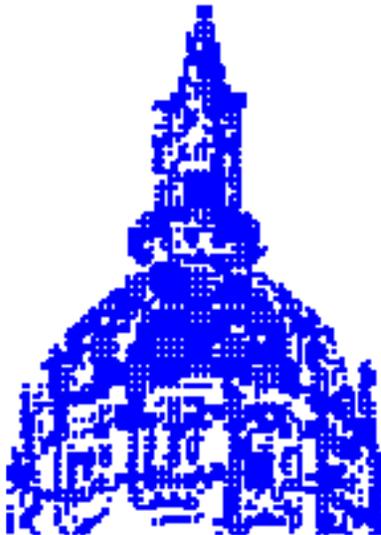


Office of Legislative Research
Connecticut General Assembly



**OLR ACTS AFFECTING
MUNICIPALITIES**



By:
John Rappa, Principal Analyst

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NOTICE TO READERS

This report highlights 2002 public acts affecting municipalities. The acts take effect October 1, 2002 unless otherwise noted. Readers should examine the full text of the acts that interest them. They can obtain the acts from the Connecticut State Library or the House Clerk's office. Complete analyses of all public acts passed during the regular and special sessions will be available in early fall when OLR releases its Public Act Summary book, but many analyses are now available on the OLR website (<http://www.cga.state.ct.us/olr>).

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ECONOMIC DEVELOPMENT

Defense-Dependent Municipality Designation

The Department of Economic and Community Development (DECD) commissioner can now renew, for two, rather than one two-year period, his determination that a municipality is severely harmed by defense cutbacks. The determination can continue indefinitely instead of the previous four-year maximum. The commissioner must still hold a public hearing and make specific findings before each renewal. The determination entitles certain manufacturing facilities located in the municipality to property tax exemptions and business tax credits for nondefense economic development projects and entitles the municipality to a grant equal to one-half the foregone property tax revenues. (PA 02-4, May Special Session, effective upon passage)

Small Business Gap Financing

The legislature earmarked \$5 million of the urban action bonds authorized for urban development project grants for small business gap financing. (PA 02-5, May Special Session, effective July 1, 2002)

Small Town Economic Assistance Program (STEAP)

The Office of Policy and Management (OPM) secretary can now select another state agency to administer STEAP grants on OPM's behalf. Most towns with fewer than 30,000 people are eligible for the grants, which fund a wide range of physical development projects. (PA 02-5, May Special Session, effective upon passage)

Eminent Domain

Judges and judge trial referees, instead of state referees, must now handle various aspects of eminent domain proceedings arising out of redevelopment projects. (PA 02-132)

The default interest rate payable in certain eminent domain cases is changed from one tied to the yield on 52-week U.S. Treasury bills to one tied to the weekly average one-year constant maturity yield on Treasury securities as published by the Federal Reserve board of governors. The U.S. Treasury eliminated the 52-week Treasury bill on February 27, 2001. (PA 02-52, effective upon passage)

Property Taxes on Newly Built Power Plants

By law, any town may treat a power plant that completed construction after July 1, 1998, as though it were located in an enterprise zone and used for

commercial or retail purposes. This means that, with the approval of its legislative body, it can fix the full amount of either the property tax or assessment on the plant's real and personal property both during and after construction, despite the enterprise zone law's requirement that towns fix property taxes or assessments only after the property improvement occurs.

A new law also allows towns to treat certain power plants on which construction is completed after July 1, 2002 in the same way, except that it allows them to fix the plant's taxes or assessment at less than the full amount. They can do this only for plants for which the operator submitted a permanent electric generating facility application to the Connecticut Siting Council between January 1, 2002 and March 30, 2002. By law, the taxes or assessments set by the municipality must approximate the covered plant's projected tax liability based on a reasonable estimate of its fair market value that the municipality determined using its best efforts. Under the new law, the less-than-full amount of taxes or assessments the municipality fixes for a covered plant must approximate a "commensurate portion" of that projected liability. (PA 02-4, May Special Session, effective upon passage)

Another new law allows certain towns to fix taxes or assessments on power plants that complete construction after

July 1, 2003 at less than the full amount, as long as the amounts fixed represent an equivalent share of the plant's estimated fair market value. A town qualifies if it is

1. under state governance (a criterion that currently applies only to Waterbury) or
2. has negotiated a tax agreement with a power plant owner that was approved by the municipality's legislative body between January 1, 2002 and February 28, 2002. (PA 02-143, effective upon passage)

EDUCATION

Grant Reductions

For FY 2002-2003, certain grant payments must be reduced proportionately if the total of these grants exceeds their FY 2002-03 appropriations. This provision affects grants for (1) public libraries; (2) transportation to local, regional, and vocational-technical schools; (3) SBE feeding programs; (4) Regional Education Service Center lease grants; and (5) bilingual education.

After determining any adjustments to the prior year, the FY 2002-03 grants for the following must be reduced proportionally to remain within available appropriations: (1) adult education programs, (2) transportation reimbursement formulas, (3) transportation to private schools, and (4) health

services for students in private nonprofit schools.

