 — LONG-TERM CARE FACILITY BACKGROUND SEARCH PROGRAM

Exempts records and information from DPH's long-term care facility background search program from disclosure under the Freedom of Information Act; exempts from the program's requirements certain intermediate care facilities for individuals with intellectual disabilities

§ 52 — DDS FACILITY BACKGROUND SEARCH PROGRAM

Subjects DDS job applicants who will provide direct care services to fingerprint and national criminal background checks, in addition to state background checks; permits DDS to require state criminal background checks for DDS-licensed or -funded private providers; allows DDS and private providers to conditionally employ applicants while waiting for required background check results

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§ 54 — PHYSICIAN ASSISTANT (PA) ORDERS

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§ 56 — TOBACCO AND HEALTH TRUST FUND BOARD

Requires the Tobacco and Health Trust Fund Board to report to the legislature only following a fiscal year when it receives a deposit from the Tobacco Settlement Fund, instead of annually; eliminates the requirement that the board meet at least biannually

§ 57 — ACKNOWLEDGMENTS OF PATERNITY

Allows the guardian of a person who is the subject of an acknowledgment of paternity to obtain a certified copy of the form

§§ 58-60 — MUNICIPAL AND DISTRICT HEALTH DEPARTMENTS

Expressly permits a health district to join an existing health district; makes technical changes to statutes on municipal and district health departments

§§ 61 & 62 — PUBLIC WATER SYSTEMS

Requires small community water systems to submit to DPH a fiscal and asset management plan for all their capital assets; requires the DPH commissioner to publish a schedule of civil penalties imposed against water companies, instead of adopting them in regulations; and establishes related notification and public hearing requirements

§§ 63-66 — MASSAGE THERAPISTS

Starting October 1, 2019, modifies the education and training requirements for massage therapist licensure; establishes minimum professional liability insurance requirements; and generally allows out-of-state massage therapists to provide voluntary services at the invitation of the emergency division of the American Massage Therapy Association Connecticut Chapter's Community Service Massage Team

§ 67 — DOCTORS OF PHYSICAL THERAPY

Prohibits anyone without the proper credentials from referring to himself or herself as a "Doctor of Physical Therapy" or "D.P.T."

§ 68 — AMNIOTIC FLUID EMBOLISM

Requires DPH, by January 1, 2019, to develop and post on its website educational materials for health care professionals on the signs and symptoms of amniotic fluid embolism and distribute them to specified health care entities by July 1, 2019

§§ 69-71 — ANKLE SURGERY BY PODIATRISTS

Changes the process and qualifications for licensed podiatrists seeking to engage in independent ankle surgery and qualifications to engage in supervised ankle surgery and makes related changes

§ 72 — CONNECTICUT AIDS DRUG ASSISTANCE PROGRAM AND CONNECTICUT INSURANCE PREMIUM ASSISTANCE PROGRAM

Permits DPH to administer the Connecticut Aids Drug Assistance Program and Connecticut Insurance Premium Assistance Program; requires all program rebates and refunds to be paid to DPH; and permits DPH to implement policies and procedures to administer the programs while adopting them in regulations

§ 73 — NURSING HOME REPORTABLE EVENTS

Requires DPH, by January 1, 2019, to develop a system for nursing homes to electronically report "reportable events" to the department, after which nursing homes must report such events using the electronic system

§ 74 — ART THERAPISTS

Increases the minimum education requirement for art therapists by requiring them to obtain a graduate degree, instead of a bachelor's degree, in art therapy or a related field

§§ 75-78 — RESPIRATORY CARE THERAPISTS

Expands and updates the scope of practice of respiratory therapists; makes minor changes to update licensure requirements; and increases annual continuing education requirements from six to 10 hours

§ 79 — SUPERVISION OF PHYSICIAN ASSISTANTS

Removes the cap on the number of PAs that a physician may supervise

§§ 80 & 81 — PUBLIC SCHOOL STUDENT ORAL HEALTH ASSESSMENTS

Requires local and regional boards of education to request that students have an oral health assessment prior to public school enrollment and in specified grades, and establishes related requirements on, among other things, parental notification and consent and assessment forms

§§ 83 & 84 — DENTAL ASSISTANTS AND FLUORIDE VARNISH

Allows dental assistants to provide fluoride varnish treatments, if the dentist directly supervises the assistant in providing the treatment

§ 85 — REPEALER

Repeals certain outdated or obsolete statutes

SUMMARY: This act makes various substantive, minor, and technical changes in Department of Public Health (DPH)-related statutes and programs.

EFFECTIVE DATE: October 1, 2018, except as otherwise noted below.

§ 1 — TECHNICAL CHANGE

Makes a technical change by correcting a statutory citation

The act makes a technical correction in a statutory citation in the tumor registry statute.

§§ 2 & 3 — NONDISCLOSURE OF PERSONNEL RECORDS

Prohibits DPH from disclosing personnel records it receives during an investigation

The act prohibits DPH, unless required by federal law, from disclosing personnel records it receives during an investigation of a person DPH licenses, certifies, or regulates. It provides that such records are not subject to disclosure under the Freedom of Information Act (FOIA). These provisions already apply to patient medical records DPH receives during an investigation or disciplinary proceeding of such a person.

§§ 4 & 82 — DENTAL HYGIENISTS

Allows dental hygienists with at least two years' experience to practice without a dentist's general supervision at senior centers, managed residential communities, or child care centers

The act permits dental hygienists with two years of experience to practice without a dentist's general supervision at senior centers, managed residential communities, or licensed child care centers. Hygienists with two years of experience can already practice without such supervision at DPH-licensed health care institutions; community health centers; group homes; schools; preschools operated by local or regional school boards; Head Start programs; and programs offered or sponsored by the Women, Infants, and Children (WIC) program (collectively, "public health facilities").

As is already the case for such practice at other public health facilities, the act requires hygienists practicing at senior centers, managed residential communities, or licensed child care centers to refer to a dentist any patients with needs outside of the hygienist's scope of practice (CGS § 20-126(f)).

Under existing law, a dental hygienist may substitute eight hours of volunteer practice at a public health facility for one hour of continuing education, up to a maximum of five hours in a two-year period (CGS § 20-126(g)). This applies under the act to volunteer practice at senior centers, managed residential communities, or child care centers.

Under existing law and the act, managed residential communities are facilities consisting of private residential units that provide a managed group living environment for persons who are primarily 55 years old or older (e.g., assisted living facilities). The term does not include state-funded congregate housing facilities.

EFFECTIVE DATE: October 1, 2018, except the provision on child care centers is effective July 1, 2018.

§ 5 — SCHOOL-BASED HEALTH CENTER (SBHC) ADVISORY COMMITTEE

Adds three members to the school-based health center advisory committee

The act adds three members to the SBHC Advisory Committee, increasing its membership to 20.

The act adds to the committee the Department of Children and Families commissioner or her designee. It also adds two members, appointed by the DPH commissioner, from municipalities that operate SBHCs — one from a municipality with a population of at least 50,000 but under 100,000, and the other from a municipality with a population of at least

100,000. Under existing law, the commissioner also appoints a third member who represents an SBHC sponsored by a local health department.

By law, the committee advises the DPH commissioner on minimum service standards and other matters concerning SBHCs and expanded school health sites.

§ 6 — DEATH CERTIFICATES

Expands access to data on a death certificate except for the decedent's social security number

The act allows any adult to access all data listed on a death certificate, however it continues to restrict access to the social security number by only providing it to certain parties, as under prior law. Under the act, for deaths occurring on or after July 1, 1997, the administrative purposes section of a death certificate includes only the decedent's social security number, and only the following parties can access the full death certificate with that section:

1. the parties listed on the certificate (e.g., the funeral director, physician, and town clerk), for purposes of processing it, and
2. the surviving spouse, next of kin, and state and federal agencies authorized by federal law.

The act requires DPH to remove or redact the social security number when providing a death certificate to any other individual, researcher, or state or federal agency.

Under prior law, the administrative purposes section also included the decedent's occupation, business or industry, race, Hispanic origin if applicable, and educational level, if known. Prior law allowed (1) only the parties listed above to access the full information in the administrative purposes section and (2) researchers to access such information, other than the social security number.

§§ 7-9 — ASTHMA PROGRAM

Consolidates certain DPH reporting requirements related to asthma screening and makes related changes

Prior law required DPH to (1) annually report on the status and results of the department's asthma monitoring system and statewide asthma plan and (2) report every three years on the asthma screening information provided to DPH by school districts (i.e., the total number of students per school and per district with asthma upon enrollment and in specified grades). The act eliminates the annual report and instead incorporates, into the triennial report, information on the asthma monitoring system's activities.

It extends the due date for the next triennial report from October 1, 2019, to October 1, 2021. It requires DPH, starting by that date and every three years after that, to post on its website the asthma monitoring system's activities, including the information the department collects from school districts.

The act also removes certain specific requirements for the asthma monitoring system, such as that (1) it include reports of asthma visits and the number of people with asthma, as voluntarily reported by health care providers, and (2) the commissioner use the system to estimate the annual incidence and distribution of asthma in the state, including based on certain demographic criteria.

The act also removes certain obsolete provisions and makes other technical changes.

§ 10 — SCHOOL SOCIAL WORKERS

Specifies that school social workers with the appropriate credentials may use that title, even if they are not licensed by DPH

The act specifies that if someone holds a professional educator certificate with a school social worker endorsement, the person may use the title "school social worker" to describe his or her activities while working at a public or private school, even if the person is not licensed as a social worker by DPH.

§ 11 — CORRECTION PLAN

Gives a health care institution more time to submit a correction plan after receiving a notice of noncompliance

Under existing law, a licensed health care institution must submit a correction plan to DPH if the department, after an inspection, issues a notice that the institution is out of compliance with applicable laws or regulations. The act requires the

institution to submit the plan within 10 business days after receiving the notice of noncompliance, rather than 10 calendar days, as under prior law.

§§ 12 & 13 — HEALTH CARE ASSOCIATED INFECTIONS

Expands the scope of DPH's mandatory reporting system for health care associated infections, adds to the membership of the advisory committee on such matters, and makes related changes

Mandatory Reporting System

The act expands the scope of DPH's mandatory reporting system for health care associated infections to include antimicrobial resistance. It specifies that the system must be based on nationally recognized and recommended standards.

In practice, under the existing program, DPH collects data on health care associated infections at acute care and long-term acute care hospitals, inpatient rehabilitation facilities, and outpatient dialysis facilities. The act expands the program to include other health care facilities.

Prior law required DPH to (1) annually report to the Public Health Committee on the information collected through the system, (2) make such reports available online, and (3) post online information on health care associated infections to help the public learn about them and compare infection rates at Connecticut facilities. The act eliminates the annual reporting requirement, and instead requires DPH to annually post on its website the information it collects through the mandatory reporting system. It requires such information to include:

1. the number and type of health care associated infections and antimicrobial resistance reported by each health care facility (prior law required the report to include the number and type of such infections, including certain specific types);
2. links to the National Centers for Disease Control and Prevention's health care associated infection data reports and the federal Centers for Medicare and Medicaid Services' (CMS) quality improvement program website (prior law required DPH's website to include a link to CMS's hospital compare website); and
3. information to help the public learn about health care associated infections and antimicrobial resistance and how to prevent them.

Advisory Committee

Under existing law, an advisory committee advises DPH on the health care associated infection monitoring program. To correspond with the program's expanded scope, the act renames the committee as the "advisory committee on health care associated infections and antimicrobial resistance" and makes conforming changes to the scope of the committee's charge. It also adds the following 10 members to the committee, to be appointed by the DPH commissioner:

1. two members each representing outpatient hemodialysis centers, long-term acute care hospitals, nursing home facilities, and surgical facilities; and
2. one member each representing the Connecticut Infectious Disease Society and a clinical microbiology laboratory.

The act specifies that the committee may meet upon the commissioner's request. It also eliminates from the committee's purview recommending appropriate methods to increase public awareness about how to reduce the spread of infections.

§ 14 — QUALITY OF CARE PROGRAM

Eliminates the requirement for the DPH commissioner to annually report on the department's quality of care program

The act eliminates the requirement for the DPH commissioner to annually report on DPH's quality of care program to the governor and Public Health Committee. It also removes certain obsolete provisions on one-time reporting requirements.

§ 15 — DONATED PROPERTY

Eliminates a requirement that DPH report on certain matters related to donated property

The act eliminates the requirement that DPH annually report on certain matters related to real estate or other property donated to the department, such as the donors' names and how the property is being used.

§ 16 — NURSING HOME AND RESIDENTIAL CARE HOME INFORMATION

Eliminates a requirement for DPH to annually publish a report on nursing homes and residential care homes and instead requires the department to post certain related information online

The act eliminates a requirement for DPH to annually publish a report that lists and classifies all nursing homes and residential care homes in the state, and instead requires the department to post the information on its website.

It requires the posted information to include the number and effective date of the license and the address for each such facility. It does not require other information previously required for the published report, such as the total number of beds; number of private and semiprivate rooms; religious affiliation, and any religious services offered in the facility; and per diem cost for private patients.

§ 17 — EMERGENCY MEDICAL SERVICES (EMS) DATA

Requires the DPH commissioner to adopt specified national standards for trauma data collection and provides that an existing reporting requirement applies annually starting by December 31, 2018

Existing law requires the DPH commissioner to report to the Emergency Medical Services Advisory Board on specified EMS call data categorized by municipality, such as the total number of calls by each ambulance or paramedic intercept service, the EMS level required for each call, and response times. The act requires the commissioner to report the data annually, starting by December 31, 2018.

It also requires the commissioner, with the board's recommendation, to adopt for use in trauma data collection the most recent version of the National Trauma Data Bank's National Trauma Data Standards and Data Dictionary and nationally recognized guidelines for field triage of injured patients.

§ 18 — DENTIST LICENSURE BY ENDORSEMENT

Allows DPH to issue a dentist license without examination to a dentist licensed in another state who has worked as such for the past five years, even if the other state does not require a practical examination for licensure

Under prior law, DPH could issue a license, without examination, to a dentist licensed in another state or territory, provided the other jurisdiction's licensure requirements were similar to or higher than Connecticut's. The act instead allows DPH to issue a license without examination to a dentist licensed and practicing in another state or territory if he or she:

1. holds a license issued after examination by another state with licensing standards that, except for the practical examination, are commensurate with Connecticut's standards and
2. has worked continuously as a licensed dentist in an academic or clinical setting in another state or territory for at least five years immediately preceding the application for licensure without examination.

§ 19 — LEAD TRAINING PROVIDERS AND ASBESTOS TRAINING PROVIDERS

Specifies that lead training providers and asbestos training providers must apply to renew their certificates during the anniversary month of their initial certification

By law, lead training providers and asbestos training providers must be certified by DPH, subject to annual renewal. The act specifies that they must apply for renewal during the anniversary month of their initial certification.

