

Office of Legislative Research
Connecticut General Assembly



OLR MAJOR ACTS

2008-R-0307

NOTICE TO READERS



These summaries are intended to briefly describe the most significant, far-reaching, and publicly debated acts (including resolutions) passed by the General Assembly in its 2008 regular session. Not all provisions of these acts are included. Our 2008 Public Act Summary book, which contains detailed summaries of all public acts, will be available this fall.

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The Major Acts are posted on the intranet at <http://cgalites/olr/> and on the Internet at <http://cga.ct.gov/olr/>. This report does not include an Office of Fiscal Analysis budget summary because the General Assembly did not pass a budget during the regular session. We will issue a supplemental report on Major Acts adopted during any special session.

The Office of Legislative Research also produces a number of specific reports highlighting legislation in various subject areas, including acts affecting children, senior citizens, the environment, and business. These reports will be available throughout the summer and on request.

Finally, we refer to Major Acts to which the Legislative Commissioners' Office has assigned a Public Act number by that number. In other cases we refer to the Major Act by its bill number.

BANKING

Mortgage Relief

The legislature addressed the current mortgage crisis by specifically authorizing the Connecticut Housing Finance Authority (CHFA) to (1) continue the CT FAMILIES refinancing program and (2) implement mortgage refinancing and emergency mortgage assistance programs (EMAP). sHB 5577 allows CHFA to develop and implement a program for it to purchase foreclosed Connecticut property and turn it into supportive and affordable housing. The act requires WorkPlace, Inc., in conjunction with the other regional workforce development boards and one-stop centers, to establish a mortgage crisis job training program.

The act requires the chief court administrator, by July 1, 2008, to establish a foreclosure mediation program in each judicial district to run through 2010. The act establishes several requirements for mortgage loans (mainly for “nonprime loans,” which it defines) and for mortgage professionals making those loans and makes additional regulatory changes, including increasing bond requirements for lenders and brokers. It also makes a number of changes to the National Mortgage Licensing requirements adopted under PA

07-156. The act establishes a commission on nontraditional loans and home equity lines of credit.

sHB 5577 is effective July 1, 2008, except for the CT FAMILIES program, state assistance for EMAP, the establishment of the mediation program, and the nontraditional mortgage commission provisions, which are effective on passage.

BUSINESS AND LABOR

Minimum Wage Increase

The legislature raised the state minimum hourly wage from \$7.65 to \$8 beginning January 1, 2009, and to \$8.25 beginning January 1, 2010.

sHB 5105 is effective October 1, 2008.

15-Year-Old Workers

This act reinstates a law, which expired on September 30, 2007, that permits 15-year-olds to work as baggers, cashiers, or stock clerks in retail businesses under certain restrictions. It permits them to work (1) only during school vacations, except in retail food stores where they can work on any Saturday; (2) for up to eight hours a day or 40 hours a week; and (3) between 7 a.m. and 7 p.m., except that from July 1 to the first Monday in September, they may work until 9 p.m.

The act retroactively makes lawful the employment of 15-year-olds in retail after the prior law expired if the employer had met the applicable work day and hour restrictions. It specifically exempts employers who employed 15-year-olds under these conditions from criminal and civil penalties for doing so.

sSB 216 is effective upon passage.

CONSUMER PROTECTION

Children's Product Safety

In the wake of national reports about tainted toys, the legislature established limits for lead in children's products. With certain exceptions, sHB 5650 makes children's products that fail to comply with these limits banned hazardous substances under the State Child Protection Act. It also prohibits the sale of toys or other articles marketed for children under age 16 that contain asbestos.

The act requires retailers and other businesses selling a banned hazardous substance to complete a certificate that accounts for its disposal. It requires the Department of Consumer Protection (DCP) to post on its website a list of banned toys and other articles intended for use by children and compile a list of toxic substances that potentially should not exist in children's products and safer alternatives to them. DCP may

adopt regulations requiring certain consumer products to have warning labels if they bear lead-containing paint. DCP must do all of these activities within its available appropriations.