Special education grants to local and regional school districts must be limited to their proportional share of the total grants times the total available appropriated amount for (1) special education costs in excess of five times the district's average per-pupil expenditure, (2) expenses for special education students placed by state agencies or residing on state property; (3) costs for no-nexus special education students placed by a state agency in private residential facility or a facility run by the Department of Children and Families (DCF); and (4) payments for students placed by the DCF commissioner or other agencies in a private residential facility who need educational services other than special education services. (PA 02-7, May Special Session, effective upon passage)

School Readiness Grants

The legislature appropriated \$2,576,580 for school readiness competitive grants in FY 2002-03, of which up to \$198,199 may be used for administrative purposes. (PA 02-7, May Special Session, effective upon passage)

Special Education Costs

The legislature delayed until July 1, 2003 the date on which a local school district's maximum share of the funding for high cost special education payments will be reduced from five to four-and-a-half times its average per pupil expenditures for the preceding fiscal year. The state is responsible for all costs exceeding that amount. (PA 02-4, May Special Session, effective upon passage)

Education Cost Sharing (ECS) Hold Harmless

All towns are held harmless from decreases in their state education aid for the FY 2002-03, ensuring that no town receives less ECS aid than it did in FY 2001-02. (PA 02-7, May Special Session, effective upon passage)

Regional Education Service Center (RESC) Grant Reduction

All RESC grants for FY 2002-03 have been reduced by giving each RESC a proportional share of the appropriated grant based on what it would have received if the total RESC grant were \$3,132,515. (PA 02-7, May Special Session, effective upon passage)

Test Exemptions for Students with Limited English Proficiency

The mastery test exemption for limited English proficient students has been expanded. By law, a student is considered to have limited English proficiency if he (1) was not born in the United States or comes from a country where English is not the dominant language and (2) has sufficient difficulty reading, writing, speaking, and understanding English that he may not be able to learn successfully in an English-language classroom or participate fully in American society.

Under prior law, only students enrolled in an English as a Second Language or bilingual program for 10 months or less were exempt. The exemption now applies to (1) any student with limited English proficiency who has been enrolled in school for 10 months or less and (2) any such student enrolled in school for between 10 and 20 months who did not meet the SBE's English language mastery standard on an assessment given the month before the statewide mastery test. (PA 02-7, May Special Session, effective July 1, 2003)

New School Accountability Requirements

The legislature replaced the current state school accountability law with an accountability plan aligned with the new federal law and prepared by the education commissioner. It provided a transition from the current to the new program for the 28 schools already identified by the education commissioner as needing improvement under the state law. (PA 02-7, May Special Session, effective upon passage)

Sexual Assault and Mandated Reporting

A new law creates separate forms of sexual assault crimes based on the relationship between the actor and the victim. It makes it a crime for a person who provides intensive, ongoing instruction or is a coach of an athletic activity to engage in sexual intercourse or have sexual contact with (1) a secondary school student receiving coaching or instruction in a secondary school setting or (2) anyone under age 18 receiving such coaching or instruction.

The new law makes sexual intercourse with a person under these circumstances 2nd degree sexual assault, punishable by one to 10 years in prison (with a nine-month mandatory minimum), a fine of up to \$10,000, or both. It makes sexual contact with a person

under these circumstances 4th degree sexual assault, punishable by up to one year in prison, a fine of up to \$2,000, or both.

The new law makes coaches of intramural or interscholastic athletics mandated child abuse reporters. Mandated reporters include school teachers, principals, guidance counselors, and school paraprofessionals. The penalty for any mandated reporter who fails to report is increased from a maximum of \$500 to between \$500 and \$2,500.

If a person holding a State Board of Education certificate, authorization, or permit is convicted of a felony or fined for being a mandated reporter who fails to report, the state's attorney or assistant state's attorney in the judicial district where the conviction or fine occurred must notify the education commissioner in writing. (PA 02-106, effective July 1, 2002)

A new law adds to the list of mandated child abuse reporters, school coaches, and licensed professional counselors. It requires those and other mandated reporters, engaged in the ordinary course of business rather than acting in their professional capacity, to report to Department of Children and Families and makes other changes to the mandated reporter law when they have reasonable cause to suspect that a child under age 18 has been

abused, neglected, or is at risk of abuse or neglect. The new law makes other changes regarding the timeframe for making reports and penalties for failing to do so. (PA 02-138)

Education Certificates

A school superintendent can now designate someone to (1) attest that a person successfully completed a beginning educator program and one year of teaching, for purposes of an application for a provisional educator certificate, and (2) sign a recommendation as evidence of competency, for purposes of an application for a professional educator certificate. Previously, only a superintendent could do this.

If a person bases his eligibility for a provisional certificate on completing three years of successful teaching in a public or private school within the previous 10 years, this fact must be attested by the (1) superintendent or his designee in the school district where the person was employed or (2) supervising agent of the nonpublic school where the person was employed. (PA 02-106, effective July 1, 2002)

Bullying Behavior and the Pledge of Allegiance

All school boards must develop a policy (1) addressing bullying and (2) ensuring that time is available during each

school day for students to recite the Pledge of Allegiance. The latter requirement cannot be construed to require anyone to recite the pledge.

The bullying policy must be developed for use starting February 1, 2003. (PA 02-119, effective July 1, 2002 for the bullying policy and October 1, 2002 for the pledge)

Disclosure of Teacher Misconduct Records

A new law makes a teacher's personal misconduct records public and subject to disclosure under the Freedom of Information Act without the teacher's consent. (PA 02-138)

Interdistrict Magnet Schools

Starting with FY 2003-04, the state reimbursement for the reasonable capital costs of buying, building, extending, replacing, leasing, carrying out a major alteration of, or buying equipment for, an interdistrict magnet school has been reduced from 100% to 95%. (PA 02-5, May Special Session, effective July 1, 2002)

Starting July 1, 2005, a new law reduces from 80% to 75% of the school's total enrollment the maximum percentage of students from one participating district that may enroll in an interdistrict magnet school. As of the same date, a magnet school's enrollment of minority students, as defined in the state's racial

imbalance law, must fall between 75% and 25%. That law currently defines racial minorities as people whose racial ancestry the federal Census Bureau defines as other than white. After July 1, 2005, a school that fails to meet these standards is prohibited from receiving a state magnet school operating grant, but the commissioner can award an otherwise eligible school a one-year grant for good cause. He may not award such a grant for a second consecutive year.