§§ 20-23 — MODEL FOOD CODE

Exempts certain residential care homes from the food code's requirements and modifies the definition of a class 1 food establishment to, among other things, prohibit such an establishment from selling commercially prepackaged food that is not time or temperature controlled

PA 17-93 required DPH, by July 1, 2018, to adopt the federal Food and Drug Administration's (FDA) Food Code as the state's food code for regulating food establishments. As noted below, the act extends the deadline to January 1, 2019 (see §§ 46-48).

The act exempts certain licensed residential care homes from the food code's requirements. Specifically, it exempts those with 30 or fewer beds, as long as the home's administrator or his or her designee has passed a test as part of a food protection manager certification program approved by an accrediting agency that the Conference for Food Protection recognizes as conforming to its accreditation standards. The exemption does not apply to such a home that (1) enters into a service contract with a food establishment or (2) lends, rents, or leases any area of its facility to any person or entity for the purpose of preparing or selling food.

Under existing law, there are four classifications of food establishments in the food code. The act amends the definition of a class 1 establishment to prohibit these establishments from serving a population that is highly susceptible to foodborne illnesses. The act specifies that if such an establishment offers for sale commercially prepackaged, precooked food that is time or temperature controlled and heated, it must be served within four hours after heating.

The act makes additional minor changes to the definitions of a class 1 and 3 establishment and makes other minor and technical changes to certain provisions related to the food code.

§§ 24-29 — TECHNICAL CHANGES TO TERMINOLOGY

Replaces statutory references to “venereal disease” with references to “sexually transmitted disease”

The act makes technical changes by replacing several statutory references to “venereal disease” with “sexually transmitted disease.”

§§ 30-33 — FUNERAL HOME LICENSES AND INSPECTIONS

Updates terminology related to funeral home licensure and decreases the required frequency of DPH inspections of funeral homes

Under prior law, a funeral service business could not operate unless it received a DPH-issued “inspection certificate.” The act replaces the term inspection certificate with “funeral home license.”

It also decreases the required frequency of DPH inspections of funeral homes, from annually to at least once every three years.

§§ 34-39 — ADVANCED PRACTICE REGISTERED NURSES (APRNs) AND ADVANCE DIRECTIVES

Adds APRNs into the laws on living wills and other advance directives

The act incorporates APRNs into the laws on living wills and other advance directives. In doing so, it extends to APRNs the authority to perform certain functions that under prior law could be performed only by a physician or, in some cases, other specified providers.

For example, prior law provided that a living will or appointment of a health care representative became operative when the document was given to the attending physician and the physician determined the person to be incapacitated. The act provides that such a document also takes effect when given to a patient's APRN who determines the person to be incapacitated.

The act makes several corresponding and conforming changes. For example, it adds references to APRNs into the law's standard forms for advance directives (e.g., form language stating that the patient's APRN, not just physician as under prior law, may rely on the document's health care instructions and decisions made by the patient's health care representative).

It provides in the forms that an APRN, not just a physician, may make the determination that a patient is suffering from a terminal condition. It makes a corresponding change to the definition of “terminal condition” for these purposes (see § 34).

Prior law provided that, if a resident of a facility operated or licensed by the Department of Mental Health and Addiction Services or Department of Developmental Services sought to execute a document appointing a health care representative, at least one witness had to be a physician or clinical psychologist with specialized training in treating mental illness or developmental disabilities, respectively. In both situations, the act adds APRNs to the list of eligible witnesses (§ 37).

§ 40 — INSTITUTIONAL LICENSING APPLICATIONS

Prohibits DPH from requiring that a health care institution licensure application be notarized

The act prohibits DPH from requiring that a health care institution licensure application be notarized.

§ 41 — CONFORMING CHANGE

Makes a conforming change

The act makes a conforming change to reflect a statutory repeal in § 85.

§§ 42-45 — MARRIAGE AND FAMILY THERAPIST, PROFESSIONAL COUNSELOR, AND PSYCHOLOGY STUDENTS

Modifies the length of time during which marriage and family therapist, professional counselor, and psychology students may practice without a license in order to complete the supervised work experience required for licensure

By law, students who graduate with advanced degrees in marital and family therapy (MFT), professional counseling, or psychology may practice without a license in order to complete the supervised work experience required for licensure, but only if supervised by a person licensed in their respective profession.

The act permits these graduates to practice in this unlicensed capacity for up to two years after completing the supervised work experience, if they failed the respective licensing examination.

Under prior law, professional counseling and psychology students could practice in this manner until they were notified that they failed the respective licensing examination, or one year after completing the supervised work experience, whichever occurred first. For MFT students, prior law did not specify that the licensure exemption ended on the earlier of these two dates.

The act also makes technical changes.

§§ 46-49 — MODEL FOOD CODE

Extends until January 1, 2019, the date by which DPH must adopt and administer the FDA Model Food Code as the state's food code for regulating food establishments; requires food establishments to designate an alternate person to be in charge when their certified food protection manager is absent

Implementation Date (§§ 46-48)

The act extends by six months, from July 1, 2018, to January 1, 2019, the date by which DPH must adopt and administer the FDA's Food Code, and any published supplements, as the state's food code for regulating food establishments. Currently, DPH regulates these establishments under the Public Health Code.

The act makes related conforming changes to provisions:

1. requiring food inspectors to obtain certification from DPH after meeting specified education and training requirements and
2. allowing food establishments to request from DPH a variance from Public Health Code requirements in order to use the sous vide cooking technique or acidify sushi rice, as an alternative to temperature control.

EFFECTIVE DATE: Upon passage

Certified Food Protection Managers (§ 49)

By law, Class 2, Class 3, and Class 4 food establishments must employ a "certified food protection manager." To be designated as such, the person must pass an exam that is part of a certification program evaluated and approved by an accrediting agency recognized by the Conference for Food Protection.

The act requires a food establishment's owner or manager to designate an alternate person to be in charge whenever the certified food protection manager is absent. The alternate person must ensure that:

1. all employees comply with the act's provisions,
2. foods are safely prepared in accordance with the Model Food Code's requirements,
3. emergencies are properly managed,

4. a food inspector is admitted to the establishment upon request, and
 5. he or she receives and signs inspection reports.
- EFFECTIVE DATE: July 1, 2018

§ 50 — OFFICE OF ORAL PUBLIC HEALTH

Expands eligibility criteria to qualify as DPH's Office of Oral Public Health director

Under prior law, the director of DPH's Office of Oral Public Health had to be a licensed dentist or dental hygienist with public health experience. The act also allows someone with the following qualifications to serve as the director:

1. a person with a Doctor of Medicine or Doctor of Osteopathy degree from an accredited higher education institution or
2. a public health professional with a graduate degree in public health.

§ 51 — LONG-TERM CARE FACILITY BACKGROUND SEARCH PROGRAM

Exempts records and information from DPH's long-term care facility background search program from disclosure under the Freedom of Information Act; exempts from the program's requirements certain intermediate care facilities for individuals with intellectual disabilities

By law, DPH administers a comprehensive criminal history and patient abuse background search program that facilitates the performance, processing, and analysis of background searches on people who have direct access to long-term care facility residents (i.e., employees and volunteers). The act exempts DPH background search program records and information from disclosure under FOIA.

Under prior law, long-term care facilities subject to the program's requirements included home health agencies, assisted living agencies, chronic disease hospitals, DPH-licensed or federally certified agencies providing hospice care, nursing homes, and intermediate care facilities for individuals with intellectual disabilities (ICF-IIDs). The act exempts ICF-IIDs operated by a Department of Developmental Services (DDS) program already subject to background checks under existing law (see § 52).

The act also makes technical changes, including eliminating obsolete provisions requiring DPH to develop a plan to implement the program.

EFFECTIVE DATE: July 1, 2018

§ 52 — DDS FACILITY BACKGROUND SEARCH PROGRAM

Subjects DDS job applicants who will provide direct care services to fingerprint and national criminal background checks, in addition to state background checks; permits DDS to require state criminal background checks for DDS-licensed or -funded private providers; allows DDS and private providers to conditionally employ applicants while waiting for required background check results

Existing law requires DDS to conduct state criminal background checks on any job applicant who will provide direct services to people with intellectual disability. The act also subjects these job applicants to fingerprint and national criminal background checks.

Prior law allowed, but did not require, DDS to subject private subcontractors to state criminal background checks. The act instead permits DDS to subject private providers licensed or funded by the department to such background checks.

Prior law prohibited DDS and private providers from hiring an applicant until the results of a required background check were available. The act instead allows DDS and private providers to employ such applicants on a conditional basis until they receive and review the background check results.

§ 53 — NUCLEAR MEDICINE TECHNOLOGISTS

Modifies the certification examination requirements for nuclear medicine technologists to operate certain CT or MRI equipment

Existing law specifies that the radiographer licensure statutes do not prohibit a nuclear medicine technologist from

fully operating a computed tomography (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.

To do this, the technologist must (1) hold and maintain in good standing CT or MRI certification from the American Registry of Radiologic Technologists (ARRT) or the Nuclear Medicine Technology Certification Board (NMTCB) and (2) have successfully completed the individual certification exam for CT or MRI. The act allows technologists to complete the certification exam administered by NMTCB, instead of just ARRT.

EFFECTIVE DATE: Upon passage

§ 54 — PHYSICIAN ASSISTANT (PA) ORDERS

Specifies that a PA lacks the authority to order an APRN to administer a controlled substance

The act specifies that a PA does not have the authority to order an APRN to administer a controlled substance.

EFFECTIVE DATE: Upon passage

§ 55 — ALCOHOL AND DRUG COUNSELORS

Modifies the definition of “alcohol and drug counseling” to distinguish between licensed and certified counselors; makes other minor and technical changes to licensure requirements

The act makes various changes, mostly minor and technical, to update statutory definitions and licensure requirements for alcohol and drug counselors.

Definitions

The act modifies the definition of “alcohol and drug counseling” to distinguish between the scope of practice of alcohol and drug counselors who are licensed and those who are certified. It permits licensed alcohol and drug counselors to, among other things:

1. clinically evaluate substance use and co-occurring disorders (i.e., a psychiatric or medical disorder combined with a substance use disorder) and
2. as under existing law, conduct substance use disorder screenings and risk assessments, and develop related treatment plans and referrals.

The act specifies that certified alcohol and drug counselors may apply methods to assist an individual or group to develop an understanding of alcohol and drug dependency problems, define goals, and plan action reflecting the individual’s or group’s interests, abilities, and needs.

Licensure

By law, to become a certified or licensed alcohol or drug counselor, an individual must, among other requirements, complete (1) 300 hours of supervised practical training in alcohol and drug counseling and (2) three years of supervised paid work experience or unpaid internship that involved direct client work (a master’s degree may be substituted for one year of such experience). The act specifies that the supervisor must be a licensed alcohol and drug counselor or other licensed mental health professional whose scope of practice includes the screening, assessment, diagnosis, and treatment of substance use disorders and co-occurring disorders.

The act also makes minor and conforming changes.

§ 56 — TOBACCO AND HEALTH TRUST FUND BOARD

Requires the Tobacco and Health Trust Fund Board to report to the legislature only following a fiscal year when it receives a deposit from the Tobacco Settlement Fund, instead of annually; eliminates the requirement that the board meet at least biannually

Prior law required the Tobacco and Health Trust Fund Board to report (1) its activities and accomplishments to the Appropriations and Public Health committees by January 1 annually and (2) all disbursements and expenditures and an evaluation of fund recipients’ performance and impact to the legislature by February 1 annually. The act instead requires the board to submit these reports only following a fiscal year in which the trust fund receives a deposit from the Tobacco

Settlement Fund.

The act also eliminates prior law's requirement for the 17-member board to meet at least biannually.

§ 57 — ACKNOWLEDGMENTS OF PATERNITY

Allows the guardian of a person who is the subject of an acknowledgment of paternity to obtain a certified copy of the form

The act allows the legal guardian of a person whose birth is the subject of an acknowledgment of paternity to obtain a certified copy of the acknowledgment.

Existing law only allows certain parties to access the acknowledgment, including the parents named on the form, the person whose birth is acknowledged if an adult, attorneys representing the person or parent named on the form, and authorized government agencies. By law, DPH must maintain a paternity registry, which includes such voluntary acknowledgements and court-ordered adjudications of paternity (CGS § 19a-42a(a)).

EFFECTIVE DATE: July 1, 2018

§§ 58-60 — MUNICIPAL AND DISTRICT HEALTH DEPARTMENTS

Expressly permits a health district to join an existing health district; makes technical changes to statutes on municipal and district health departments

The act expands a health district's powers to include the ability to join an existing health district. Existing law already allows municipalities to join or form a district health department.

The act also makes numerous technical changes to statutes on municipal and district health departments.

§§ 61 & 62 — PUBLIC WATER SYSTEMS

Requires small community water systems to submit to DPH a fiscal and asset management plan for all their capital assets; requires the DPH commissioner to publish a schedule of civil penalties imposed against water companies, instead of adopting them in regulations; and establishes related notification and public hearing requirements

The act makes various changes affecting public water systems and the oversight of small community water systems (i.e., those regularly serving between 25 and 1,000 year-round residents). Among other things, it requires (1) small community water systems to submit to DPH a fiscal and asset management plan for all their capital assets and (2) the DPH commissioner to at least annually publish a schedule of civil penalties imposed against water companies under the safe drinking water statutes, instead of adopting them in regulations as under prior law.

Under the act, as under existing law, "water company" means any individual, municipality, or entity that owns, maintains, operates, manages, controls, or employs any pond, lake, reservoir, well, stream, or distributing plant or system that supplies water to two or more consumers or to 25 or more people on a regular basis.

The act also makes technical and conforming changes.

Fiscal and Asset Management Plans

The act requires each small community water system to prepare a fiscal and asset management plan for all of the system's capital assets. The fiscal and asset management plan must include:

1. a list of all of the system's capital assets;
2. the assets' (a) useful life, based on their current condition, (b) maintenance and service history, and (c) manufacturer's recommendation;
3. the system's plan for reconditioning, refurbishing, or replacing the assets; and
4. information on (a) whether the system has any unaccounted for water loss (i.e., water supplied to its distribution system that never reached consumers), (b) the amount and cause of such unaccounted water loss, and (c) measures the system is taking to reduce it.

The act requires the water system to begin creating the plan by assessing its hydropneumatic pressure tanks as its initial priority.

Under the act, the "useful life" of a water system's capital asset means the manufacturer's recommended life or the estimated lifespan, taking into consideration the asset's service history and condition when the fiscal and asset management plan is prepared.

Deadline. The act requires small community water systems to complete the fiscal and asset management plan by January 1, 2021. But they must first complete an assessment review of their hydropneumatic pressure tanks by May 2, 2019, on a form DPH prepares.

The act also requires small community water systems to update the fiscal and asset management plan annually and make it available to DPH upon request.

Exceptions. The plan requirement does not apply to a small community water system that is (1) regulated by the Public Utilities Regulatory Authority (i.e., investor-owned water companies), (2) required to submit a water supply plan to DPH (e.g., generally those serving 1,000 or more people or 250 or more customers), or (3) a state agency.