The act increases related criminal and civil penalties and makes it an unfair trade practice for: (1) a store to fail to post notices when DCP designates an article as a banned hazardous substance and (2) an establishment where hazardous substances are manufactured to refuse to allow a DCP inspector or investigator to inspect or obtain a sample.

sHB 5650, as amended by sHB 5025, is effective October 1, 2008, except the provisions concerning the disposition certificate and the interstate clearinghouse, which are effective upon passage.

CRIMINAL LAW

Persistent Dangerous Felony Offenders

This act sets minimum and, in some instances increases maximum, penalties for persistent dangerous felony offenders. By law, someone is a persistent dangerous felony offender if he or she stands convicted of certain crimes and has prior convictions of certain crimes and the prosecutor elects to charge him or her as a persistent dangerous felony offender.

Under prior law, the penalty for someone who met the criteria to be a persistent dangerous felony offender with one of the required prior convictions was up to 40 years. Under the act, the penalty instead is a range from (1) twice the minimum penalty for the crime the person stands convicted of, including twice any mandatory minimum sentence that applies, to (2) the greater of 40 years or twice the maximum penalty for the crime the person stands convicted of.

Under prior law, someone who met the criteria to be one of these offenders and had two of the required prior convictions was sentenced to up to life in prison (statutorily defined as up to 60 years). The act retains the life sentence as the maximum penalty and imposes a minimum term of three times the minimum penalty for the crime the person stands convicted of, including three times any mandatory minimum sentence that applies.

PA 08-51 is effective upon passage.

Hate Crimes

This act makes it a discriminatory practice to place a noose or simulation of one (1) on public property or on private property without the owner's written consent and (2) with intent to intimidate or harass

someone based on religion, national origin, alienage, color, race, sex, sexual orientation, blindness, or physical disability.

Committing a discriminatory practice is a class A misdemeanor punishable by up to one year in prison, a fine of up to \$2,000, or both. If property damage over \$1,000 results, it is a class D felony punishable by up to five years in prison, a fine of up to \$5,000, or both. It is also a class D felony if the offender (1) wears a mask, hood, or other device designed to conceal his or her identity and (2) intends to deprive another person of any legally guaranteed right because of his or her religion, national origin, alienage, color, race, sex, sexual orientation, blindness, or physical disability.

PA 08-49 is effective October 1, 2008.

EDUCATION

Implementing the Sheff Agreement

The legislature responded to the latest *Sheff v. O'Neil* settlement agreement by expanding the entities that may establish and operate interdistrict, "Sheff" magnet schools to include those run by public and private colleges and universities and nonprofit corporations approved by the education commissioner. New laws permit these entities to

receive state school construction grants; funds for capital start-up costs; and operating, academic support, summer school, and transportation grants.

Sheff magnets that begin operations between July 1, 2008 and June 30, 2009 can, under these new laws, enroll students directly from any district without participation agreements. In general, interdistrict magnet schools may enroll students directly only if they have unused capacity after accommodating students from participating districts under an enrollment agreement.

The new laws also expand the criteria the education commissioner must consider before approving annual operating grants for Sheff magnets to include whether a school is meeting the Sheff desegregation standard. The commissioner may not approve a grant for any Sheff magnet that does not meet the standard by its second year of operation unless he determines that, to comply with the agreement, it is appropriate to continue the grant.

Other implementing provisions address Hartford preschool children and academic support for Hartford students in the Open Choice program, and grants to magnet schools operated by regional education service centers (RESCs).

In related action, the legislature limited the requirement for districts not participating in an interdistrict magnet school to pay for students to attend that school. It did this by requiring a magnet school's operator to give preference to students from districts that do not participate in any interdistrict magnet schools or in the Open Choice program, rather than just the school in question. The act limits the law's tuition formula for these students to tuition charged by interdistrict magnet schools operated by RESCs. And it sets requirements for districts to maintain participation in an interdistrict magnet school.

SB 402 is effective July 1, 2008.

SB 404 is effective July 1, 2008.

School Funding

Starting with FY 10, this act raises the minimum proportion of any annual increase in the Education Cost Sharing (ECS) grant that a town must allocate to education spending in order to meet its minimum budget requirement (MBR). It generally increases the MBR percentage range from 15% to 65% of any ECS grant increase a town receives to 50% to 80%, thus requiring all towns to allocate at least half of any annual ECS grant increase to increased education spending. It also

establishes a special MBR for school districts in need of improvement and certain regional school district towns with falling enrollment.