Interdistrict magnet schools must include proposed operating budgets and funding sources with their annual applications for state operating grants. They must meet with the commissioner or his designee at his request to discuss these submissions.

For FYs 2002-03 and 2003-04, the education commissioner can give supplemental grants, within available appropriations, to enhance educational programs at magnet schools. He must first review and approve the interdistrict magnet schools' total operating budgets, including all their revenue and spending estimates. (PA 02-7, May Special Session, effective upon passage)

Local Funding

Starting July 1, 2002, school districts must secure funding for the local share of a school construction project before applying for a state grant. (School construction grant

applications are due by June 30 annually.) The state reimbursement percentages applicable to projects requiring prior authorization are those in effect in the fiscal year during which the district secures local funding authorization for the project.

For each priority list the commissioner submits to the General Assembly in December 2003 and 2004, the total amount he may request for school construction reimbursement grant commitments cannot exceed \$1 billion. In each list, the commissioner must list the categories of eligible projects by priority and list each project within these categories by priority. Eligible projects left off a list because of the limit must be listed first for the following year. (PA 02-5, May Special Session, effective July 1, 2002)

School Construction

The legislature

1. authorized state grant commitments for 152 school building projects,
2. established a three-year pilot program to allow up to six new schools to be built under “design-build” contracts and allows the projects to be eligible for state school construction grants under certain conditions,
3. waived statutory and regulatory requirements to make specified projects in

many districts eligible for school construction grants, and

4. allowed certain distressed municipalities to file consolidated school construction grant applications. (PA 02-2, May Special Session, July 1, 2002)

Repealed Laws

The legislature repealed laws requiring

1. the State Board of Education to use mastery test scores and performance trends to compile a list in every other odd-numbered year of elementary and middle schools that need improvement, by school district;
2. the education commissioner or his designee, every other even-numbered year, to meet and discuss improvement plans for the listed schools with their districts' superintendents; and
3. listed schools to develop and implement school improvement plans.

If a listed school fails to make progress after two years, its local board adopt, submit for the commissioner's approval, and implement, a plan to restructure or close and reconstitute the school, provide site-based management, allow students to attend other public schools in the

district, and, in conjunction with these steps, transfer employees. (PA 02-7, May Special Session, effective upon passage)

ELECTIONS

Mail-in Voter Registration Procedures

A new law (1) creates a receipt for people who register to vote using the so-called “mail-in” voter registration application form provided by the Department of Motor Vehicles or a state voter registration agency and (2) permits a person to vote whose name is not on the official checklist but who has such a receipt and identification. (PA 02-83, effective January 1, 2003)

Election Laws

A new law

1. raises the threshold amount for the exemption from forming a committee and reporting contributions and expenditures (effective January 1, 2003 and applicable to primaries held on or after that date);
2. creates an exemption from the campaign contribution definition (effective January 1, 2003 and applicable to primaries held on or after that date);
3. authorizes the use of debit cards for party committee spending and credit cards for campaign contributions

- (effective January 1, 2003 and applicable to primaries held on or after that date);
4. requires (a) voters at an election where paper ballots are used to show identification and (b) voting officials to determine voters’ eligibility before, rather than after, they mark their ballots (effective upon passage);
5. extends the State Elections Enforcement Commission’s (SEEC) authority to include personal jurisdiction over a nonresident, or his agent, who contributes to or makes expenditures for any candidate, party committee, or political committee (known as a PAC) of \$200 or more (effective upon passage);
6. conforms a provision designating illegal practices in the campaign finance law to the law on an individual’s maximum allowable cash contribution (effective January 1, 2003 and applicable to primaries held on or after that date); and
7. permits the notice that registrars of voters give of the date and time they will be compiling the voter registry list before an election to be published in a newspaper other than as a legal notice. (effective upon passage) (PA 02-130)

ENVIRONMENT LAND USE

Sewer Project Funding

Starting July 1, 2002, eligible water quality projects that address only sewer collection and conveyance systems must be funded entirely through loans rather than with 20% grants and 80% loans. The law already requires all eligible water quality projects to be 100% funded through loans, starting in FY 2006-07.

The Department of Environmental Protection must rate, rank, and fund sewer collection and conveyance system projects separately from other eligible water pollution control projects. Such projects may be considered only if they are either (1) highly consistent with the state conservation and development plan or (2) primarily needed as the most cost-effective solution for an existing area-wide pollution problem and incorporate minimal growth capacity. (PA 02-5, May Special Session, effective July 1, 2002)

Idling School Buses

A new law prohibits stopped school buses from idling their engines for more than three minutes, with certain specified exceptions. It makes a first violation an infraction, for which the total amount due is \$102, if paid by mail. Subsequent

offenses are punishable by fines of between \$100 and \$500. (PA 02-56)

Land Records

By law, a real estate conveyance must be recorded on the land records of the town where the real estate is located to be effective against anyone other than the grantor and his heirs. Under a new law, a conveyance that is otherwise effective and properly recorded before, on, or after October 1, 2002, is not invalid or unenforceable merely because the original documents evidencing it are converted into digital or electronic form, lost, or destroyed after the town clerk records it.

The new law specifies that if an instrument is a grant or assignment of a mortgage to a party it designates as the nominee for another, the nominee is deemed to be the grantee of the mortgage or assignment. Thus, the act requires town clerks to record the nominee's name in the grantee index. A "nominee" is someone designated to act in someone else's place, usually in a limited way. (PA 02-66)

Adverse Possession of Class I and Class II Land Belonging to Investor-Owned Water Companies

A new law prohibits adverse possession claims to watershed land owned by water companies.