The act deems the report requirement to relate to the purity and adequacy of water supplies for the purpose of imposing a penalty for violating statutory or regulatory requirements regarding public water supply purity, adequacy, or testing described further below.

Regulations. The act authorizes the DPH commissioner to adopt regulations to implement the fiscal and asset management plan requirement.

Civil Penalties

Publishing Civil Penalty Schedule. Prior law required the DPH commissioner to adopt regulations establishing a schedule of civil penalties that may be imposed against water companies that violate state laws and regulations regarding the purity, adequacy, and testing of public water supplies.

The act instead requires the commissioner to publish the civil penalty schedule on the department's website if the penalty for a violation has not been established by statute. The commissioner must do this annually, or when he deems it necessary in response to any guidelines or rules issued by the federal Environmental Protection Agency.

Notwithstanding the Uniform Administrative Procedure Act (UAPA), the act does not require the commissioner to adopt or revise any regulations for imposing these civil penalties.

At least six months before publishing the civil penalty schedule on the DPH website, the commissioner must publish a notice in the Connecticut Law Journal of his intention to do so. The notice must include (1) the civil penalty schedule, (2) the date the commissioner intends to hold a public hearing on the matter, and (3) when the commissioner will receive public comments on the schedule. He must hold the hearing and receive public comments on the civil penalty schedule within 30 days after publishing the notice.

The act requires the commissioner to consider the public comments he receives when establishing the civil penalty schedule and publish his response to these comments on the department's website at least one month before publishing the schedule.

Notice of Violations. By law, the DPH commissioner must notify a water company before imposing a civil penalty for failing to correct a violation by a specified date. He may do this by certified mail, return receipt requested, or personal service. The act specifies that for the latter, the notification must be served to the address the water company filed with the department, or if the water company failed to do so, the company's last known address on file.

If the civil penalty is imposed for a continuing violation, the act requires the notice to include the initial date the penalty is imposed. For an isolated violation, the notice must include the date for which it is imposed. By law, the notice must include additional information, such as a statement of the violation and the water company's right to a hearing.

Administrative Appeal. By law, a water company can contest the penalty by applying to the DPH commissioner for an administrative hearing under the UAPA within 20 days after receiving notice of the penalty. The act requires the application to include a detailed statement of all the grounds for contesting the penalty.

Existing law, unchanged by the act, requires the water company to send a copy of the application to the health director of the municipalities in which the violation occurred or that use the water that was the subject of the violation. A water company aggrieved by a DPH order may appeal to Superior Court.

§§ 63-66 — MASSAGE THERAPISTS

Starting October 1, 2019, modifies the education and training requirements for massage therapist licensure; establishes minimum professional liability insurance requirements; and generally allows out-of-state massage therapists to provide voluntary services at the invitation of the emergency division of the American Massage Therapy Association Connecticut Chapter's Community Service Massage Team

The act makes various changes affecting massage therapists, including (1) modifying education and training licensure requirements; (2) establishing minimum professional liability insurance requirements; and (3) generally allowing out-of-state massage therapists to provide voluntary, supervised services at the invitation of the emergency division of the

American Massage Therapy Association (AMTA) Connecticut Chapter's Community Service Massage Team.

EFFECTIVE DATE: October 1, 2019, except that the provision on voluntary services by out-of-state massage therapists takes effect October 1, 2018.

Massage Therapist Licensure

Starting October 1, 2019, the act increases, from 500 to 750, the number of classroom hours an applicant for an initial license or a license by endorsement (i.e., a person licensed by another state) must complete upon graduating from an accredited massage therapy school.

It also requires such applicants to complete at least 60 hours of unpaid, supervised clinical or internship experience.

Existing law, unchanged by the act, also requires licensure applicants to (1) pass a national examination prescribed by DPH and (2) pay a \$375 application fee.

Professional Liability Insurance

The act requires licensed massage therapists who provide direct patient care to maintain professional liability insurance of at least \$500,000 per person, per occurrence, and at least \$1 million aggregate.

Starting January 1, 2019, insurers who provide such policies must annually report to DPH the names and addresses of massage therapists who, in the prior year, canceled or refused to renew their professional liability insurance policies as well as their reasons for doing so. The act also requires such insurers to provide similar information to the Department of Insurance by March 1 annually.

Volunteer Services by Out-of-State Massage Therapists

The act allows massage therapists licensed in other states to provide voluntary, supervised massage therapy services if they:

1. are (a) licensed or certified in another state whose standards are equivalent or greater than Connecticut's or (b) if the state does not require such licensure or certification, AMTA members in good standing;
2. are invited by the emergency division of the AMTA Connecticut Chapter's Community Service Massage Team; and
3. do not hold themselves out to be licensed in Connecticut.

Prior law already allowed out-of-state massage therapists to provide such services to participants in the Special Olympics or other athletic competition for individuals with disabilities. The act limits such services only to the individuals with disabilities at these events.

§ 67 — DOCTORS OF PHYSICAL THERAPY

Prohibits anyone without the proper credentials from referring to himself or herself as a "Doctor of Physical Therapy" or "D.P.T."

The act prohibits anyone from using the term "Doctor of Physical Therapy" or the letters "D.P.T." unless the person is licensed as a physical therapist and has a Doctor of Physical Therapy degree from an accredited higher education institution. A violation is a class D felony (see Table on Penalties) (CGS § 20-73(c)).

EFFECTIVE DATE: July 1, 2018

§ 68 — AMNIOTIC FLUID EMBOLISM

Requires DPH, by January 1, 2019, to develop and post on its website educational materials for health care professionals on the signs and symptoms of amniotic fluid embolism and distribute them to specified health care entities by July 1, 2019

The act requires DPH to develop and post on its website materials to educate health care professionals on the signs and symptoms of amniotic fluid embolism (AFE) (see below). The department must do this by January 1, 2019, and in consultation with (1) the AFE Foundation and (2) a licensed physician specializing in obstetrics and gynecology who is recommended by the Connecticut State Medical Society.

Under the act, DPH must distribute the educational materials by July 1, 2019, to the following entities to distribute to their members and post on their websites: the Connecticut State Medical Society, American College of Nurse-Midwives' Connecticut Affiliate, Connecticut Advanced Practice Registered Nurse Society, Connecticut Nurses Association, and Connecticut Hospital Association. DPH must also provide the materials to each Connecticut medical school for

dissemination to its students.

The act also requires DPH to provide the educational materials to the Public Health Committee by July 1, 2019.

Finally, the act provides that its provisions cannot be construed to override professional medical judgment or restrict the use of other educational or instructional materials.

AFE is a pregnancy complication that is unpreventable and often fatal. It occurs when the mother or baby experiences an allergic-like reaction to amniotic fluid entering the mother's circulatory system. Among other things, the condition may cause rapid respiratory failure, cardiac arrest, and hemorrhaging at the site of the placental attachment or cesarean incision.

EFFECTIVE DATE: Upon passage

§§ 69-71 —ANKLE SURGERY BY PODIATRISTS

Changes the process and qualifications for licensed podiatrists seeking to engage in independent ankle surgery and qualifications to engage in supervised ankle surgery and makes related changes

The act:

1. modifies the process and qualifications for podiatrists seeking to independently engage in ankle surgery;
2. modifies the qualifications for podiatrists seeking to engage in supervised ankle surgery;
3. specifies that a podiatrist's privileges and scope of practice for foot surgery are not impacted by his or her privileges or scope of practice for ankle surgery; and
4. makes related minor, technical, and conforming changes, such as updating the names of national certification boards.

EFFECTIVE DATE: October 1, 2018, except a conforming change is effective July 1, 2018.

Independent Ankle Surgery

Under prior law, a licensed podiatrist could not independently engage in ankle surgery unless he or she met specified qualifications and received a separate permit from DPH. The qualifications differed for a permit to independently perform standard or advanced ankle surgery.

The act eliminates the requirement for a separate DPH permit. It correspondingly eliminates requirements that the DPH commissioner (1) appoint an advisory committee to assist him in evaluating permit applications and (2) adopt regulations identifying the number and types of procedures needed to qualify for a permit.

The act instead allows a licensed podiatrist to independently engage in ankle surgery if he or she provides documentation to DPH of having met specified qualifications (see below). It requires DPH to implement a mechanism for (1) a podiatrist to provide the required documentation as part of the initial licensure application and (2) credentialing boards and the public to access the names of podiatrists who submitted the documentation. Any podiatrist who holds a standard ankle surgery permit on October 1, 2018, is deemed to have met the act's documentation requirements.

Qualifications. The act allows podiatrists to independently perform ankle surgery if they submit documentation that they:

1. graduated from a podiatric residency program meeting the criteria below and
2. hold current board certification or qualification in reconstructive rearfoot ankle surgery by the American Board of Foot and Ankle Surgery or its successor.

The residency program must have been accredited by the Council on Podiatric Medical Education, or its successor, at the time of graduation. The program must have been at least (1) two years in length if the person graduated before June 1, 2006, or (2) three years for graduates after that.

These qualifications are generally similar to the prior qualifications for the permit, except under prior law:

1. podiatrists who graduated before June 1, 2006, had to hold current board certification, not qualification (under the board's policies, a candidate for board certification must first become board qualified); and
2. for the advanced permit, and in some situations for the standard permit, podiatrists had to submit additional documentation of acceptable training and experience.

Surgery Under Supervision

As under prior law, the act establishes qualifications for podiatrists to engage in ankle surgery while being directly supervised by a (1) podiatrist qualified to independently perform surgery or (2) physician with hospital privileges to perform such procedures.

The act requires such podiatrists to be board certified in foot and ankle surgery. It eliminates provisions that allowed podiatrists to perform ankle surgery under supervision if they were board certified or qualified in reconstructive rearfoot ankle surgery.

§ 72 — CONNECTICUT AIDS DRUG ASSISTANCE PROGRAM AND CONNECTICUT INSURANCE PREMIUM ASSISTANCE PROGRAM

Permits DPH to administer the Connecticut Aids Drug Assistance Program and Connecticut Insurance Premium Assistance Program; requires all program rebates and refunds to be paid to DPH; and permits DPH to implement policies and procedures to administer the programs while adopting them in regulations

Notwithstanding certain state medical assistance laws, the act permits DPH, within available resources, to administer the Connecticut Aids Drug Assistance Program and Connecticut Insurance Premium Assistance Program. It requires all rebates and refunds from the programs to be paid to DPH.

Under the act, DPH may implement policies and procedures to administer the programs while adopting them in regulations. The department may do this only if it posts the policies and procedures on the state eRegulations system before adopting them. The policies and procedures are valid until regulations are adopted.

EFFECTIVE DATE: July 1, 2018

§ 73 — NURSING HOME REPORTABLE EVENTS

Requires DPH, by January 1, 2019, to develop a system for nursing homes to electronically report “reportable events” to the department, after which nursing homes must report such events using the electronic system

The act requires DPH to develop a system for nursing homes to electronically report “reportable events” to the department. It must do this by January 1, 2019, after which nursing homes must report the events using the electronic system.

Under the act, “reportable events” are events occurring at a nursing home that the department deems to require immediate notification.

EFFECTIVE DATE: July 1, 2018

§ 74 — ART THERAPISTS

Increases the minimum education requirement for art therapists by requiring them to obtain a graduate degree, instead of a bachelor’s degree, in art therapy or a related field

The act increases the minimum education requirement for art therapists by requiring them to obtain a graduate degree, instead of a bachelor’s degree, in art therapy or a related field from an accredited higher education institution.

Connecticut does not license art therapists, but the law generally makes it a class D felony (see Table on Penalties) to represent oneself as an art therapist without (1) meeting the education requirement and (2) maintaining national certification by the Art Therapy Credentials Board or any successor board. The law does not apply to:

1. individuals providing art therapy within the scope of practice of their license and training, as long as they do not hold themselves out to be art therapists and
2. students enrolled in certain approved art therapy or graduate art therapy educational programs, if performing the therapy under an art therapist’s direct supervision (CGS § 20-195mmm).

§§ 75-78 — RESPIRATORY CARE THERAPISTS

Expands and updates the scope of practice of respiratory therapists; makes minor changes to update licensure requirements; and increases annual continuing education requirements from six to 10 hours

The act makes various changes affecting respiratory care therapists, including (1) expanding and updating their scope of practice, (2) making minor changes to update licensure requirements, and (3) increasing annual continuing education requirements from six to 10 hours.

Scope of Practice (§ 75)

The act expands the scope of practice of respiratory care practitioners to include:

1. percutaneous inserting, monitoring, and maintaining arterial catheters;
2. monitoring and maintaining other cardiovascular indwelling catheters, including central venous and pulmonary artery catheters;
3. inserting intravenous and intraosseous (i.e., bone marrow) catheters in appropriately identified health care settings (e.g., medical evacuation and transport vehicles and outpatient bronchoscopy, long-term care, and rehabilitation facilities) if the practitioner completed a competency-based training and education program in how to do so;
4. inserting nasogastric tubes, including those used to sense diaphragmatic movements; and
5. monitoring and maintaining extracorporeal life support, including extracorporeal membrane oxygenation (ECMO) and extracorporeal carbon dioxide removal in appropriately identified health care settings (e.g., adult, pediatric, and neonatal intensive care units), if the practitioner meets specified standards (see below).

A respiratory care therapist may only perform the functions related to extracorporeal life support if he or she:

1. is a registered respiratory therapist by the National Board for Respiratory Care and successfully completed the examination necessary to obtain such certification;
2. has neonatal, pediatric, or adult critical care clinical experience;
3. completed education and training to practice as an ECMO specialist in accordance with the Extracorporeal Life Support Organization's training and continuing education guidelines;
4. practices as an ECMO specialist under the direction and supervision of a licensed physician trained in ECMO;
5. does not participate in ECMO procedures that occur in an operating room, except in the case of a life-threatening emergency requiring the immediate resuscitation of a patient; and
6. is approved by the hospital's critical care committee if performing these functions in a hospital setting.

Licensure Requirements (§ 76)

The act makes minor and technical changes to update licensure requirements for respiratory care practitioners. It allows applicants to complete educational programs accredited by the Commission on the Accreditation for Respiratory Care, instead of only those programs:

1. accredited by the Committee on Allied Health Education and Accreditation or the Commission on Accreditation of Allied Health Education Programs, in cooperation with the Joint Review Committee for Respiratory Therapy Education, or
2. recognized by the Joint Review Committee for Respiratory Therapy Education.

Continuing Education Requirements (§§ 77 & 78)

The act increases the annual continuing education requirement for respiratory care practitioners from six to 10 hours. At least five hours must include real-time education with opportunities for live interaction, such as in-person phone conferences and real-time webinars. As under prior law, continuing education must be directly related to respiratory therapy and reflect the practitioner's professional needs in order to meet the public's health care needs.

Under the act, the requirements apply to license registration periods starting January 1, 2019.

The act also makes a related conforming change.

EFFECTIVE DATE: January 1, 2019

§ 79 — SUPERVISION OF PHYSICIAN ASSISTANTS*Removes the cap on the number of PAs that a physician may supervise*

The act removes the cap on the number of PAs for whom a physician can serve as the supervising physician. Prior law limited them to supervising no more than six full-time PAs or the part-time equivalent.