The act eliminates the existing formula for distributing priority school district school readiness grants and substitutes a temporary distribution formula for FY 09 that is based on each district's school readiness program capacity. It eliminates a special allocation of \$3,483,750 of the school readiness appropriation to be shared among seven districts. It allows up to 2% of the school readiness grant appropriation to be allocated for competitive school readiness grants that are determined by August 1 annually. And it raises the maximum per-child cost of the school readiness program for FY 09 to \$8,346, a 4% increase.

SB 404 is effective July 1, 2008.

School Discipline

This act extends to July 1, 2009 the implementation date of a 2007 law that (1) generally prohibits out-of-school suspensions and (2) extends, from five to 10 days, the maximum length of in-school suspensions. The act provides that in-school suspensions may be served in any school building under a school board's jurisdiction. It also requires the education commissioner, by

October 1, 2008, to issue guidelines to help boards determine whether a pupil should receive an in-school or out-of-school suspension.

The act also expands the definition of bullying and requires school boards to implement the bullying policies the law requires them to adopt. Finally, it (1) requires people in a teacher preparation program to be encouraged to complete a school bullying and suicide prevention component and (2) requires teachers to receive in-service training in bullying prevention. Boards of education that implement an evidence-based model approach to bullying do not have to provide the training.

sHB 5826 is effective July 1, 2008, except for the provisions on the suspension definition and guidelines, which are effective upon passage, and the in-service training, teacher preparation training, and SDE policy review provisions, which are effective July 1, 2009.

UConn Health Center

This act implements the recommendations of the Connecticut Academy of Science and Engineering (CASE) needs-based analysis of the UConn Health Center (UCHC) facilities plan in two phases and requires the Office of Legislative Management to contract with

CASE to act as an independent monitor during the implementation process.

In phase 1, the UCHC and one or more regional hospitals must develop a mutual vision for establishing affiliation agreements. In phase 2, they must articulate the affiliation agreements that detail their working relationships to support excellence in medical education. CASE must report on the implementation process by June 30, 2008 for phase 1 and January 30, 2009 for phase 2, to the legislature, UCHC, Office of Policy and Management, and any regional hospital involved.

sSB 51 is effective upon passage.

ENVIRONMENT

Connecticut Global Warming Solutions

This act mandates reductions in state greenhouse gas (GHG) emissions by 2020 and 2050 and makes changes designed to help the state achieve these reductions. Connecticut joins California, New Jersey, Hawaii, and Washington in adopting mandatory state caps.

It requires certain state agencies to identify (1) activities and facility improvements to meet state energy saving goals and (2) policies and regulations to help meet the emission limits. It also requires the Department of Environmental Protection

(DEP) commissioner, with the help of a regional nonprofit air quality and climate organization, to publish a baseline inventory of GHG emissions and recommend strategies, regulatory actions, and policies to achieve the necessary emission reductions.

The act requires the Governor's Steering Committee on Climate Change to create a subcommittee to assess the impact of climate change on the state and recommend to the governor and legislature ways the state can adapt to, and mitigate, harmful impacts.

It also (1) requires the Department of Transportation to continue to investigate, within available appropriations, the potential for improving the state transportation system in ways to reduce GHG emissions; (2) requires DEP to keep abreast of low carbon fuel standards elsewhere; and (3) authorizes DEP to work with other states and Canadian provinces to develop market-based compliance mechanisms to achieve the GHG limits.

sHB 5600 is effective October 1, 2008.

Environmentally Stressed and Environmental Justice Communities

This act places additional requirements on applicants seeking permits, certificates, or siting approval from DEP or the Siting Council for certain new or

expanded facilities. These “affecting facilities” include electric, waste, and sewage treatment plants in “environmental justice communities.” Environmental justice communities are (1) census block groups in which 30% of the population has incomes below 200% of the federal poverty line and (2) distressed municipalities. The additional requirements include submitting a meaningful public participation plan for approval to DEP or the Siting Council, and consulting with municipal officials to evaluate the need for a community environmental benefit agreement. This agreement allows the applicant to mitigate any adverse affects of the affecting facility. Such mitigation may include on- and off-site projects and funding for various environmental initiatives.

sHB 5145 is effective January 1, 2009.