But it specifies that this prohibition does not affect any adverse possession right in or to the land acquired before October 1, 2002. (PA 02-66)

Motor Vehicles

A new law eliminates the requirement that the Department of Motor Vehicles certify that the location of a dealer or repairer business does not imperil public safety, thus leaving location approval during the licensing process entirely with local officials. (PA 02-70)

Zoning Violations

Towns can now fine zoning violators for each day a zoning violation continues. The law allows towns to adopt ordinances imposing up to \$150 fines for these violations, but prior law did not explicitly allow them to reimpose a fine each day a violation continued. (PA 02-74)

Site Plan Appeals

A new law explicitly allows anyone aggrieved by a zoning commission's decision to approve or deny a site plan to appeal the decision directly to the Superior Court. (PA 02-74, effective upon passage)

Plans of Conservation and Development

Zoning commissions must now consider the town's plan of conservation and development when changing or repealing zoning regulations or zoning boundaries. The law already requires them to consider the plan when adopting regulations. The act also requires commissions to state on the record whether a proposal to adopt, change, or repeal a regulation or boundary is consistent with the plan. (PA 02-74)

The act takes effect October 1, 2002, except for the provision regarding site plan appeals, which is effective upon passage.

Zoning Petitions

A new law removes the limits on the kinds of actions zoning commissions can take on a request to change a zoning regulation or a zoning map's boundaries. Prior law allowed them to adopt or deny these requests. The Superior Court has issued conflicting rulings as to whether the power to approve a request encompasses the power to modify it. The act allows commissions to act upon the requests without limitation. (PA 02-77, effective upon passage and applicable to petitions filed on or after that date)

Municipal Employees Serving on Municipal Boards and Commissions

Municipalities can now adopt ordinances allowing their employees to serve on bodies (1) exercising planning, zoning, or land use powers and (2) regulating inland wetlands and watercourses. Prior law banned all municipal employees from serving on these boards and a board of finance unless (1) the town's charter or home rule ordinance allows it or (2) the employee serves on these boards because of his membership on the town's legislative body. The prohibition on service on a finance board or a government body that directly supervises the employee still applies. Salaried municipal officeholders can now also serve on planning commissions if the town has adopted the ordinance described here. (PA 02-83)

Affordable Housing Land Use Appeals Procedure

The legislature made several changes to the affordable housing appeals procedure law. It extended, from three to four years, the length of an appeals procedure moratorium a town can obtain. It also extended, by one year, any moratorium in effect on the act's effective date (October 1, 2002). By law, a town qualifies for a moratorium by obtaining a certification from the economic and community

development commissioner showing it meets a specific threshold of affordable housing units created since 1990.

The legislature also added deed-restricted mobile manufactured homes and accessory ("in-law") apartments to the list of affordable housing units that count toward a town earning an exemption from the appeals procedure. The deed restriction must be recorded on the land record and for at least 10 years require the units to be sold or rented at prices so that low- and moderate-income individuals or families will pay no more than 30% of their income for them. It requires the commissioner to produce, pursuant to regulations, model deed restrictions that satisfy these requirements.

Finally, the legislature eliminated the owner-occupied requirement for local-option property tax credits triggered by an affordable housing deed restriction. (PA 02-87)

Delinquent Tipping Fees

Resources recovery and solid waste facility owners and operators must notify each municipality served by a solid waste collector when the collector has failed to pay the facility's tipping fees for three consecutive months. (PA 02-116)

Real Estate Requirements

A new law allows a seller and real estate licensee to fully satisfy any duty to disclose the presence of hazardous waste facilities to a purchaser by providing him with written notice of the availability of the list of hazardous waste facilities kept by municipal clerks. The notice applies to contracts for the sale of one-to-four-family residential real estate and must be provided before or when the parties enter into a contract for sale. The duty to disclose is satisfied even if (1) the required list has not been submitted; (2) the list has not been received or made available; or (3) the list contains an error, omission, or inaccuracy.

The new law prohibits anyone from interpreting its provisions to impose liability on a seller or real estate licensee for failing to disclose the existence of hazardous waste facilities. It also specifies that sellers and real estate licensees are not required to compile or contribute to the compilation of the list. (PA 02-122)

Wastewater Discharges in Drinking Water Supply Watersheds

A new law bars the environmental protection commissioner from issuing a discharge permit for an alternative on-site sewage treatment system within a drinking water supply watershed, unless he determines that such a system is

1. the only feasible solution to an existing water pollution problem and its capacity does not exceed that of the failed on-site system, or
2. necessary to expand a municipal or public school project or construct a new one on the site of an existing municipal or public school project in a town where a majority of the land is located within a drinking water supply watershed.

The new law applies specifically to alternative on-site sewage treatment systems defined in the Public Health Code as “a system serving one or more buildings on one property which utilizes a method of treatment other than a subsurface sewage disposal system and which involves a discharge to the waters of the state.” Subsurface sewage treatment systems include septic tanks and accompanying leaching systems. Alternative on-site sewage treatment systems usually involve some means of pre-treating sewage before it enters a septic system.

Prior law required the commissioner to issue a discharge permit for any facility if the application was consistent with the federal Clean Water Act and (1) the discharge would not pollute state waters or (2) the system proposed to treat the discharge would protect state waters from pollution. (PA 02-129)

Mediating Wetlands Appeals

A new law allows parties to resolve appeals from certain watercourse or wetland decisions through mediation, amends the current mediation procedures that apply to land use appeals, and makes these amended procedures apply to wetlands appeals. (PA 02-132)

FINANCE

Contracts

Contractors awarded contracts on and after October 1, 2002 for state and municipal prevailing wage projects must adjust wage and benefit contributions each July 1 during the contract to reflect changes in the prevailing wage. They must contact the labor commissioner by each July 1 during the contract to find out the current prevailing wage and contribution rates. (PA 02-69)

Refunding Bonds

A new law increases municipalities' flexibility to refinance their outstanding debt and establishes conditions under which they may enter into agreements to manage interest rate fluctuations in connection with the sale or issuance of municipal bonds or notes. (PA 02-108, effective upon passage)

Short Term Borrowing

When towns decide to issue general obligation bonds to fund a project, the law allows them to issue temporary notes in anticipation of receiving the bonds' proceeds. A new law extends, from four to eight years, the maximum time period during which towns can renew these notes.