EFFECTIVE DATE: July 1, 2018

§§ 80 & 81 — PUBLIC SCHOOL STUDENT ORAL HEALTH ASSESSMENTS

Requires local and regional boards of education to request that students have an oral health assessment prior to public school enrollment and in specified grades, and establishes related requirements on, among other things, parental notification and consent and assessment forms

The act requires local and regional boards of education to request that students have an oral health assessment prior to public school enrollment, in grade 6 or 7, and in grade 9 or 10. It establishes related requirements on providers authorized to perform the assessments, parental consent, assessment forms, notification, and records access.

EFFECTIVE DATE: July 1, 2018

Providers Authorized to Perform Assessments

Under the act, the assessment may be conducted by:

1. a dentist or dental hygienist, or
2. a physician, PA, or APRN, if he or she is trained in conducting such assessments as part of a DPH-approved training program.

If a dentist conducts the assessment, it must include a dental examination. If another such provider conducts the assessment, it must include a visual screening and risk assessment for oral health conditions.

Parental Consent

The act prohibits an oral health assessment as described above from being performed unless (1) the child's parent or guardian consents and (2) the assessment is made in the presence of the parent or guardian or another school employee. (PA 18-169, § 44, provides that the presence of the child's parent or guardian is not required when the assessment is conducted by a licensed outpatient clinic on school grounds.) The parent or guardian must receive prior written notice and have a reasonable opportunity to opt his or her child out of the assessment, be present at the assessment, or provide for the assessment himself or herself.

The act prohibits a school board from denying a child's public school enrollment or continued attendance for not receiving such an oral health assessment.

Notice of Free Oral Health Assessment Events

Under the act, a school board must provide prior notice to the parents or guardians of a school's students if the board hosts a free oral health assessment event at which a qualified provider performs such oral health assessments.

The parents and guardians must have the opportunity to opt their children out of the assessment event. If the parent or guardian does not do so, the child must receive an assessment free of charge.

The act prohibits the child from receiving any dental treatment as part of the assessment event without the parent's or guardian's informed consent.

Assessment Form; Review by School Health Personnel

Under the act, the results of such an oral health assessment must be recorded on forms supplied by the State Board of Education. The form must include a check box for the provider to indicate any low, moderate, or high risk factors associated with any dental or orthodontic appliance, saliva, gingival condition, visible plaque, tooth demineralization, carious lesions, restorations, pain, swelling, or trauma.

The provider performing the assessment must completely fill out and sign the form. If the provider has any recommendations, they must be in writing. For any child who receives an oral health assessment, the results must be included in the child's cumulative health record and kept on file in the school.

The act requires appropriate school health personnel to review the assessment results. When, in the health personnel's judgment, a child needs further testing or treatment, the school superintendent must give written notice to the child's parent or guardian and make reasonable efforts to ensure that further testing or treatment is provided. These efforts must include determining whether the parent or guardian obtained the necessary testing or treatment for the child and, if not, advising the parent or guardian on how to do so.

The results of the further testing or treatment must be recorded on the assessment forms and reviewed by school health personnel.

Record Access and Confidentiality

As under existing law regarding school health assessments, the act provides the following for student oral health assessments:

1. no records of any such assessment may be open to public inspection; and
2. each provider who conducts such an assessment must provide the assessment results to the school district's designated representative and a representative of the child.

§§ 83 & 84 — DENTAL ASSISTANTS AND FLUORIDE VARNISH

Allows dental assistants to provide fluoride varnish treatments, if the dentist directly supervises the assistant in providing the treatment

The act allows dentists to delegate to dental assistants the provision of fluoride varnish treatments. The act defines such treatments as the application of a highly concentrated form of fluoride to the surface of the teeth.

As with other procedures that a dentist delegates to a dental assistant, the treatments must be performed under direct supervision and the supervising dentist must assume responsibility for the procedure.

§ 85 — REPEALER

Repeals certain outdated or obsolete statutes

The act repeals laws that required:

1. DPH and the Department of Social Services to create a program establishing a three-year media campaign to reduce adolescent pregnancy (in practice, the program was never implemented) (CGS § 19a-59e);
2. a DPH permit for public exhibitions of still or motion pictures relating to sexually transmitted diseases (CGS § 21-7); and
3. the Office of Health Care Access to adopt regulations on specified matters concerning state professional standard review organizations (CGS § 38a-558).

The act also repeals a law on public laundries that, among other things, (1) classified a public laundry as a manufacturing establishment (thus setting limits on work hours for certain employees) and (2) prohibited public laundry employers from allowing employees to work if they have certain communicable diseases (CGS § 31-43).

PA 18-170—sHB 5155

Public Health Committee

AN ACT CONCERNING THE TAX IMPOSED ON AMBULATORY SURGICAL CENTERS AND ANNUAL ADJUSTMENTS TO ASSESSMENT RATES ADOPTED FOR CERTAIN UNITS OF COMMON INTEREST COMMUNITIES AND CONDOMINIUMS UNDER COMMON OWNERSHIP

SUMMARY: Beginning July 1, 2019, this act (1) exempts from the gross receipts tax on ambulatory surgical centers (ASC) gross receipts from any Medicaid and Medicare payments the ASC receives and (2) specifies that the existing exemption for the first \$1 million of an ASC's gross receipts excludes Medicaid and Medicare payments.

The act also requires the Department of Social Services (DSS) commissioner, in consultation with the Connecticut Association of Ambulatory Surgical Centers, to establish a pilot program to study ways of increasing access to, and decreasing the cost of, medical care under the Medicaid program by having certain medical procedures performed at ASCs.

Lastly, the act modifies the property tax assessment law amended by PA 18-169, § 45, which requires Hartford to make certain annual adjustments to the assessment ratio for residential property. The act:

1. eliminates a provision prohibiting four or more common interest community or condominium units under common ownership from qualifying as residential property under the law;
2. makes a technical change by specifying that the common interest community and condominium properties that qualify as residential property include those converted from apartments before July 1, 2018, rather than before July 31, 2018; and
3. changes the effective date of PA 18-169, § 45, by applying it beginning with the 2018, rather than 2017,

assessment year.

EFFECTIVE DATE: July 1, 2018, except the pilot program provision is effective upon passage and the property tax assessment provision is applicable to assessment years beginning on or after October 1, 2018.

ASC PILOT PROGRAM

Under the act, the ASC pilot program must (1) establish the application procedure; participation criteria; applicable medical procedures, and their appropriate reimbursement rates, and (2) require any administrative services organization handling Medicaid case management to refer Medicaid patients to such ASCs for medically appropriate treatment, as determined by the DSS commissioner. The act authorizes DSS and the Office of Policy and Management to establish state-funded rate enhancements, within available appropriations, for certain medical procedures performed at ASCs for Medicaid patients.

By December 31, 2019, the DSS commissioner must report on the pilot program, any resulting cost savings to the state, and his recommendations to the Finance, Revenue and Bonding; Human Services; and Public Health committees.

PA 18-171—sHB 5149

Public Health Committee

AN ACT CONCERNING SOBER LIVING HOMES

SUMMARY: This act contains various provisions regarding the oversight of sober living homes. Under the act, sober living homes are alcohol- and drug-free residences where (1) unrelated adults recovering from substance use disorder choose to live together in a supportive environment during their recovery and (2) no formal substance use disorder treatment services are provided. Specifically, the act:

1. permits a certified sober living home's operator to report the home's certified status to the Department of Mental Health and Addiction Services (DMHAS) if certain conditions are met;
2. requires an operator that reports its certified status to also provide DMHAS with the number of available beds the home has at the time of the report and weekly thereafter;
3. requires DMHAS to post on its website a list of these certified sober living homes as well as the number of available beds at each home and update the information weekly;
4. establishes certain advertising and marketing requirements and restrictions for sober living home operators;
5. requires DMHAS to (a) create a one-page disclosure form for operators to distribute to potential residents and (b) post the form on the department's website; and
6. authorizes DMHAS to adopt implementing regulations.

EFFECTIVE DATE: October 1, 2018

SOBER LIVING HOME CERTIFICATION

The act permits a certified sober living home's operator (i.e., owner or person the owner designates to manage the home's daily operations) to report the home's certified status to DMHAS if:

1. the home is certified by (a) an affiliate of the National Alliance for Recovery Residences (see BACKGROUND) or a successor organization or (b) another organization DMHAS recognizes as certifying sober living homes in Connecticut and
2. when the home is occupied by at least one resident diagnosed with an opioid use disorder, the owner maintains at least two doses of an opioid antagonist (e.g., Narcan) on the premises and trains all residents in how to administer it.

ADVERTISING AND MARKETING REQUIREMENTS

The act prohibits a sober living home operator from (1) advertising or representing that the home is certified or licensed to provide substance use disorder treatment services or (2) publishing claims of a particular outcome for residents.

It also requires a home's website or publication to include a clear and conspicuous statement in bold typeface that the home is (1) not licensed or certified to provide substance use disorder treatment services and (2) a type of housing where individuals recovering from substance use disorder voluntarily choose to live together in a supportive environment during

their recovery.

Under the act, a violation of the above provisions is an unfair trade practice.

DMHAS DISCLOSURE FORM

The act requires the DMHAS commissioner, by August 1, 2018, to create a printable one-page disclosure form for sober living home operators to distribute to prospective residents. The form must:

1. be written in plain language and an easily readable format,
2. state that sober living homes are not licensed or certified to provide substance use disorder treatment services,
3. provide information on sober living homes and resources for individuals recovering from a substance use disorder, and
4. contain a signature line on which a prospective resident may sign the form.

The act requires the commissioner to review and update the form as necessary and post it on the department's website.

BACKGROUND

National Alliance for Recovery Residences (NARR)

NARR is a nonprofit recovery community organization. In 2011, it established national standards for recovery residences that categorize four types of housing and services (i.e., levels or levels of support). The most recent standards were released in 2015.

NARR does not directly certify recovery residences. However, it licenses its national certification program to affiliated organizations that provide such certification.

PA 18-20—sHB 5219

Public Safety and Security Committee

AN ACT ALLOWING APPLICANTS FOR SECURITY OFFICER LICENSES TO WORK AS SECURITY OFFICERS

SUMMARY: This act establishes conditions under which security services may employ applicants for a security officer license to perform the duties of security officers while their applications are pending with the Department of Emergency Services and Public Protection (DESPP) commissioner. It subjects violators of these conditions to the same \$75 fine that applies to other provisions of the security officer licensure law. By law, each distinct violation is a separate offense, and each day's continuance of a violation is a separate offense.

Under prior law, an individual could not be hired to perform the duties of a security officer until the DESPP commissioner issued his or her license.

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2018

CONDITIONS UNDER WHICH APPLICANTS MAY PERFORM THE DUTIES OF SECURITY OFFICERS

The act allows an applicant for a security officer license to do the work of a security officer if the employing security service conducts, or has a consumer reporting agency regulated under the federal Fair Credit Reporting Act conduct, a state and national criminal history records check and determines that he or she meets the existing statutory requirements to be a security officer (see BACKGROUND). In addition, the applicant must:

1. have successfully completed the required security officer training or obtained a training waiver;
2. work under the direct on-site supervision of a security officer with at least one year of experience as a security officer; and
3. not work at a (a) public or private preschool, elementary school, or secondary school or (b) facility licensed as a child care center and used solely for that purpose.

Under the act, the applicant's authority to work under these conditions ends when the DESPP commissioner grants or denies his or her pending application.

BACKGROUND

Security Officers

By law, a "security officer" is a licensed and registered person hired to safeguard and protect people and property by (1) detecting or preventing unlawful intrusion, entry, larceny, vandalism, abuse, arson, or trespass or (2) preventing, observing, or detecting unauthorized activity. A security officer may be employed by a (1) security service, or (2) non-security business as a uniformed employee who performs security work in an area of the business' premises to which the public has unrestricted access or access only by paid admission (CGS § 29-152u(7)).

The existing statutory requirements to obtain a security officer license include (1) undergoing state and national criminal history records checks and (2) successfully completing, within the two previous years, at least eight hours of training in basic first aid, search and seizure laws and regulations, use of force, basic criminal justice, and public safety issues. An applicant may obtain a training waiver from the DESPP commissioner by providing proof of equivalent military training.

Existing law generally prohibits DESPP from licensing anyone:

1. convicted of any felony;
2. convicted of a sexual offense or crime that raises questions about his or her integrity and honesty;
3. denied a security service or security officer license for any reason except minimum experience; or
4. whose security service or security officer license was ever revoked or is under suspension (CGS §§ 29-161q(b) & (c)).

Security Services

By law, a "security service" is any person or business that charges to provide various crime prevention or protection services, including the (1) prevention or detection of intrusion, entry, larceny, vandalism, abuse, fire, or trespass on the property the security service was hired to protect; (2) provision of patrol and armored car services; or (3) provision of guard dogs (CGS § 29-152u(8)). Any person who engages in the business of, or solicits business as, a security service

must be licensed by the DESPP commissioner (CGS § 29-161g).

PA 18-83—sSB 17

Public Safety and Security Committee

AN ACT CONCERNING PROCEDURES RELATED TO COLLECTING AND PROCESSING SEXUAL ASSAULT EVIDENCE COLLECTION KITS

SUMMARY: This act requires health care facilities that collect sexual assault evidence to contact a sexual assault counselor (see BACKGROUND) when a person who identifies himself or herself as a sexual assault victim arrives at the facility. It also requires the Department of Emergency Services and Public Protection (DESPP) to implement, by October 1, 2018, an electronic kit-tracking system for sexual assault evidence collection kits.

Under the act, a person's failure to comply with the law or protocol on collecting, transferring, or analyzing sexual assault evidence does not affect the evidence's admissibility in any suit, action, or proceeding if the evidence is otherwise admissible.

The act increases, from 14 to 15, the membership of the Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations by adding a representative from Disability Rights Connecticut, Inc. appointed by its board of directors.

Under the act, the commission must also advise the chief state's attorney on establishing a mandatory training program for health care facility staff on the kit-tracking software.

The act also makes minor and technical changes, including (1) replacing the term "police department" with "law enforcement agency," which means the State Police or any municipal police department, and (2) updating an organization name change by replacing the Connecticut Sexual Assault Crisis Services, Inc. with the Connecticut Alliance to End Sexual Violence.

EFFECTIVE DATE: July 1, 2018

ELECTRONIC SEXUAL ASSAULT EVIDENCE COLLECTION KIT-TRACKING

The act requires DESPP's Division of Scientific Services, by October 1, 2018, to (1) implement an electronic tracking system for sexual assault evidence collection kits and (2) notify health care facilities that perform evidence collection exams about the kit-tracking system.

The act also requires the commission, by October 1, 2018, to develop guidelines for:

1. a health care facility's use of kit-tracking software to record (a) when a collection kit is used and (b) when and to which law enforcement agency the kit is transferred;
2. DESPP's Division of Scientific Services use of the software to record the receipt of each kit a law enforcement agency submits; and
3. training health care facility and division employees who are subject to the guidelines, including how to use the kit-tracking software.