GOVERNMENT ADMINISTRATION AND ELECTIONS

Allowing 17-years-olds to vote in primaries

This resolution proposes a constitutional amendment allowing 17-year-old citizens who will turn 18 on or before the day of a state or municipal election to vote in its primary. Under the resolution, such an individual must apply and otherwise qualify

for admission as an elector. He or she may then vote in the primary held to determine nominees for the regular election. Upon turning 18, the individual’s electoral rights attach.

The ballot designation to be used when the amendment is presented at the general election is: “Shall the Constitution of the State be amended to permit any person who will have attained the age of eighteen years on or before the day of a regular election to vote in the primary for such regular election?”

HJ 21 will be placed on the 2008 general election ballot. If a majority of those voting in the general election approves the amendment, it will become part of the state constitution.

HEALTH AND HUMAN SERVICES

Money Follows the Person

This act increases, from 700 to 5,000, the number of individuals who can be served under the state's plan for participating in the federal Money Follows the Person (MFP) demonstration program. MFP is a five-year program that permits states to move people out of nursing homes or other institutional settings into less-restrictive, community-based settings. The Department of Social Services (DSS) has developed a protocol for the demonstration program, which

needs federal approval before it can be implemented. The act requires, instead of allows, the DSS commissioner to apply for approval.

The act also requires the commissioner to develop a plan to establish and administer a similar home- and community-based services project for adults who may not meet the MFP institutionalization requirement. Finally, it establishes a separate, nonlapsing General Fund account to hold the enhanced federal matching funds the state receives for MFP. It specifies the uses of account funds and requires a report on expenditures from it.

sSB 561 is effective July 1, 2008.

Hospice Coverage

This act requires DSS to provide Medicaid clients with a full range of hospice services beginning January 1, 2009. Currently, the state provides Medicaid-funded home health care services but not the full panoply of hospice-type benefits required by state plan services. Under federal Medicaid law, states have the option to cover these services; DSS must amend the state Medicaid plan to provide the new coverage.

sSB 558 is effective January 1, 2009.

Small Nursing Home Initiative

This act directs DSS to establish a pilot program, within existing resources, to help develop up to 10 small-house nursing homes in the state. The pilot's goals are to improve the quality of life for nursing home residents and provide nursing home care in home-like, rather than institutional, settings. DSS must develop design specifications guidelines and other requirements for the homes and submit them to the Human Services Committee by October 1, 2008 for approval.

Licensed nursing homes may apply to DSS to participate in the pilot and to relocate existing Medicaid certified beds to a small-house nursing home. Applicants must submit (1) a project description and budget, (2) information on their financial and technical capacity to undertake the project, (3) information that the bed relocation reduces the number of nursing home beds in the state, and (4) any additional information DSS deems necessary. They must also seek Medicare and Medicaid certification.

In selecting proposals, DSS must give priority to proposals that use energy efficient technology, including fuel cells. And two of the proposals selected must be to develop a small-house nursing home in a distressed municipality with more than

100,000 people. Any small-house nursing home participating in the pilot must comply with certificate of need requirements and processes.

sSB 559 is effective July 1, 2008.

Supportive Housing

This act authorizes the Department of Mental Health and Addiction Services to provide an additional 500 “Next Steps” supportive housing units for people with mental illness. Funding for these units comes from mortgages, tax credits, and grants from the Connecticut Housing Finance Authority (CHFA) and the Department of Economic and Community Development. The act authorizes the state to provide annual debt service payments on an additional \$35 million in bonds issued by CHFA.

sSB 2 is effective upon passage.

INSURANCE

Connecticut Health Partnership

The new Connecticut Health Partnership allows municipalities, certain municipal service contractors, nonprofit organizations, and small businesses to provide coverage for their employees and retirees by joining the state employee health insurance plan. All new

employees will be pooled with state employees in the state insurance plan if the State Employees’ Bargaining Agent Coalition consents.