The new law correspondingly extends the deadline by which towns must repay the notes from the fourth year to the eight. By law, towns must annually budget an amount equal to at least 5% of the project's net cost to repay the original notes. The funds for this budgeted item can come from any source except grants received to fund the project or proceeds from the notes.

Existing law also requires towns to issue and begin repaying the general obligation bonds within a prescribed time period if they decide to issue temporary notes. The act extends the date when annual payments must begin to pay off the bonds from five to nine years after the original notes were issued. (PA02-114)

Lines of Credit

Municipalities can now obtain lines of credit and other similar financing in connection with issuing or refunding bonds from qualified public depositories. By law, qualified public depositories include credit unions as well as

Connecticut and out-of-state banks with branches in Connecticut that receive or hold public deposits and collateral for such deposits. Municipalities can already get such credit from commercial banks, insurance companies, and their subsidiaries.

Municipalities also have more latitude to execute different types of agreements for obtaining credit when issuing or refunding bonds. Previously, they could execute agreements only with parties whose unsecured long-term debt is rated at least in the AA category by one nationally recognized rating agency. Now, they can execute agreements with parties whose unsecured long-term obligations are rated in the lower A category if they (1) can provide collateral to enhance their credit and (2) are a qualified public depository. (PA 02-5, May Special Session, effective upon passage)

GOVERNANCE

Fines

A new law eliminates the fine of up to \$50 that may be imposed on town clerks who neglect their duties, but state's attorneys must still investigate complaints alleging, among other things, that a clerk was guilty of willful and material neglect or incompetence in performing his duties.

The new law also eliminates the maximum fines that may be

imposed on certain local elected officials for refusing to perform duties. Specifically, it eliminates the

1. \$30 fine on elected tax assessors who refuse to be sworn or perform their duties;
2. \$10 fine on any other elected official (except a town clerk) who neglects to perform his duties or declares his intention not to perform them; and
3. \$5 fine on anyone elected to any office who refuses to accept the office and take the required oath. (PA 02-89)

Town Meetings

By law, voting at town meetings is limited to registered voters and citizens at least 18 years old who owned property in the town assessed at \$1,000 or more. A new law specifies that the "citizens" must be U.S. citizens. (PA 02-130, effective upon passage)

Caucus Exemption

A new law allows members of a public agency to register with either the secretary of the state or town clerks their intention to act as a caucus, regardless of their political party affiliation, and thereby meet without being subject to the open meeting provisions of the Freedom of Information Act (FOIA). Each agency member may register in

only one caucus at a time. A member cannot change his caucus affiliation for FOIA purposes for the duration of his term of office, and he retains his caucus membership regardless of any change in his political party enrollment. (PA 02-130, effective upon passage)

Freedom of Information Exemptions

The following records are exempted from disclosure under the FOIA if reasonable grounds exist to believe their release could pose a safety risk, including harm to anyone or any facility or equipment owned or leased by the state; a town; public service company; certified telecommunications provider; or municipal gas, electric, or water services utility:

1. engineering and architectural drawings;
2. security systems' operational specifications (except a general description, cost, and quality of such a system) ;
3. training manuals that describe security procedures, emergency plans, or security equipment;
4. internal security audits; and
5. logs or other documents containing information on security personnel movement or assignments.

The act also exempts, under the same circumstances: (1)

security manuals; (2) emergency plans and emergency recovery or response plans; and (3) staff meeting minutes or records, or portions of them, that contain or reveal security information or otherwise exempt records. (PA 02-133)

Documents

With a few exceptions, public agencies must now keep military discharge documents apart from other records and confidential for at least 75 years after the date they are filed. Members of the public can now copy public records using hand-held scanners. (PA 02-137)

Assistants for Towns Clerks and Registrars of Vital Statistics

A new law allows town clerks to appoint more than three assistants. It also eliminates a requirement that town clerks or registrars of vital statistics get a town selectman's approval on appointing assistants, unless the town charter or ordinance provides otherwise. (PA 02-137, effective January 1, 2002)

HOUSING

Disposition of State-assisted Housing Properties in Default

The economic and community development commissioner can now operate a housing project and receive state and federal

funds on its behalf when he acquires the project to preserve the state's interest under the contract that initially funded it. (PA 02-99, effective July 1, 2002)

Housing Loan Portfolio

DECD must arrange to transfer all or part of its housing loan portfolio to the Connecticut Housing Finance Authority (CHFA), in consultation with it, the Office of Policy and Management (OPM) secretary, and state treasurer. (PA 02-5, May Special Session, effective July 1, 2002)

Housing Revolving Loan Fund

The legislature established a revolving fund to provide low-interest loans to renovate and repair apartment buildings located in distressed municipalities to meet the State Building Code or other state or municipal health codes or to otherwise make buildings suitable for tenants.

To be eligible, a building must have no more than 20 residential units, which may include a unit occupied by the owner. (PA 02-5, May Special Session, effective July 1, 2002)

Window Replacement Program

The economic and community development commissioner must establish a three-year matching grant demonstration program to promote environmentally safe

housing and energy conservation by repairing and replacing wooden windows in two-to-six-family buildings built before 1950. He may run the program in one or more municipalities. Of the first three, at least two must have populations of 100,000 or over and one must have a population under 100,000. The maximum grant is \$100 per window. (PA 02-5, May Special Session, effective July 1, 2002)

PROPERTY TAXATION

Revaluation

A new law changes several revaluation requirements. From October 1, 2003 to October 1, 2007, a municipality can forgo its next scheduled revaluation if it can show through specific statistical calculations that the fair market value of both its properties in specific classes and all its properties is relatively stable. An 11-member committee appointed by the OPM secretary must review the accuracy of the statistical data and calculations towns use to certify revaluation exemptions. The committee must consist of local assessors, representatives from towns of various sizes, people with expertise in statistical analysis, and an OPM employee.