By the same date, the commission must develop policies and procedures to ensure each victim has access to information about his or her kit. This must include information on:

1. when the kit was tested and
2. whether DNA obtained from the kit was entered into the state, federal, or another state's DNA data bank, and if it was, whether it satisfactorily matches a profile in any such DNA data bank.

BACKGROUND

Sexual Assault Counselor

A "sexual assault counselor" is anyone involved with a rape crisis center who:

1. has undergone at least 20 hours of training that include the dynamics of sexual assault and incest, crisis intervention, communication skills, working with diverse populations, an overview of the state criminal justice system, information about hospital and medical systems, and information about state and community resources for sexual assault victims;
2. is certified as a counselor by the sexual assault center that provided such training;
3. is under the control of a rape crisis center's direct services supervisor; and

4. has the primary purpose of rendering advice, counsel, and assistance to and advocacy for sexual assault victims. “Sexual assault counselor” also includes any armed forces member of the state or the United States who is trained and certified as a victim advocate or a sexual assault prevention coordinator in accordance with the military’s sexual assault prevention and response program (CGS § 52-146k).

Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations

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 proper use, standardized reporting forms, standardized tests to be performed if the victim consents, and standardized receptacles for collecting and preserving evidence. The commission must provide the kits at no cost to all health care facilities in the state that perform evidence collection examinations (CGS § 19a-112a).

PA 18-107—sHB 5229

Public Safety and Security Committee

AN ACT CONCERNING REIMBURSEMENT FOR THE PURCHASE OF DASHBOARD CAMERAS WITH A REMOTE RECORDER AND DIGITAL DATA STORAGE DEVICES OR SERVICES

SUMMARY: This act expands the types of equipment eligible for reimbursement under a law enforcement recording equipment grant program administered by the Office of Policy and Management secretary.

The act expands the program to include reimbursing municipalities, within available resources, for up to 100% of the costs of replacing dashboard cameras purchased before December 31, 2010, with those with a remote recorder in FYs 17 and 18. Municipalities that did not receive any reimbursement through the program may receive, within available resources, up to 50% of the costs for replacing dashboard cameras purchased before December 30, 2010, with those with a remote recorder in FY 19.

The act also (1) extends the deadline, from the end of FY 17 to the end of FY 18, to purchase digital data storage devices or services eligible for reimbursement and (2) makes minor and technical changes.

EFFECTIVE DATE: Upon passage

PA 18-142—sSB 222

Public Safety and Security Committee

AN ACT CONCERNING THE APPOINTMENT OF A FIRE MARSHAL AND POLICE OFFICER AT THE CONNECTICUT AIRPORT AUTHORITY

SUMMARY: This act allows the administrative services commissioner to delegate to any Connecticut Airport Authority (CAA) employee such powers as she deems expedient to properly administer any fire prevention and safety statute on CAA-controlled property. The delegation must be made under a memorandum of understanding (MOU) between the commissioner and the authority’s executive director. Under existing law, the commissioner already may delegate such powers, under an MOU, to the UConn Public Safety Division.

The act also allows the emergency services and public protection commissioner, in her discretion, to commission, upon CAA’s application and at its expense, one person the authority designates to serve as a sworn police officer with arrest powers on property, business, and airplanes owned or controlled by the authority.

The act also makes technical changes.

EFFECTIVE DATE: Upon passage

PA 18-161—sHB 5220

Public Safety and Security Committee

AN ACT CONCERNING THIRD-PARTY FINGERPRINTING SERVICES, MINIMUM STANDARDS AND PRACTICES FOR THE ADMINISTRATION OF LAW ENFORCEMENT UNITS AND REPORTS OF POLICE PURSUITS

SUMMARY: This act makes several changes affecting law enforcement, including the Department of Emergency Services and Public Protection (DESPP) and the Police Officer Standards and Training Council (POST). Generally, it:

1. authorizes the DESPP commissioner to enter into agreements with contractors to electronically take and transmit fingerprints and demographic information to the State Police Bureau of Identification (SPBI) for processing criminal history records checks;
2. requires law enforcement units to adopt and maintain (a) minimum standards and practices for administering and managing their units (which the act requires POST and the DESPP commissioner to jointly develop) or (b) a higher level of accreditation standards; and
3. establishes a series of reporting requirements concerning police pursuits, including for POST, the DESPP commissioner, local police chiefs, and police officers.

The act also makes technical changes.

EFFECTIVE DATE: July 1, 2018, except that the provisions on (1) police pursuits are effective October 1, 2018, and (2) minimum standards and practices are effective January 1, 2019.

FINGERPRINTING CONTRACTORS

The act allows the DESPP commissioner to enter into one or more agreements with independent contractors to electronically take and transmit fingerprints and demographic information to SPBI for processing criminal history records checks. Under the act, the commissioner must require these contractors to (1) collect and remit the statutory fingerprinting fee (currently \$15) to SPBI and (2) comply with commissioner-prescribed terms and conditions to ensure the security, privacy, confidentiality, and value of the fingerprints and demographic information transmitted to SPBI. The commissioner may authorize these contractors to charge a convenience fee of up to \$15 for fingerprinting.

MINIMUM STANDARDS AND PRACTICES

The act requires, within available appropriations, POST and the DESPP commissioner or her designee to jointly develop, adopt, and revise, as necessary, minimum standards and practices for administering and managing law enforcement units. Under existing law and the act, “law enforcement unit” means any state or municipal agency, organ, or department (or tribal agency, organ, or department created and governed under a memorandum of agreement) whose primary functions include enforcing criminal or traffic laws; preserving public order; protecting life and property; or preventing, detecting, or investigating crime.

The minimum standards and practices must be based on standards established by the International Association of Chiefs of Police and the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) and include standards and practices regarding:

1. bias-based policing,
2. use of force,
3. response to family violence crimes,
4. body camera use,
5. police misconduct complaints,
6. electronic defense weapons use,
7. eyewitness identification procedures,
8. notifications of death and related events, and
9. police pursuits.

The act requires POST to publish the minimum standards and practices on its website and distribute them to law enforcement units. Beginning January 1, 2019, law enforcement units must adopt and maintain (1) the minimum standards and practices or (2) a higher level of accreditation standards developed by POST or CALEA.

Under the act, POST and the DESPP commissioner or her designee must jointly (1) develop a process for reviewing law enforcement units’ compliance with the minimum standards and practices and (2) issue certificates of compliance to units that meet or exceed those standards and practices.

The act prohibits civil actions against a law enforcement unit for damages arising from its failure to adopt and

maintain the minimum standards and practices or a higher level of accreditation standards.

POLICE PURSUITS

Existing law requires the DESPP commissioner, in conjunction with POST and other related entities, to adopt a uniform statewide police pursuit policy. The act requires POST, by December 1, 2018, to develop and promulgate standardized forms for (1) reporting each police pursuit and (2) submitting annual reports on such pursuits.

Beginning January 1, 2019, the DESPP commissioner and local police chiefs must require each police officer who engages in a pursuit to report the pursuit using POST's standard form. By January 31, 2020, the DESPP commissioner and local police chiefs must begin annually reporting to POST, using POST's standard form, regarding pursuits by their police officers.

Beginning by April 30, 2020, POST must annually compile, analyze, and summarize the annual reports and submit a consolidated police pursuit report with any legislative recommendations to the Public Safety and Security Committee. The act allows POST to partner with a Connecticut college or university or a professional police organization to prepare its report.

PA 18-163—HB 5309

Transportation Committee

AN ACT CONCERNING THE PORT AUTHORITY

SUMMARY: This act expands the powers and duties of the Connecticut Port Authority (CPA), authorizing it to, among other things, (1) enter into joint business ventures to advance its purposes; (2) charge fees for its services; and (3) provide loans, grants, and other forms of financial assistance.

The act also exempts recreational vessels (i.e., those manufactured or used primarily for pleasure) that are less than 200 feet long from state laws on harbors and ports, including pilotage requirements. By law, most registered foreign and American vessels entering or departing from a state port or crossing the Long Island Sound must take on board a Connecticut- or New York-licensed marine pilot (see BACKGROUND). Existing law already exempts from these requirements (1) certain enrolled vessels under the control of a federally-licensed marine pilot, (2) American fishing vessels, and (3) vessels otherwise exempt by federal law.

EFFECTIVE DATE: October 1, 2018

EXPANSION OF CPA POWERS

The act expands the CPA's powers, authorizing it to enter into joint ventures, invest in, and participate with any person or public or private entity in the formation, ownership, management, and operation of businesses that are formed to advance the authority's purposes. The businesses may be formed as stock or nonstock corporations, partnerships, or limited liability companies. The act (1) allows the CPA's officers, employees, and board members to serve, without compensation, as directors or officers of any business entity formed and (2) deems such service to be within the discharge of the officers', employees', or directors' duties.

The act additionally authorizes the CPA to:

1. enter into all contracts and agreements necessary, desirable, or incidental to its business;
2. receive and accept aid or contributions, including money, property, labor, and other things of value, from any source;
3. award grants and subsidies, make loans, and provide other financial assistance under a written policy establishing eligibility criteria, application processes, and other necessary provisions;
4. charge reasonable fees for the services it performs and waive, reduce, or otherwise modify the fees according to written CPA-established procedures; and
5. adopt any policies and procedures necessary to carry out its duties and purposes.

Under the act, the CPA must (1) provide at least 30 days' notice prior to changing any of its service fees and (2) follow the existing procedure for quasi-public agencies to adopt any policies or procedures required or permitted under the act.

BACKGROUND

Marine Pilots

A marine pilot is not a member of a vessel's crew, but comes aboard to help navigate the vessel in or out of port. State-licensed marine pilots are expected to act in the public interest and take reasonable actions to prevent ships under their navigational direction from engaging in unsafe operations.

Under existing law, the CPA licenses marine pilots and sets pilotage rates. The Connecticut Pilot Commission, which is within the CPA for administrative purposes, advises the CPA on marine pilot licensure, safe conduct of vessels, pilotage rates, and the protection of ports and waters in Connecticut. Connecticut marine pilots must, among other things, (1) hold a federal ship master's license (which is required to serve as a ship captain) and a federal pilotage license and (2) complete the required number of trips as a pilot or observing pilot (CGS § 15-13; Conn. Agencies Reg., § 15-15a-7).

Registered and Enrolled Vessels

Registered vessels typically operate in foreign commerce, whereas enrolled vessels generally carry domestic cargo between U.S. ports (referred to as "coastwise" under federal law). Federal law requires that a federally-licensed marine pilot accompany coastwise vessels (46 C.F.R. § 15.812(a)(1)).

PA 18-164—sHB 5312
Transportation Committee

AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF MOTOR VEHICLES REGARDING THE MOTOR VEHICLE STATUTES

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§§ 1, 2, 6 & 8 — TIMEFRAME FOR SUBMITTING VEHICLE REGISTRATION AND TITLE DOCUMENTS TO DMV

Increases, from five to 10 days, the timeframe within which certain entities that electronically file applications for vehicle registrations and title certificates with DMV must subsequently submit the hardcopy applications and related documents to DMV

The act increases, from five to 10 days, the timeframe within which entities that electronically file applications for motor vehicle registrations, registration transfers, or title certificates with the Department of Motor Vehicles (DMV) must subsequently submit the hardcopy applications and any necessary documents to the commissioner. It applies to motor vehicle dealers, rental or leasing companies, and registration services (i.e., people or companies whose business is filing applications for motor vehicle registrations or title certificates).

Under the act, dealers issuing registrations for leased vehicles sold at the end of a lease term to the current lessee must also submit any necessary fees within 10 days, rather than five as prior law required.

EFFECTIVE DATE: July 1, 2018

§§ 3 & 4 — REGISTRATION CANCELLATIONS

Eliminates requirements to return license plates and specified documents to DMV when a motor vehicle is transferred or its registration expires or is not renewed; authorizes the DMV commissioner to establish procedures for cancelling such registrations

By law, a motor vehicle's registration expires when the vehicle's ownership transfers. Prior law required the transferor to return the registration certificate, license plates, and a specified written notice about the transfer to the DMV commissioner, within 24 hours of the vehicle's transfer. The act eliminates this requirement and instead requires the commissioner to enter the registration's expiration in DMV's records when the (1) transferor cancels his or her registration for the vehicle, according to procedures established by the commissioner, or (2) transferee reregisters the vehicle with DMV, whichever comes first.

The act also allows, rather than requires, owners who do not reregister their vehicles at the end of a registration period to return their license plates to the commissioner. Prior law required them to return the plates within 10 days after the registration period ended. The act instead requires such owners to cancel their registrations, according to procedures established by the commissioner, within this 10 day period.

EFFECTIVE DATE: July 1, 2018

§ 5 — TECHNICAL CHANGES

Makes numerous technical and conforming changes

The act makes numerous technical and conforming changes to the definition of "motor vehicle receipts" by eliminating obsolete provisions, and correcting internal references, among other things. By law, revenue defined as "motor vehicle receipts" is required to be deposited into the Special Transportation Fund (STF).

EFFECTIVE DATE: July 1, 2018

§§ 7 & 9 — DEALER AND REPAIRER ELECTRONIC RECORDS

Makes it an infraction for dealers and repairers to fail to produce electronic records upon DMV's request; allows repairers that operate wrecker services to maintain records electronically

By law, the DMV commissioner may allow licensed motor vehicle dealers and repairers to maintain required records electronically. Upon DMV's request, such dealers and repairers must produce the records, in written format, during their business hours on the day of DMV's request. The act makes a dealer's or repairer's failure to do so an infraction (see Table on Penalties).

The act also allows motor vehicle repairers who operate a wrecker service to maintain required records electronically. (Existing law already allows motor vehicle dealers who operate wrecker services to do so.) As is the case under existing law for dealers who operate wrecker services, failure to produce records, in written format, during business hours on the day of DMV's request is an infraction.

EFFECTIVE DATE: July 1, 2018

§ 10 — LICENSE REVOCATION REVERSAL OR REDUCTION

Makes minor changes to the conditions a person whose license has been revoked due to multiple DUI offenses must meet to have the revocation reversed or reduced

The act makes several minor changes to the conditions a person whose driver's license has been revoked for driving under the influence (DUI) three or more times within 10 years must meet to have the revocation reversed or reduced. By law, a person may not request such a reversal or reduction until at least two years after the date of the revocation.

Existing law requires the person to complete an education and treatment program and provide the DMV commissioner with evidence that he or she did so. The act specifies that the program must have been completed after the person's most recent conviction or privilege suspension for an alcohol-, drug-, or controlled substance-related offense. It also makes a minor change to specify that drug education and treatment programs, rather than just alcohol education and treatment programs, are eligible.

The act also requires that the person provide evidence that he or she has not, during the previous two years, (1) operated a motor vehicle or (2) had his or her operating privilege suspended for any alcohol, drug, or controlled substance

offenses.