The act requires the comptroller to provide insurance for employers that seek to cover all their employees or all their retirees. But she must deny coverage for an employer that wants to cover only some employees or retirees, if the Health Care Cost Containment Committee certifies that doing so would shift a significantly disproportionate part of the employer’s medical risks to the state plan.

The act requires that municipal and other employers’ premiums be the same as those the state pays for the same insurance plans. Employers can require employees to pay part of the premium, and the comptroller can charge employers a per member, per month administrative fee.

Under the act, employers must commit to participate in the withdrawal state plan for three years, after which they may renew for another three years. The comptroller must develop procedures for employers to withdraw from coverage; the withdrawal procedures for public employers must comply with state collective bargaining law. The comptroller can procure coverage for nonstate employees from insurance vendors other than those providing coverage for

state employees; she need not offer coverage from each current state plan vendor.

The act creates two committees to make recommendations on municipal and private sector coverage, respectively, to the Health Care Cost Containment Committee. It requires the comptroller to recommend to the General Assembly how the state employee health plan can be further expanded to include individuals not authorized under the act.

Finally, the act permits two or more municipalities jointly to obtain health insurance for their employees if the group is fully insured and meets existing health insurance requirements.

sHB 5536 is effective September 1, 2008, except the definitions, the provision creating the advisory committees, and the SEBAC approval are effective upon passage, and the report and the authority for municipalities jointly to purchase health insurance are effective January 1, 2009.

Autism Coverage

This act requires health insurance policies to cover physical, speech, and occupational therapy services provided to treat autism spectrum disorders if the policies cover these services for other diseases and conditions. Due to federal law, the requirement does not apply to self-insured plans.

sHB 5696 is effective January 1, 2009.

Captive Insurers

A new law permits a captive insurance company (“captive”) that is licensed and domiciled (has its principal place of business) in Connecticut to transact life insurance, annuity, health insurance, and commercial risk insurance business. The captive must meet specified requirements governing formation, capital and surplus, local office presence, ability to meet policy obligations, payment of certain fees and premium taxes, and annual reporting, among other things.

The act requires the insurance commissioner to regulate captives and examine each at least once every five years. It authorizes him to suspend, revoke, or refuse to renew a captive’s license or impose a fine up to \$10,000 for cause. The commissioner can use the Insurance Department’s Utilization Review Fund as necessary to implement the act. Under prior law he could use that fund only to regulate utilization review companies.

The act prohibits a captive from joining or contributing to the state insolvency guaranty funds. It also prohibits a captive and its insureds and their affiliates from receiving benefits from the guaranty funds if the captive becomes impaired or insolvent.

sSB 281 is effective January 1, 2009, except the provision authorizing the insurance commissioner to use the Utilization Review Fund is effective October 1, 2008.

LAND USE

Face of Connecticut

This act affects three areas:

Farmland Preservation. It creates a new Face of Connecticut account in the General Fund and a new Face of Connecticut Committee to distribute any funds deposited in the account. It caps the state's contribution to the Farmland Preservation Grant Program at \$20,000 per acre. The act also creates a new Community Farms Grant Program to cover farmland not eligible for other preservation programs.

Brownfields. The act divides the generic, multipurpose brownfield clean-up and redevelopment program into separate grant and loan programs targeting different eligible developers, but retains most of the existing program's eligibility criteria and application procedures. The act expands the circumstances under which a municipality can enter and investigate or assess contaminated property, specifies the extent to which it is immune from liability when it does so, requires the municipality to notify the owner before entering

the property, and sets narrow grounds under which the owner can appeal the municipality's intention to do so. The act also reestablishes the Brownfields Remediation Task Force.

Local Property Taxes. The act exempts land from local property taxes if it is held by a nonprofit corporation and preserved as open space, by specifying that a nonprofit organization that owns land for open space is using the land for a charitable purpose. This specification circumvents a recent court decision stating that ownership is not proof of charitable use, making land owned by nonprofits subject to local taxation.

sHB 5873 is effective upon passage, with the exemption for open space land applying to assessment years starting on or after October 1, 2007, and the new limits on the state's contribution in the Farmland Preservation Grant Program are effective October 1, 2008.