The OPM secretary must (1) rescind exemption certification if the review committee finds a town did not comply materially with the new law and (2) impose

unspecified monetary penalties on towns that deliberately use the law's exemption to subvert revaluation requirements.

Starting July 1, 2002, these changes supersede contrary special acts, charters, and home rule ordinances.

Starting October 1, 2002, the new law requires a town that does its quadrennial revaluation ahead of its statutory schedule to follow the statutory schedule for its subsequent revaluations instead of doing its subsequent revaluation four years after its early revaluation. It also requires local legislative bodies to appoint additional members to the board of assessment appeals in any year, not just in the year when, before, or after a revaluation becomes effective. (PA 02-49, effective upon passage)

Quadrennial Statements

Religious organizations that own cemeteries must now file their quadrennial statements that they meet the criteria for property tax exemptions with the local assessor, rather than the OPM secretary. (PA 02-49; effective upon passage)

Tax Collection

The definition of a "consumer collection agency" now includes a person who collects property tax from a property tax debtor on a municipality's behalf. A "property tax debtor" is any person or organization who incurred

indebtedness or owes a debt to a municipality because the municipality levied a property tax. Consumer collection agencies cannot physically receive funds for a creditor municipality, but can contact debtors in the municipality's stead. (PA 02-111, effective July 1, 2002.)

A new law doubles, from \$50,000 to \$100,000, the maximum value of a parcel of property against which municipal tax collectors can bring a summary tax foreclosure action. It also allows tax collectors to file summary foreclosure petitions in Superior Court twice, rather than once, in each calendar year. (PA 02-137, effective October 1, 2002)

Veterans' Property Tax Exemption

A new law allows municipalities to increase, from \$1,000 to \$10,000, their optional property tax assessment reduction for low-income wartime veterans or their surviving spouses. (PA 02-137) To qualify for the exemption a veteran or surviving spouse generally must have an annual income of no more than \$25,400 if single or \$31,100 if married. The municipal option veterans' exemption is in addition to other property tax exemptions for veterans and disabled veterans, some of which are also income-based.

State' Security Interest in Certain Personal Property

A new law establishes a process for the state to recover its reimbursements to municipalities for revenue they lose from mandated property tax exemptions for new and newly acquired machinery and equipment used in manufacturing or biotechnology. (PA 02-143, July 1, 2002 and applicable to personal property tax exemptions in which the state has a security interest for the October 1, 2001 and subsequent assessment years)

PUBLIC EMPLOYEES

Minimum Wage Increase

The minimum wage goes up for most employees from \$6.70 to \$6.90 on January 1, 2003 and to \$7.10 on January 1, 2004. In both cases, if 100.5% of the highest federal minimum wage rounded to the nearest whole cent is higher, it becomes the minimum wage. (PA 02-33, effective July 1, 2002)

Employment Protection

A new law bars employers from firing or otherwise penalizing, threatening, or coercing an employee for

1. attending a court proceeding or participating in a police investigation related to a criminal case in which he was a victim;

2. having a restraining order issued on his behalf in a domestic violence case; or
3. having a protective order issued on his behalf by a court in Connecticut or another state, as long as the out-of-state order is registered here.

It also prohibits all employers, including the state and its political subdivisions, from taking certain actions against people who have had their arrest, criminal charge, or conviction records erased. Under prior law, the portion of a job application containing an applicant's arrest record information was available only to members of an employer's personnel department or the person in charge of hiring. The new law allows the information to be given also to employees or agents of the employer involved in interviewing the applicant. But it extends the confidentiality requirements to the entire criminal history record of job applicants and employees. (PA 02-136)

PUBLIC HEALTH

One Stop Family Centers

The education and public health commissioners must develop a plan to co-locate, where feasible, family resource centers and school-based health clinics established after July 1, 2002. By law, new family resource centers must be located

in public elementary schools, unless the education commissioner grants an exception. (PA 02-36 effective upon passage)

Residential Wells

Local health directors can now issue a permit for a new or replacement well on a residential property only if

1. the well water is used only for irrigation or other outdoor purpose, is not used for human consumption, and a reduced pressure device is installed to protect against a cross-connection with the public water supply;
2. the well replaces one that was used at the premises for domestic purposes (i.e., drinking, bathing, washing clothes and dishes, and cooking) and is subject to water quality testing when it is installed and at least every 10 years afterward or as requested by the health director; or
3. Department of Public Utility Control has ordered the public water system to reduce the demand on it, the well is not connected to the public water supply, and use of the well does not impair the purity or adequacy of the supply or service to the system's customers. (PA 02-102)

Single Family Regulatory Exception

A local health director, regardless of Department of Public Health regulations can also authorize under certain conditions an existing well's use or its replacement at a single family residence located within 200 feet of a public water supply. This can occur

1. for a replacement well used for domestic purposes if (a) the premises are not connected to the public water supply, (b) the water quality is tested at installation and at least every 10 years afterward or as requested by the health director, (c) the testing shows the well meets the Public Health Code's water quality standards for wells, and (d) all other regulatory requirements are met and
2. for a new or replacement well on a premises served by a public water supply if (a) it is used solely for irrigation or some other outdoor purpose, (b) it is permanently and physically separated from the home's internal plumbing, and (c) a reduced pressure device is installed to protect against a cross-connection with the public water supply. (PA 02-102)