EFFECTIVE DATE: July 1, 2018

§ 11 — LICENSE SUSPENSION FOR MINORS CONVICTED OF CERTAIN OFFENSES

Specifies that driver's license-related penalties for certain offenses committed by minors are based on the offender's age at the date of the violation, rather than the date of conviction

Existing law subjects minors (i.e., under age 21) to periods of license suspension for the following offenses: (1) using another person's driver's license to obtain alcohol, (2) possessing alcohol on a public street or highway, (3) possessing less than one-half ounce of marijuana, or (4) certain drug paraphernalia offenses involving less than one-half ounce of marijuana. Existing law also prohibits the DMV commissioner, for a specified period of time, from issuing a new license to certain individuals who have committed these offenses or the following: (1) purchasing, attempting to purchase, or lying to procure alcohol; (2) possessing alcohol in a public or private location; (3) misrepresenting their age or engaging in other deceit to get a state-issued identity card; or (4) using or showing another's identity card.

The act expands the category of violators subject to these penalties by specifying that they apply to violators who were under age 21 at the time of the violation, rather than just those who were age 21 at the time of conviction or at the time they applied for a driver's license.

EFFECTIVE DATE: July 1, 2018

§ 12 — SCHOOL BUS CARRIERS

Modifies the timeframes during which school bus carriers must check DMV's report of suspended school bus drivers and prohibit suspended drivers from driving students

Suspended Driver Report

By law, DMV must periodically provide to school districts and school bus companies (i.e., carriers) a report listing the names and driver's license numbers of each public passenger endorsement holder whose license or endorsement has been suspended or revoked. Under prior law, carriers had to review DMV's report at least twice per month. Under the act, they must do so at least once during the first and third week of each month.

Removal of Suspended Drivers

Existing law requires carriers to prohibit any employee listed on DMV's report from driving a school bus or student transportation vehicle. Prior law required that they do so within 48 hours after reviewing the report; the act instead requires them to take immediate action after such review.

By law, carriers who fail to remove drivers as the law requires are subject to civil penalties of \$2,500 for a first violation and \$5,000 for each subsequent violation, but the DMV commissioner may reduce the penalty with appropriate justification.

EFFECTIVE DATE: July 1, 2018

§ 13 — NOTICE OF AUTOMOBILE INSURANCE POLICY ADDITIONS

Authorizes the DMV commissioner to require automobile insurers to notify him of any policies they add each month, which he may already do for policy cancellations

The act authorizes the DMV commissioner to require automobile insurers to notify him monthly of any policies they added during the previous month. Existing law already allows him to do this for policy cancellations. Existing law also allows the commissioner to request information on new policies in the course of identifying individuals with coverage gaps. Under the act, the notice must include the same information for policy additions as existing law requires for cancellations (i.e., the insured's name, policy number and effective date, and vehicle identification number).

The act requires the commissioner to accept, review, and analyze the policy addition data for purposes of identifying gaps in coverage, just as he must already do for policy cancellation data.

EFFECTIVE DATE: October 1, 2018

§ 14 — INFORMATION PROVIDED TO TAX ASSESSORS ON OUT-OF-STATE REGISTRATIONS

Eliminates a procedure through which municipal tax assessors and the DMV commissioner share information on vehicles that are subject to property tax in Connecticut, but registered in other states

The act eliminates a procedure through which municipal tax assessors and the DMV commissioner share information on vehicles that are subject to property tax in Connecticut but registered in other states. Under prior law, this procedure required:

1. municipal tax assessors to make reasonable efforts to provide information on any motor vehicle they determine is taxable but registered out-of-state to the DMV commissioner;
2. the DMV commissioner, after receiving the information on a vehicle's out-of-state registration, to make a reasonable effort to provide the assessor with the vehicle's make and model, model year, and identification number, and the registered owner's name and mailing address;
3. municipal tax assessors to determine the vehicle's value (if the information DMV provided is sufficient to do so) and add it to the grand list for the immediately preceding assessment date; and
4. municipalities to remit to the STF 1% of any property taxes collected for such vehicles to fund administrative costs associated with registering these out-of-state vehicles.

EFFECTIVE DATE: Upon passage

§ 15 — PROHIBITION OF PRIVATE PARKING CITATIONS

Prohibits private property owners and lessees from issuing parking tickets

The act prohibits private property owners and lessees, or their agents, from issuing, to owners of vehicles parked on their property, parking citations imposing monetary sanctions, including by written warning, posted signs, or any other means.

Existing law, unchanged by the act, allows private property owners and lessees to tow or render immovable (i.e., "boot") unauthorized vehicles left on their property.

EFFECTIVE DATE: October 1, 2018

§ 16 — AFFIRMATIVE DEFENSE FOR ENTERING A VEHICLE TO REMOVE AN ANIMAL

Under certain circumstances, provides an affirmative defense against civil damages or criminal penalties to a person who enters a vehicle to remove an animal

Under certain circumstances, the act provides an affirmative defense against civil damages or criminal penalties to a person who enters a passenger motor vehicle, including forcibly, to remove an animal. A "passenger motor vehicle" is a vehicle used for private transportation that is designed to carry up to 10 occupants in comfort and safety (CGS § 14-1(68)).

As is the case when entering a vehicle to remove a child, in order for the individual to use the affirmative defense, he or she must:

1. reasonably believe, at the time of entry, that entering the vehicle is necessary to remove the animal from imminent danger of serious bodily injury;
2. use no more force than reasonably necessary, under the circumstances he or she knows at the time, to enter the vehicle;
3. report the entry and related circumstances to a law enforcement or public safety agency (i.e., a state or municipal agency providing fire, medical, and other emergency services) within a reasonable time period after entering the vehicle; and
4. take reasonable steps to ensure the animal's safety, health, and well-being after removing the animal from the vehicle.

As is the case for the affirmative defense under existing law for removing a child from a passenger vehicle, (1) the defense is in addition to defenses or immunities available under federal, state, or common law, but does not apply to acts or omissions constituting gross, willful, or wanton negligence and (2) a person may still be liable for civil damages if he or she attempts to provide aid to the animal in addition to the actions the act authorizes.

EFFECTIVE DATE: October 1, 2018

§ 17 — DOCUMENTS FOR VEHICLE RESALE

Modifies documentation procedures a dealer must follow when it buys a vehicle for resale or transfers a vehicle

The act modifies the documents that a dealer must obtain and submit when it buys a vehicle for resale and subsequently transfers the vehicle.

The act requires a dealer who buys a motor vehicle for resale to complete, as the buyer, (1) the title certificate from the owner or lienholder or (2) a statement, on a DMV commissioner-prescribed form, that the vehicle's title is lost or destroyed. Prior law required a dealer to either (1) procure the title certificate or (2) submit the statement.

After transferring the vehicle (other than by creating a security interest), existing law requires dealers to promptly execute the assignment and warranty of title. The act specifies that dealers who do not do so in the spaces provided on the title certificate must do so on an ownership transfer form approved by the commissioner. It also makes a conforming change to specify that an ownership transfer document, if required, must be mailed or delivered when the dealer provides the statement or the title certificate along with the transferee's application for a new title.

Lastly, the act specifies that these provisions do not apply to a vehicle that does not, and is not required to, have a title certificate issued by the commissioner.

EFFECTIVE DATE: July 1, 2018

§§ 18-20 — SCHOOL BUS PASSING VIOLATIONS

Resolves a statutory conflict regarding the issuance of warnings and citations for school bus passing violations

The act resolves a statutory conflict regarding the issuance of warnings and citations for school bus passing violations based on evidence from a school bus violation detection video monitoring system. Prior law required police to both issue (1) a warning or summons upon receiving such evidence and (2) a summons, but only if they determine there are reasonable grounds to believe a violation has occurred after reviewing such evidence.

The act resolves the conflict by eliminating the provision requiring police to issue a warning or summons upon receiving such evidence.

EFFECTIVE DATE: July 1, 2018

§ 21 — REGISTRATION RENEWAL REMINDERS

Modifies the deadline by which DMV must mail registration renewal applications

By law, DMV must send a registration renewal application to a registrant before his or her registration expires. The act changes the deadline by which DMV must so to 30 days, rather than 45 days, before a registration expires.

EFFECTIVE DATE: July 1, 2018

§ 22 — OPERATOR RETRAINING PROGRAM FEE

Increases, from \$60 to \$85, the maximum fee for the Operator Retraining Program

The act increases, from \$60 to \$85, the maximum fee for the Operator Retraining Program. As authorized under existing law, DMV requires drivers to complete the program if they have certain speeding violations or multiple violations of certain motor vehicle laws (i.e., moving violations or suspension violations). The fee is paid to private vendors who provide the program.

EFFECTIVE DATE: July 1, 2018

§ 23 — CONVENIENCE FEE FOR PROCESSING DMV TRANSACTIONS

Increases, from \$5 to \$8, the maximum fee that authorized contractors may charge to process DMV transactions

By law, the DMV commissioner may authorize contractors (e.g., AAA) or municipalities to process specified transactions, such as driver's license and registration renewals. The act increases, from \$5 to \$8, the maximum convenience fee that any authorized entity may charge to process these transactions.

EFFECTIVE DATE: July 1, 2018

§ 24 — SURCHARGE ON CERTAIN MOVING VIOLATIONS

Increases, from \$15 to \$20, the surcharge on certain moving violations that is remitted to municipalities

The act increases, from \$15 to \$20, the surcharge paid, in addition to a fine, by people who violate specified motor vehicle laws, regulations, and ordinances, such as speeding and reckless driving. By law, the state must remit this fee to the municipalities in which the violation occurs.

EFFECTIVE DATE: October 1, 2018

§ 25 — SECOND YEAR MOTOR VEHICLE AND CAMPER REGISTRATION REFUNDS

Modifies the process for obtaining a refund after cancelling a registration with at least one year remaining before it expires

Existing law allows individuals to receive a 50% refund if they cancel their motor vehicle or camper registration with at least one year remaining on the registration. The act modifies the process for obtaining this refund. Prior law required the DMV commissioner to issue the refund if a registrant returned the license plates and registration certificate with at least one year remaining before the registration expires. The act instead requires him to issue the refund if the registrant (1) cancels the registration with at least one year remaining before it expires and (2) requests a refund prior to the registration's expiration.

EFFECTIVE DATE: July 1, 2018

§ 26 — SCHOOL BUS ENDORSEMENT APPLICANT FINGERPRINTING

Specifies that S endorsement applicants may submit fingerprints electronically

By law, applicants for an endorsement to drive a school bus (i.e., an S endorsement) must submit to fingerprint-based national and state criminal history records checks before receiving approval for the endorsement. The act specifies that S endorsement applicants' fingerprints may be captured electronically or by other means, in accordance with the provisions on criminal records checks administered by the State Police Bureau of Identification.

EFFECTIVE DATE: July 1, 2018

§ 27 — PENALTY FOR IMPROPER USE OF DRIVER'S LICENSES OR REGISTRATIONS

Increases, from \$100 to \$500, the penalty for improperly using driver's licenses or registrations

The act increases, from \$100 to \$500, the maximum fine for (1) using another person's vehicle registration or driver's license or (2) using a vehicle registration on a vehicle other than the one for which it was issued. As under existing law, violators also face a penalty of up to 30 days in prison.

EFFECTIVE DATE: October 1, 2018

§ 28 — SUPERLOAD STUDY

Requires DMV, DOT, and the State Police to conduct a study on the transport of "superloads"

The act requires DMV, the Department of Transportation, and the State Police to conduct, within available appropriations, a study on the transport of loads commonly known as "superloads." Superloads are vehicles, vehicle-trailer combinations, or commercial vehicle combinations (including their loads) that are greater than 16 feet in length. (The act appears to incorrectly refer to length instead of width.)

Under the act, the departments and the State Police must (1) study the requirements of other northeastern states regarding the transport of superloads; (2) review any Northeast Association of State Transport Officials reports on the harmonization of state truck permitting requirements and other requirements applicable to superloads; and (3) make recommendations for revisions to state law to ensure consistency with other northeast states.

The departments and the State Police must submit the results of the study to the Transportation Committee by January 1, 2019.

EFFECTIVE DATE: Upon passage

§ 29 — TAILGATING PENALTY

Makes causing an accident while tailgating a violation and subjects drivers to a fine of \$100 to \$200

Existing law generally prohibits drivers from tailgating (i.e., following another motor vehicle more closely than is reasonable or in a way that obstructs or impedes traffic). Drivers in violation of this prohibition are deemed to have committed an infraction (see Table on Penalties). Under the act, if driving in this manner results in a motor vehicle accident, drivers are deemed to have committed a violation and are subject to a fine ranging from \$100 to \$200.

EFFECTIVE DATE: October 1, 2018

PA 18-165—sHB 5313

Transportation Committee

AN ACT REVISING MOTOR VEHICLE STATUTES

SUMMARY: This act classifies electric bicycles (e-bikes) into three categories and mostly requires e-bikes to be treated like regular bicycles. It generally gives e-bike riders the same rights, privileges, and duties as existing law provides for regular bicycle riders. It also requires manufacturers of e-bikes sold in the state to comply with specific requirements, such as ensuring e-bikes conform to relevant federal regulations.

The act also (1) generally allows municipalities to regulate e-bikes, to the extent that state law does not conflict with such regulations, and (2) requires the Office of the State Traffic Administration's regulations to cover e-bike operation on highways and roads under its jurisdiction.

The act makes related technical and conforming changes.

EFFECTIVE DATE: October 1, 2018

E-BIKE CLASSIFICATION

The act defines the following three types of e-bikes, all of which must have operable foot pedals and a motor of, at most, 749 watts:

1. A Class 1 e-bike's motor must operate only when the rider is peddling. The motor must disengage when the e-bike reaches 20 mph.
2. A Class 2 e-bike's motor may be used exclusively to propel the e-bike (i.e., without peddling). The motor must disengage when the e-bike rider applies the brakes or reaches 20 mph.
3. A Class 3 e-bike's motor must operate only when rider is peddling. The motor must disengage when the e-bike rider stops peddling or reaches 28 mph.

The act's e-bike definition specifically excludes dirt bikes and all-terrain vehicles.

USING E-BIKES

Unless prohibited by local ordinance, the act generally allows e-bikes to be used where regular bicycles are used. But, Class 1 and 2 e-bikes cannot be used, unless permitted by local ordinance, on bicycle or multiuse trails or paths designed for non-motorized traffic with a natural surface made by clearing and grading soil, without adding surfacing materials. In addition, Class 3 e-bikes can never be used on bicycle or multiuse trails or paths, regardless of whether they have a natural surface. These rules do not apply to police officers, firefighters, or emergency medical technicians performing their duties.

E-bike riders and passengers must wear a helmet meeting the minimum specifications applicable to bicycle helmets. Class 3 e-bike riders must be at least age 16 (but there are no age restrictions for passengers).