TRANSPORTATION

Teenage Drivers

This act establishes several new requirements for 16- and 17-year-olds, and in some cases their parents or legal guardians, both before and after they get their drivers' licenses. It:

1. further restricts the passengers they may carry while being instructed under a learner's permit;

2. extends passenger restrictions that previously applied for the first six months after licensure to an entire year, but authorizes the motor vehicle commissioner to provide exceptions by regulation for single parents under age 18 transporting their children for certain purposes;
3. begins the nighttime hours when 16- or 17-year-olds cannot drive for most purposes at 11 p. m. instead of midnight;
4. for anyone issued a learner's permit on or after August 1, 2008, increases from 20 to 40 hours the amount of behind-the-wheel, on-the-road training a 16- or 17-year-old must get before qualifying for licensure;
5. requires license suspensions for any violations of post-licensure driving restrictions for 16- and 17-year-olds, instead of only for second or subsequent violations;
6. establishes mandatory license suspension requirements for 16- and 17-year-olds who violate certain traffic laws that are longer than the ones that currently apply to older drivers and, in other cases, applicable only to 16- and 17-year-olds;
7. for 16- or 17-year-olds issued learners' permits on or after August 1, 2008, requires a parent or guardian to attend two hours of instruction on teen driving laws and related issues with the child before a 16- or 17-year-old can take the license test; and
8. requires anyone in a vehicle with a 16- or 17-year-old driver to wear a seat belt and increases the penalty for anyone in a vehicle being driven by someone under age 18 who violates the seat belt law.

PA 08-32 is effective August 1, 2008.

Various Motor Vehicle Laws

This act makes a number of changes to motor vehicle laws. Among many other things, it

1. imposes motor vehicle ignition lock requirements on anyone convicted of second-degree assault or second-degree manslaughter with a motor vehicle;
2. includes Department of Motor Vehicle (DMV) inspectors designated by the DMV commissioner to enforce motor vehicle laws under several laws covering, among other things, the use of physical or deadly force when making an arrest, resisting

- arrest, hindering an arrest, and assault on a public safety officer;
3. allows DMV to extend the expiration dates of licenses, registrations, and other credentials under certain emergency or other circumstances;
 4. requires anyone applying for a Connecticut driver's license who has not previously been licensed in Connecticut or elsewhere to take an eight-hour course on safe driving practices as a prerequisite to licensure;
 5. exempts municipally owned motor vehicles from DMV title and related fees; and
 6. incorporates federal standards regarding drug testing procedures for tests required of drivers of school buses and student transportation vehicles.

sSB 298 is effective October 1, 2008.

VETERANS

Interstate Compact on Educational Opportunity for Military Children

This act (1) enacts and commits Connecticut to the terms of the Interstate Compact on Educational Opportunity for Military Children and (2) creates an Interstate Commission on Educational Opportunity for

Military Children to administer and enforce the compact. It also expands the National Guard tuition waiver program at UConn and in the Connecticut State University system to include graduate programs.

The compact provides a legal mechanism, and creates uniform standards, for schools and local education agencies to use to facilitate placement, enrollment, graduation, data collection, and other decisions involving children in kindergarten through grade 12 when they move to other states because their parents are deployed on active duty in the U. S. Armed Services. The compact's stated purpose is to remove barriers to educational success imposed on such children because of their parents' frequent moves and deployment.

The compact applies to children of (1) active-duty armed forces members, including National Guard members and reservists on active duty under Title 10 of federal law; (2) veterans severely injured and medically discharged or retired, for one year after discharge or retirement; and (3) service members who die on active duty or from active duty injuries, for one year after death.

The compact outlines the commission's purposes, powers and duties, organizational structure, operating procedures, rulemaking functions and requirements; liability issues; and other subjects. It requires

open meetings and public inspection of the commission's official records. Its rules have the force and effect of statutory law and are binding on all states. It may levy an annual assessment on member states to cover the cost of its operations, activities, and staff.

Any state may join the compact. Any member state may withdraw by repealing the enacting legislation. The compact takes effect when 10 states have enacted it. It supersedes conflicting laws in member states.

PA 08-57 is effective upon passage, except the tuition waiver for guard members is effective July 1, 2008.

PF:ts