PUBLIC SAFETY

Fire Police Officers

Fire police officers directing traffic while wearing their regulation dress uniform cap after dark or in inclement weather can wear lime green raincoats or outer clothing as an alternative to orange, which prior law required. (PA 02-59)

Architects Licensure and Building Certification

A new law (1) revises an exemption from the requirement that building plans be sealed by a licensed architect for structures smaller than 5,000 square feet and (2) eliminates a notice that must be given to a local building official before the filing of a building permit application for a building that exceeds the "threshold limits." (PA 02-59)

Building Code and Fire Safety Codes

A new law requires the state building inspector and state Codes and Standards Committee must create a list of state building code exemptions, variations, and equivalent or alternate compliance that the building inspector granted for existing buildings (as opposed to new construction) in the previous two calendar years. They must do this by January 1, 2003. The

new law requires the state fire marshal to create a similar list for the state fire safety code by the same date. The building inspector must create his list in conjunction with the public safety commissioner. The officials must update the lists every two years.

The new law requires the commissioner, within available appropriations, to take appropriate actions to publicize the building code list, send it to local building officials, and educate these officials and the public on how to use it. He must do this by April 1, 2003. The state fire marshal must do the same for the fire code list with regard to local fire marshals.

Lastly, the new law gives local building officials 15 business days to send to the state building inspector, by first class mail, applications people submit for building code exemptions, variations, or alternate or equivalent compliance, and their comments on the merits of the applications. (PA 02-72)

Building Permits for Tradespersons

Plumbers, electricians, sheet metal workers, and other specified tradesmen cannot start to work on a project unless the required state and local building or construction permits relating to their trade have been obtained. (PA 02-82)

Obsolete Building Safety Laws

The legislature repealed the law prescribing the number and placement of stairways and fire escapes in certain public buildings and apartment houses. It also eliminated civil liability, fines, and jail penalties for owners whose buildings do not either comply with that law or conform with building and fire codes.

The legislature also repealed a law requiring factory owners to remove stained, painted, or corrugated glass windows that are injurious to employees' eyes, if ordered to do so by the labor commissioner, and a fine of up to \$50 for violations. (PA 02-89)

Police Officers Working in Youth in Crisis

Police officers and local government and community agency officials who work with youths in crisis (like youth service bureau staff) now have the same immunity from personal liability that they have when working with families with service needs. The law immunizes them from liability for damages for personal injuries that arise from the child or his parents voluntarily terminating services. (PA 02-109)

Building Officials' Qualifications

The public safety commissioner can now determine and substitute equivalent experience for the statutorily specified experience required for becoming a local or assistant building official (at least five years in construction, design, or supervision for a building official and at least three years for an assistant building official). (PA 02-115)

Seizure of Firearms in Family Violence Cases

A new law (1) allows a peace officer to seize a firearm in plain view at the scene of a family violence crime even if no arrest is made; (2) expands the circumstances under which the firearm may be seized to include crimes involving dating relationships; (3) allows for the seizure from someone suspected of committing a crime but not arrested; and (4) increases, from up to 48 hours to up to seven days, the time a peace officer has to return a firearm seized at a domestic violence crime scene to its rightful owner. (PA 02-120)

Automatic External Defibrillators

A new law allows towns to use Local Capital Improvement Program funds to buy automatic

defibrillators. (PA 02-5, May Special Session, effective July 1, 2002)

Electric Personal Assistive Mobility Devices

A new law allows certain people to use an “electric personal assistive mobility device” (commonly called Segway) on sidewalks and to cross certain highways without an operator’s license or a vehicle registration. It applies to anyone age 16 or older who has disabilities that limit or impair his ability to walk, and who has been issued a handicapped parking placard by the motor vehicle commissioner to operate such a device on any sidewalk. (PA 02-7, May Special Session, effective upon passage)

PUBLIC UTILITIES

Municipal Representatives on Connecticut Resources Recovery Board

The legislature increased, from two to five, the number of directors who must represent municipalities who are members of the Connecticut Resource Recovery Authority’s (CRRA) board of directors. It also allowed CRRA to borrow up to \$115 million from the state, under certain conditions and required its board to report on its efforts to mitigate the effects of lost revenue from the CRRA-Enron-

Connecticut Light and Power Company transaction. (PA 02-46, effective upon passage)

Water Authorities and Sewer Authorities

The legislature (1) increased the membership of the Southeastern Connecticut Water Authority (SCWA) governing board and made related changes, (2) expanded the powers and duties of SCWA’s advisory board, and (3) required SCWA to revise its water supply plan or adopt a new plan. (PA 02-76, effective upon passage)

The legislature redefined the boundaries of regional water pollution control authorities’ jurisdiction. Previously, the jurisdiction of an authority matched the outermost boundaries of its member towns. Now, an authority has jurisdiction only over areas agreed upon by the member towns. The Superior Court within the judicial district that includes an area within the authority’s boundaries has jurisdiction over an authority dispute. (PA 02-85)

A new law tightens conditions under which a public water system can sell water above the amount it needs to properly supply inhabitants of a service area. Prior law allowed the public health commissioner to permit a public water system to sell excess water only if it could show that an abundant supply existed for its service area for five

years. Now, the system must show that it has an abundant supply for 10 years. The system purchasing the water must agree to an emergency water usage restriction in concurrence with that of the supplying system. By law, a system's permission to sell excess water is valid for 10 years and may be renewed with the commissioner's approval. (PA 02-85, effective January 1, 2003)

The legislature expanded the South Central Connecticut Regional Water Authority's purpose to include purchasing and managing wastewater systems (and defines "wastewater system") and conserving water. It made many conforming technical changes to the authority's charter. It also expanded the ways the authority can repay bonds and made changes to provisions governing bidding, employee indemnification, code of ethics, board member compensation, and appeals of board decisions. (PA 02-85, effective upon passage)

Water Utility Coordinating Committees

By law, a water utility coordinating committee (WUCC) establishes the exclusive service area of the water utilities in its area. If the WUCC cannot agree on the exclusive service area boundaries, it has to consult with the DPUC. If there is no agreement after the consultation, the Department of Public Health

(DPH) commissioner must establish the boundaries.