STANDARDS FOR E-BIKE MANUFACTURERS

Beginning January 1, 2019, the act requires manufacturers of e-bikes sold in the state to:

1. ensure that the e-bikes conform to relevant federal regulations concerning bicycles;
2. attach a conspicuous label to each e-bike, listing its classification, maximum speed, and motor wattage;
3. equip Class 3 e-bikes with a miles-per-hour speedometer;
4. ensure Class 1 e-bike motors disengage when the rider stops pedaling or reaches a speed of 20 mph;

5. ensure Class 2 e-bike motors disengage when the rider applies the brakes or reaches a speed of 20 mph; and
6. ensure Class 3 e-bike motors disengage when the rider stops pedaling or reaches a speed of 28 mph.

STATE AND LOCAL REGULATION

The act generally authorizes the Office of the State Traffic Administration to regulate e-bikes within its jurisdiction (i.e., on state highways and roads on state-owned property). The office already had this authority with respect to regular bicycles.

Existing law requires the office to adopt regulations governing highways and roads in its jurisdiction, including the operation of motor vehicles and bicycles. The act additionally requires these regulations to cover e-bike operation.

Existing law grants municipalities authority to regulate regular bicycles, as long as the ordinances do not conflict with state laws or regulations. The act extends this authority to allow municipalities to regulate e-bikes. Thus, among other things, municipalities can adopt ordinances requiring annual licensing of e-bikes or requiring the registration of e-bike sales and ownership changes.

CONFORMING CHANGES TO TREAT E-BIKES LIKE REGULAR BICYCLES

The act makes conforming changes to treat e-bikes like regular bicycles. Among other things, it:

1. exempts e-bikes from emissions inspections,
2. requires e-bike riders to comply with driving laws applicable to bicycles (e.g., signaling before turning),
3. requires motor vehicle operators to treat e-bikes like regular bicycles (e.g., when passing),
4. imposes a 100% surcharge on fines for certain moving violations involving a motor vehicle and an e-bike,
5. prohibits parents and guardians from authorizing or knowingly permitting their wards to violate state laws or local ordinances on e-bikes, and
6. makes it an infraction not to equip e-bikes with lights and reflectors.

PA 18-167—sHB 5314

Transportation Committee

AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF TRANSPORTATION

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Restores the authority of the Department of Transportation (DOT) commissioner to adopt regulations concerning certain state highway right-of-way encroachment permit application fees

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§ 7 — SMOKING IN BUS AND RAIL PLATFORM SHELTERS

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Allows a Transportation Committee chairperson to act as chairperson for an autonomous vehicle task force until its chairpersons are appointed and modifies the task force's meeting and reporting requirements

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Requires DOT to create a pilot program allowing particular housing to be transported on most limited access highways during certain daylight hours

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§ 12 — PROTECTIVE HEADGEAR FOR CHILDREN BICYCLING, SKATEBOARDING, SKATING, AND SCOOTERING

Expands protective headgear requirements for children under age 16 and modifies public awareness duties of the Department of Consumer Protection commissioner

§§ 13-15 — TECHNICAL CHANGES

Corrects bridge designations and a highway sign

§ 1 — LAPSE OF TOWN AID ROAD (TAR) FUNDS TO SPECIAL TRANSPORTATION FUND

Lapses to the Special Transportation Fund excess TAR funds reserved for funding certain infrastructure repairs in towns following a natural disaster

By law, any balance of TAR appropriations that exceed the amounts to be distributed to towns under statutory formulas may be made available to towns to defray the cost of repairing or replacing roads, bridges, and dams that become public safety threats due to a natural disaster. Under prior law, the balance did not lapse to the General Fund and had to continue to be available to towns for funding those repairs and replacements. Beginning June 30, 2018, the act instead requires the balance to lapse to the Special Transportation Fund.

EFFECTIVE DATE: Upon passage

§ 2 — APPLICATION FEES FOR STATE HIGHWAY RIGHT-OF-WAY ENCROACHMENT PERMITS

Restores the authority of the Department of Transportation (DOT) commissioner to adopt regulations concerning certain state highway right-of-way encroachment permit application fees

The act restores the DOT commissioner's authority to adopt regulations setting reasonable fees for state highway right-of-way encroachment permit applications. The FY 18-19 budget act repealed his authority to do so (PA 17-2, June Special Session, § 673).

By law, unchanged by the act, the commissioner must establish application fees for state highway right-of-way encroachment permits for open air theaters, shopping centers, and other developments generating large volumes of traffic that mirror the application fees charged by the Massachusetts DOT for such permits.

EFFECTIVE DATE: October 1, 2018

§§ 3, 9 & 16 — EXPRESS FINDINGS BY DOT COMMISSIONER

Repeals requirements that the DOT commissioner draft an "express finding" in order to exercise certain statutory powers

The act eliminates provisions that required the DOT commissioner to make an "express finding" before he could exercise some of his position's statutory powers, such as acquiring property necessary for transportation services.

Specifically, he had to make express findings that:

1. specific and necessary transportation facilities may be discontinued, disrupted, or abandoned; such changes will be detrimental to the state's general welfare; and exercising his powers is essential to continue such facilities;
2. specific transportation facilities may not be operated in the manner required by the state's general welfare, or that additional transportation facilities are required, and exercising his powers is essential to improve transportation facilities and services; or
3. state acquisition or control of transportation rights-of-way, properties, or other facilities are required by the state's future growth and needs.

The act also makes conforming changes.

EFFECTIVE DATE: October 1, 2018

§§ 4 & 5 — STATUTORY REFERENCES TO THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Makes technical changes to correct references to a federal agency

The act makes technical changes to update references from the Federal Highway Administration (FHWA) to the Federal Motor Carrier Safety Administration (FMCSA). Prior to being established as a separate administration, FMCSA was a part of FHWA.

EFFECTIVE DATE: Upon passage

§ 6 — PARKING NEAR INTERSECTIONS IN NEW HAVEN

Narrows the applicability of exceptions to laws on parking near intersections in New Haven to apply only to intersections entirely under the city's jurisdiction

By law, vehicles generally cannot park within 25 feet of an intersection, a marked crosswalk at an intersection, or a stop sign. Prior law provided exceptions for certain intersections in New Haven by allowing a vehicle to park:

1. as close as 10 feet from (a) an intersection that has a curb extension as wide as or wider than the parking lane or (b) a marked crosswalk at such an intersection or
2. within 25 feet of a stop sign where permitted by New Haven's traffic authority at the intersection of one-way streets.

The act limits these exceptions to intersections entirely made up of roads under New Haven's jurisdiction.

EFFECTIVE DATE: Upon passage

§ 7 — SMOKING IN BUS AND RAIL PLATFORM SHELTERS

Prohibits certain types of smoking in bus and rail platform shelters

The act expands the areas where smoking is prohibited to include bus shelters and partially-enclosed shelters on rail platforms that are owned and operated, or leased and operated, by the state or a local government. It applies to smoking cigarettes, cigars, pipes, and similar devices, but not electronic devices, such as electronic cigarettes, that may be used to simulate smoking (see CGS § 19a-342a). By law, smoking in prohibited areas is an infraction (see Table on Penalties).

EFFECTIVE DATE: October 1, 2018

§ 8 — AUTONOMOUS VEHICLE TASK FORCE

Allows a Transportation Committee chairperson to act as chairperson for an autonomous vehicle task force until its chairpersons are appointed and modifies the task force's meeting and reporting requirements

PA 17-69 created a task force to, among other things, study fully autonomous vehicles and develop legislative recommendations for regulating them. Under PA 17-69, the Senate president pro tempore and the House speaker must select the task force's chairpersons, and those chairpersons had to schedule and hold its first meeting by August 26, 2017.

Under the act, if the chairpersons were not selected or did not schedule and hold the task force's first meeting by that date, then any Transportation Committee chairperson must schedule the first meeting, act as its chairperson, and schedule any other meetings deemed necessary until (1) the Senate president pro tempore and House speaker select the chairpersons and (2) those chairpersons schedule a task force meeting.

The act also (1) eliminates the first of two interim reports from the task force, which under prior law was due by January 1, 2018, and (2) extends the deadlines for its remaining reports by one year so that its interim report is due on July 1, 2019, rather than July 1, 2018, and its final report is due on January 1, 2020, rather than January 1, 2019. The act also pushes out the task force's termination date by one year to January 1, 2020.

EFFECTIVE DATE: Upon passage

§ 10 — TRANSPORTATION OF CERTAIN HOUSING STRUCTURES

Requires DOT to create a pilot program allowing particular housing to be transported on most limited access highways during certain daylight hours

The act requires DOT to establish, within available appropriations, a one-year pilot program to allow vehicles to transport on limited access highways, other than Interstate 95, motor homes, modular homes, house trailers, and sectional houses that are between 14 feet and 16 feet long. (The act appears to incorrectly refer to length instead of width.)

During the pilot program period (July 1, 2018, to July 1, 2019), DOT may grant permits for such transportation to take place from 10 A.M. to 2 P.M. on Mondays through Thursdays provided (1) the permit requires the transporting vehicle to have three police vehicle escorts and (2) the transportation does not obstruct DOT's or any municipality's construction or maintenance activities. Under the act, the police escort is responsible for assuring compliance with the permit. The act also allows DOT to limit the number of permits to one per day.

By February 1, 2019, DOT must report, in consultation with the Department of Emergency Services and Public Protection and the Department of Motor Vehicles, to the Transportation Committee (1) the number of permits issued, (2) the time periods for which they were issued, and (3) any recommendations for statutory changes.

EFFECTIVE DATE: Upon passage

§ 11 — AGGRAVATED ASSAULT OF A PUBLIC TRANSIT EMPLOYEE

Creates a special class C felony offense for aggravated assault of a public transit employee

By law, assaulting a public transit employee is a class C felony (CGS § 53a-167c), punishable by one to 10 years in prison, a fine of up to \$10,000, or both. The act creates a special class C felony offense for aggravated assault of a public transit employee, punishable by imprisonment for one to 10 years, a maximum fine of \$20,000, or both.

Under the act, a person commits such aggravated assault when he or she assaults a public transit employee, and in doing so uses, is armed with and threatens to use, or displays or represents by words or conduct that he or she has, a knife, box-cutter, or firearm.

By law, a public transit employee is someone employed by the state, a political subdivision, or transit district, or under contract with the DOT commissioner to provide transportation services, who (1) operates a vehicle or vessel for public ferry or fixed route bus service or performs duties directly related to operating that vehicle or vessel or (2) is a train operator, conductor, inspector, signal person, or station agent for public rail service (CGS § 53a-167c(a)).

EFFECTIVE DATE: October 1, 2018

§ 12 — PROTECTIVE HEADGEAR FOR CHILDREN BICYCLING, SKATEBOARDING, SKATING, AND SCOOTERING

Expands protective headgear requirements for children under age 16 and modifies public awareness duties of the Department of Consumer Protection commissioner

The law requires any child under age 16 who rides a bicycle on a public road to wear protective headgear that meets the minimum specifications established by the American National Standards Institute or the Snell Memorial Foundation.

The act:

1. expands the types of activities during which these children must wear such protective headgear to include skateboarding, non-motorized scooting, roller skating, and in-line skating;
2. adds parks, including skateboarding parks, to the places where the protective headgear must be worn; and
3. requires the protective headgear to be properly fitted and fastened.

Prior law authorized the Department of Consumer Protection commissioner to establish, within available appropriations, a public awareness campaign to educate the public on and promote the use of protective headgear when bicycling. The act eliminates that authorization and instead requires the commissioner to post information on the

department's website promoting the use of protective headgear during the above activities, including bicycling, and about the dangers of not doing so.

By law, failure to wear protective headgear is not considered a violation or an offense and cannot be considered contributory negligence by a parent or a child or be admissible in any civil action.

The act also makes technical changes.

EFFECTIVE DATE: October 1, 2018

§§ 13-15 — TECHNICAL CHANGES

Corrects bridge designations and a highway sign

The act makes technical corrections to bridge names and a highway sign.

EFFECTIVE DATE: Upon passage

PA 18-21—sHB 5230

Veterans' Affairs Committee

AN ACT HONORING CONNECTICUT NATIONAL GUARD MEDAL OF HONOR RECIPIENTS

SUMMARY: This act changes the name of the state military training facility in Niantic from “Camp Niantic” to “Camp Nett at Niantic” in honor of Colonel Robert B. Nett. Until 2010, the camp was named after the sitting governor. PA 10-69 changed the name to Camp Niantic.

The act also names the state military training facility in Windsor Locks “Camp Hartell” in honor of First Lieutenant Lee R. Hartell.

Colonel Robert B. Nett and First Lieutenant Lee R. Hartell are former National Guard members and Congressional Medal of Honor recipients.

The act also makes conforming changes.

EFFECTIVE DATE: March 25, 2019

PA 18-44—SB 229

Veterans' Affairs Committee

AN ACT CONCERNING MEMBERS OF THE ARMED FORCES AND CIVIL SERVICE EXAMINATIONS

SUMMARY: This act gives five bonus points to certain armed forces members who achieve a passing score on initial state civil service examinations. To be eligible, the service member must be in the final year of an enlistment contract with any branch of the armed forces. “Armed forces” means 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). Existing law provides similar benefits to certain wartime veterans.

EFFECTIVE DATE: October 1, 2018

BACKGROUND

Civil Service Exam Benefit for Wartime Veterans

By law, a wartime veteran eligible for or receiving Veterans Affairs disability compensation or pension benefits, and unable to pursue gainful employment because of the disability, receives 10 bonus points on initial state and municipal civil service examinations; a wartime veteran ineligible for these benefits is eligible for five bonus points (CGS §§ 5-224 & 7-415).

By law, if an honorably discharged or released veteran served in a military action and received or is entitled to receive a campaign badge or expeditionary medal, and is not otherwise eligible to receive bonus points, he or she qualifies for five bonus points if he or she receives a passing grade on the state civil service examination (CGS § 5-224).

Related Act

PA 18-47 (§ 4), among other things, gives five state civil service exam bonus points to veterans who (1) were discharged under conditions other than dishonorable or for bad conduct and (2) have a "qualifying condition" (e.g., a post-traumatic stress disorder diagnosis).

PA 18-47—sSB 284

Veterans' Affairs Committee

AN ACT CONCERNING BENEFITS FOR CERTAIN VETERANS WHO HAVE BEEN DIAGNOSED WITH POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY OR WHO HAVE HAD AN EXPERIENCE OF MILITARY SEXUAL TRAUMA

SUMMARY: This act extends certain specified benefits to veterans who (1) were discharged under conditions other than dishonorable or for bad conduct (i.e., veterans with an other than honorable (OTH) discharge) and (2) have a qualifying condition, which means a diagnosis of post-traumatic stress disorder or traumatic brain injury made by, or a military

sexual trauma experience disclosed to, an individual licensed to provide care at a U.S. Department of Veterans Affairs facility.

Under prior law, these benefits were only available to veterans who were honorably discharged or released under honorable conditions 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 the U.S. Code (e.g., certain Homeland Security missions)). As under existing law, some of these benefits are limited to veterans with war time service only.

Specifically, the act extends the following benefits to veterans with an OTH discharge and a qualifying condition (see BACKGROUND for more detailed benefit descriptions):

1. veterans' small business price preference for certain state open market orders and contracts (§ 2);
2. special service credit for state employee retirement (war time service is generally counted as state service for retirement purposes)(§ 3);
3. inclusion of time served in war in the length of state employment for veterans who were reinstated as state employees after returning from military service (§ 3);
4. state civil service exam bonus points (§ 4);
5. preference for Department of Economic Development-funded low- or moderate-income rental housing (§ 5);
6. state high school diploma exam fee waiver (§ 6);
7. honorary high school diploma, if the veteran withdrew from high school for military service in World War II, the Korean Hostilities, or during the Vietnam era, and consequently did not receive a diploma (§ 7);
8. tuition waivers for the state's public colleges and universities if the veteran served in time of war (§§ 8-10);
9. certain veteran property tax exemptions (minimum \$1,500)(§§ 11-13);
10. farmer tax exemption (§ 14);
11. special veterans license plates, including for vehicles used exclusively for farming (§ 15);
12. veterans status on driver's license and identity card (§ 16);
13. motor vehicle license and registration fee exemption for one licensing period if the veteran was a legal resident of Connecticut at the time of his or her induction and applies within two years following the date of separation (§ 17);
14. exemption from overtime parking fines, with certain exceptions, for disabled wartime veterans and their surviving spouse (§ 18);
15. disregard of federal Aid and Attendance Pension benefits (i.e., a monthly amount that is added to certain veterans' pension) when calculating income for means-tested assistance programs (e.g., Medicaid) (§ 19);
16. admission to the Veterans Residential Services facility or Healthcare Center (§ 20);
17. preference for admission into any hospital, upon the Veterans Affairs commissioner's request, at the state's expense unless other means of payment are available (§ 21);
18. \$1,800 toward funeral expenses or cremation for indigent veterans (§ 22);
19. temporary financial assistance for wartime veterans (§ 23); and
20. temporary aid (such as food, clothing, and medical and surgical aid) from the Soldiers, Sailors and Marines Fund (§ 24).

The act also makes technical, minor, and conforming changes.

EFFECTIVE DATE: October 1, 2018; the sections on property tax exemption (§§ 11-13) apply to assessment years beginning on or after that date.

BACKGROUND

Small Business Preference (§ 2)

The law provides certain veteran-owned businesses with up to a 15% price preference for certain Department of Administrative Services open market orders or contracts. The businesses must have gross revenue under \$3 million in the most recently completed fiscal year and have one or more veterans who hold at least 51% ownership (CGS § 4a-59(c)).

Civil Service Exam Bonus Points (§ 4)

The law gives bonus points to certain veterans who pass an initial state civil service examination held to establish a candidate list. If a veteran served in a military action and received or is entitled to receive a campaign badge or expeditionary medal and is not otherwise eligible to receive bonus points, he or she qualifies for five bonus points on these exams (CGS § 5-224).

Tuition Waivers (§§ 8-10)

The law requires the state's public colleges and universities to waive tuition for wartime veterans who are accepted at an approved institution and live in the state at the time of the acceptance. The waiver applies at community-technical colleges, the Connecticut State University System, and UConn (CGS §§ 10a-77, 10a-99 & 10a-105).

Property Tax Exemptions (§§ 11-13)

Wartime Veterans. The state-mandated veterans' property tax exemption (i.e., \$1,000 of the property owned by a veteran) is available to state resident veterans who served at least 90 days in a time of war (CGS § 12-81(19)).

Surviving Spouse and Minor Child. A \$1,000 state-mandated property tax exemption is available to an unmarried surviving spouse and any minor children of a veteran who qualified for the wartime state-mandated exemption described above, as long as the spouse remains unmarried and a Connecticut resident (CGS § 12-81(22)).

Surviving Parent. A \$1,000 state-mandated property tax exemption is available to a sole surviving parent of a veteran who qualified for the wartime state-mandated exemption described above, as long as the parent remains unmarried and a Connecticut resident (CGS § 12-81(25)).

State-Mandated Income-Based Exemption. Municipalities must give veterans and surviving spouses or parents who receive the state-mandated property tax exemption an additional income-based exemption. For a veteran or surviving spouse or parent whose income falls below the limit set by the uniform income requirements, the additional exemption is equal to \$2,000 (twice the \$1,000 state-mandated exemption)(CGS § 12-81g(a)). For those whose income exceeds the limit, the additional exemption is \$500 (50% of the \$1,000 state-mandated exemption)(CGS § 12-81g(d)).

Optional Municipal Exemptions. A municipality, with its legislative body's approval, may (1) provide an additional exemption to wartime veterans or their surviving spouses when they are entitled to the state-mandated exemptions and (2) establish a higher income limit for this exemption than the limit in effect for the state-mandated income-based exemption. PA 18-102 allows municipalities to increase the maximum income limits for eligibility, as long as the income limits are at least the uniform income amount. The local-option exemption may be a dollar amount (up to \$20,000) or percentage (10%) reduction in the property's assessed value (CGS § 12-81f).

Farmer Tax Exemption (§ 14)

By law, the Department of Revenue Services may issue a farmer tax exemption permit to a farmer, if the farmer is a veteran who never owned or leased property for commercial agricultural production or who owned or leased property for such purpose for less than two years (CGS § 12-412(63)(D)).

Special License Plate (§ 15)

The law allows any type of motor vehicle owned or leased by a veteran or his or her surviving spouse for at least one year to qualify for special veterans' license plates. It also requires the DMV commissioner to issue a special registration certificate and a set of number plates to veterans, armed forces members, or their surviving spouses for any motor vehicle they use exclusively for farming, as long as they engage in agricultural production as a trade or profession (CGS § 14-20b).

Overtime Parking Fine (§ 18)

The law entitles disabled wartime veterans with certain Veteran Affairs-related disabilities, upon application, to a free special license that exempts them from overtime parking fines, provided they do not leave their vehicles at the same spot for more than 24 hours. This applies to veterans who (1) have lost the use of one or both legs or arms, or had them, or parts of them, amputated; (2) are blind; or (3) have traumatic brain injury, and the United States Department of Veterans Affairs has certified any such disability as service-connected. Surviving spouses may keep the plates and identification cards until death or remarriage (CGS § 14-254).

Temporary Assistance (§ 23)

Under the law, wartime veterans who need help because of a disability or other service-related cause may receive temporary financial assistance from the veterans' affairs commissioner. He may also help the spouse, parents, children, or siblings of any veteran who died as a result of such service if they cannot support themselves because of the veteran's death (CGS § 27-125).

Soldiers, Sailors and Marines Fund (§ 24)

By law, this fund provides temporary aid (such as food, clothing, and medical and surgical aid), general care and relief, or burial expenses to needy wartime veterans or their (1) spouses living with them or who lived with them when they died or (2) dependent children under age 18. The veteran must live in the state when he or she applies for and while receiving the assistance (CGS § 27-138 et seq.).

PA 18-72—sSB 231*Veterans' Affairs Committee*

AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL AND MINOR REVISIONS TO STATUTES CONCERNING MILITARY AND VETERANS' AFFAIRS

SUMMARY: This act makes conforming and technical changes in the armed forces and veterans statutes.

The act conforms the income threshold for the optional additional property tax for veterans who are not entitled to certain state-mandated property tax exemptions to those generally used by other veterans property tax exemptions (§43). It does so by allowing a veteran to qualify under the unmarried or married income thresholds, rather than just an unmarried threshold as under prior law. By law, the Office of Policy and Management annually sets the income thresholds for eligibility (for 2018, \$35,300 for individuals and \$43,000 for married couples).

By law, municipalities, with their legislative body's approval, may provide an optional municipal veteran's property tax exemption (up to either \$5,000 or 5% of the property's assessed value) to certain veterans who do not qualify for existing veteran property tax exemptions (i.e., wartime, disabled, and severe service-related exemptions).

EFFECTIVE DATE: October 1, 2018, except the provision on the income threshold for the property tax exemption is applicable to assessment years starting on or after October 1, 2018.

BACKGROUND*Related Act*

PA 18-102 allows municipalities that provide certain additional optional veteran property tax exemptions to increase the income thresholds for eligibility.

PA 18-102—sHB 5239*Veterans' Affairs Committee**Planning and Development Committee*

AN ACT CONCERNING ELIGIBILITY FOR CERTAIN VETERANS' PROPERTY TAX EXEMPTIONS

SUMMARY: This act allows municipalities that provide certain additional optional veterans' property tax exemptions to increase the income thresholds for eligibility.

Under prior law, municipalities could offer property tax exemptions to veterans with income below (1) the state's income limit for other veterans' property tax exemptions, set annually by the Office of Policy and Management (OPM) (for 2018, \$35,300 for individuals and \$43,000 for married couples) or (2) an amount the municipality set, up to \$25,000 more than the state limit. The act instead allows municipalities to set the income limit, with the minimum being the amount OPM sets.

The act applies the new income thresholds to existing law's optional municipal property tax exemptions for (see **BACKGROUND** for a description of the eligibility criteria):

1. wartime veterans;
2. disabled veterans;
3. the unmarried surviving spouse of a veteran; and
4. veterans who are not entitled to state-mandated property tax exemptions for wartime, disabled, or service-related severely disabled veterans.

EFFECTIVE DATE: October 1, 2018, and applicable to assessment years commencing on or after that date.

BACKGROUND

Property Tax Exemption Eligibility

Wartime Veterans. The state-mandated veterans' property tax exemption is available to state resident veterans who served at least 90 days in a time of war. A "veteran" is anyone discharged or released under honorable conditions from active service in the U.S. Armed Forces (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). PA 18-47 expands the definition of veterans to also include those who (1) were discharged under conditions other than dishonorable or for bad conduct and (2) have a "qualifying condition" (i.e., a diagnosis of post-traumatic stress disorder or traumatic brain injury, or who have disclosed a military sexual trauma experience)(CGS § 12-81(19)).

Veterans with Disabilities. The law provides state-mandated property tax exemptions to veterans with a VA-rated disability of at least 10% (CGS § 12-81(20)). (The disability does not have to be service-related and, unlike the exemptions for non-disabled veterans, wartime service is not required to qualify.)

Veterans with Service-related Severe Disabilities. The law provides an additional exemption for veterans with service-related severe disabilities (e.g., paraplegia)(CGS § 12-81(21)).

Surviving Spouse. A state-mandated property tax exemption is available to an unmarried surviving spouse of a veteran who qualified for the wartime state-mandated exemption described above (CGS § 12-81(22)).

Related Act

PA 18-72 conforms the income threshold for the optional additional property tax for veterans who are not entitled to certain state-mandated property tax exemptions to those generally used by other veterans' property tax exemptions.

PA 18-104—HB 5233

Veterans' Affairs Committee

Government Administration and Elections Committee

AN ACT CONCERNING RECORDKEEPING DUTIES OF THE ADJUTANT GENERAL

SUMMARY: This act specifies that requests for Military Department records and documents generated and maintained by the adjutant general under either state or federal law must be processed under their respective state or federal Freedom of Information Act (FOIA).

The act also specifies that the records the adjutant general keeps are service records.

It also requires the adjutant general to generate Military Department records and documents instead of just maintaining them.

EFFECTIVE DATE: July 1, 2018

BACKGROUND

Eberg v. Human Resources Manager, State of Connecticut, Military Department, et al.

In *Eberg v. Human Resources Manager, State of Connecticut, Military Department, et al.*, the Freedom of Information Commission concluded that records maintained by the National Guard exclusively as federal records were outside the state FOIA's jurisdiction (Docket #FIC 2014-879).

The Connecticut National Guard Dual-Status Standing

The Connecticut National Guard has a dual-status standing due to its service as part of the state militia and as a reserve component of the United States Armed Forces. As such, the Connecticut National Guard accesses and maintains both state and federal records and documents.

PA 18-106—sHB 5234

Veterans' Affairs Committee

AN ACT CONCERNING MILITARY DEPARTMENT VOLUNTEERS

SUMMARY: This act broadens the scope of the Military Department's volunteer service program and expands eligibility for services provided through the program.

Specifically, the act expands the (1) definition of “services” to specifically include office work and allow volunteers to provide services to the Military Department and (2) duties of the program's volunteer service coordinator.

The act also extends eligibility for volunteer services under the program to veterans, in-state National Guard members who are not on active duty, and their families. Under existing law, active duty service members and their families who reside in Connecticut may receive these services.

The act eliminates the requirement that the Military Department's annual report to the Veterans’ Affairs Committee on the voluntary services received through the program include the level of services received in different geographical areas.

By law, a veteran is anyone honorably discharged or released from active service in the U.S. Armed Forces. A service member is a member of the U.S. 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 the U.S. Code (e.g., certain Homeland Security missions)).

The act also makes minor, technical, and conforming changes.

EFFECTIVE DATE: July 1, 2018

VOLUNTEER SERVICES COORDINATOR

The act expands the duties of the volunteer services coordinator. Existing law requires the coordinator to coordinate with and identify municipalities and local organizations that provide volunteer services. The act additionally requires the coordinator to coordinate with and identify volunteers who provide such services.

Under the act, the coordinator must facilitate volunteer services rather than assist municipalities and local organizations that provide such services as prior law required.

The act prohibits the coordinator from coordinating volunteer services for which a state license, certificate, permit, or other state credential is required unless the volunteer holds the required credential. Prior law prohibited volunteers from offering these services.

PA 18-143—SB 226

Veterans' Affairs Committee

AN ACT CONCERNING USE OF MILITARY FACILITIES BY YOUTH MILITARY ORGANIZATIONS

SUMMARY: This act explicitly authorizes the adjutant general to allow youth military organizations to use military facilities at no cost. Existing law limits the use of military facilities to military organizations, nonprofit organizations, organizations receiving state aid, and government agencies.

By law, the adjutant general is responsible for the use, maintenance, security, and leasing of all military facilities. He may allow use of military facilities at a cost up to the actual operating cost of the facility during the period of use.

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2018

PA 18-144—sSB 232

Veterans' Affairs Committee

AN ACT CONCERNING TEACHER PERMITS FOR SPOUSES OF TRANSFERRED MEMBERS OF THE ARMED FORCES

SUMMARY: This act requires the State Board of Education, upon receipt of a proper application, to issue a “military spouse teacher permit” to certain military spouses who have taught for at least two years under an appropriate certificate

issued by another state, the District of Columbia, a U.S. territory or possession, or Puerto Rico. The act applies to the spouse of any member of the armed forces who has received military orders to come to Connecticut.

Under the act, a military spouse teacher permit:

1. exempts the teacher from having to complete the Connecticut teacher education and mentoring program;
2. is valid for three years; and
3. may be renewed by the education commissioner for good cause upon the request of the superintendent for the school district employing the teacher.

The act also exempts military spouse teacher permit applicants from state law's requirement to complete a course of study in special education, if they demonstrate equivalent knowledge in a manner prescribed by the commissioner. This exemption applies to applicants who successfully completed a teacher preparation program or an alternate route to certification program in, and hold an appropriate certificate issued by, the relevant jurisdiction.

Under the act, "armed forces" means 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).

EFFECTIVE DATE: July 1, 2018

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