A new law authorizes a WUCC to change the exclusive water service area boundaries. The WUCC must still consult with DPUC if there is no agreement on the changes. The DPH makes a final determination when there is no agreement after the consultation with DPUC. In considering any change to the boundaries, the DPH commissioner must (1) maintain existing service areas, (2) consider established exclusive service areas, and (3) consider the orderly and efficient development of public water supplies.

By law, each WUCC must prepare a coordinated water system plan in the public water supply management area. DPH must approve the plan and adopt regulations establishing plan contents and the approval procedure. DPH must now adopt regulations on procedures for amending a plan. (PA 02-139)

SOCIAL SERVICES

State and Town Medical Assistance

A new law eliminated coverage under the state-administered medical assistance program and town general assistance programs for eye care, optical hardware, optometry care, podiatry, chiropractic,

naturopathy, and home health care. (PA 02-7, May Special Session, effective upon passage)

STATE AID

Mashantucket Pequot and Mohegan Fund Grants

By law, the Mashantucket Pequot and Mohegan Fund provides annual (1) basic and supplemental grants to municipalities and (2) impact grants to those municipalities located closest to the casinos. Under prior law, the supplemental funding is used to increase the basic and impact grants proportionately. Beginning FY 2002-03, the supplemental grant is reduced from \$49,750,000 to \$47,500,000. By law, the amount of supplemental grants must be reduced proportionately if the total grants payable to each municipality exceed the amount appropriated for such grants in any year.

The new law gives Norwich a \$500,000 impact grant and it increases the amount of impact grants that other towns currently get from the fund as follows:

	<i>Current</i>	<i>New</i>
Ledyard	\$175,000	\$500,000
Montville	\$150,000	\$500,000
North Stonington	\$175,000	\$500,000
Preston	\$175,000	\$500,000

(PA 02-7, May Special Session effective upon passage)

Appropriations to Municipalities

The grants payable to municipalities under the following programs have been proportionally reduced to remain within available appropriations:

1. additional veterans' property tax reimbursement;
2. state reimbursement for loss of property tax under the circuit breaker program;
3. state reimbursement in lieu of tax revenue from totally disabled persons, elderly property tax freeze recipients, newly-acquired machinery and equipment in manufacturing facilities, and commercial vehicles;
4. payments to municipalities for full- and part-time municipal health departments, and
5. payments to health districts.

(PA 02-7, May Special Session, effective upon passage)

Budget Reductions

The budget act expanded the governor's authority to reduce allotments. It requires any reduction of allotments for municipal aid "to be proportionately reduced to remain within the revised allotments." (PA 02-7, May Special Session, effective upon passage)

Capital Improvement Bond Authorizations

A new law changes the total bond authorizations for various programs as shown in Table 1:

Table 1: Total Authorizations

Program	Total Authorization (million)		
	<i>Current</i>	<i>New Law</i>	<i>Change</i>
Urban Action Bonds: Total Program Authorization	\$953.7	\$907.0	(\$46.7)
Urban Action Bonds – economic and community development projects component	81.3	74.6	(6.7)
Urban Action Bonds – urban development projects component	825.3	785.3	(40.0)
Capital Equipment Purchase Fund	227.5	230.0	2.5
School construction grants	3,158.36	3,108.36	(50.0)
School construction interest subsidy grants	121.0	171.0	50.0
Clean Water Fund	797.83	801.03	3.2
CDA Connecticut Works Fund	128.0	95.0	(33.0)
Manufacturing Assistance Act	525.3	505.3	(20.0)
Capital Region Education Council for New Britain early childhood magnet school expenses	1.8	0.5	(1.3)

Annual Authorizations

The annual authorizations for various bond-funded programs have been changed and deferred as shown in Table 2:

Table 2: Annual authorizations (millions)

Program	<i>Current Law:</i> Effective July 1, 2000	<i>Current Law:</i> Effective July 1, 2002	<i>New Law:</i> Effective July 1, 2002	<i>New Law:</i> Effective July 1, 2003
Urban Action Bonds-Total		\$142.0	0	\$107.0
Urban Action Bonds – economic and community development projects component		2.0	0	7.0
Urban Action Bonds – urban development projects component		140.0	0	100.0
Capital Equipment Purchase Fund		17.0	19.5	
Local Capital Improvement Projects		30.0	0	65.0
School construction		450.0	0	20.0
School construction interest subsidy grants	17.0		50.0	
Clean Water Fund		40.0	0	60.0
Manufacturing Assistance Act		30.0	0	10.0

(PA 02-5, May Special Session, effective July 1, 2002)

TRANSPORTATION

Cattle Crossings

A new law allows local traffic authorities to create distinct crossing areas for cattle and livestock by placing appropriate indicators at dangerous crossing paths and intersections used for guided cattle or livestock crossing, especially near farms. Indicators include devices, markers, or lines on the highway prescribed by State Traffic Commission regulations. The State Traffic Commission is the legal traffic authority for state highways. A local traffic authority can be a police chief, police commission, city or town manager, board of selectmen, or any other legally elected or appointed official or board, depending on the type of municipality.

Drivers must yield the right-of-way to guided cattle or livestock crossing in designated areas by slowing or stopping. They may not overtake another vehicle that stops for such a crossing. Anyone guiding cattle or livestock must yield to an emergency vehicle displaying signals or audible warnings reasonably indicating it is operating in an emergency situation. But emergency vehicle drivers must exercise due care in avoiding people and guided cattle or livestock. A violation is an infraction. (PA 02-57)

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