

Office of Legislative Research
Connecticut General Assembly



OLR MAJOR ACTS

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NOTICE TO READERS

These summaries are intended to describe briefly the most significant, far-reaching, and publicly debated acts passed by the General Assembly in its 2010 regular session.

Not all provisions of the acts are included. Our 2010 Public Act Summary book, which contains detailed summaries of all public acts, will be available later this summer.

The Major Acts are posted on the Intranet at <http://cgalites/olr/> and on the Internet at <http://cga.ct.gov/olr/>. The Office of Legislative Research also produces a number of specific reports highlighting timely legislation in various subject areas, including acts affecting children, senior citizens, the environment, and business. These reports are also available at the above websites.

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ADJUSTMENTS TO FY 11 BUDGET

The budget act appropriates \$19,012 million for FY 11 to all state agencies and accounts that receive state appropriations. This is an increase of \$190.3 million over the original FY 10-11 biennial budget, which had previously been revised by PA 10-3, a deficit mitigation act passed on April 14, 2010. These appropriations are supported by \$19,016.9 million in revenue in FY 11, which exceeds appropriation levels by \$4.9 million.

The budget growth rate for the revised FY 11 budget over estimated FY 10 expenditures is 0.9% for all appropriated funds and 0.6% for the General Fund. The FY 11 budget is \$336.4 million below the constitutional spending cap.

Major statutory changes to implement the budget are summarized in other sections of this report. Please refer to the Office of Fiscal Analysis Budget Book for FY 11 for additional information on the FY 11 budget adjustments. (**SB 494**, most sections effective July 1, 2010)

BANKING

Foreclosure Mediation Program

The legislature extended and modified the judicial foreclosure and mediation program created

in 2008 to help homeowners struggling to keep up with their mortgages. It (1) extended the program for another two years, to July 1, 2012 and (2) required that a mortgagee represented by counsel who is absent from a foreclosure mediation session be available by phone instead of by phone or electronic means. It also established that the minimum "cash for keys" incentive that mortgagees or other successors in interest may offer tenants to vacate a foreclosed residential property is \$2,000 regardless of whether there is evidence of the amount of the tenant's security deposit. (**sHB 5270**, effective on passage changes in the foreclosure mediation program and October 1, 2010 for the other provisions)

BUSINESS AND LABOR

Incentives for New Business Investments and Job Creation

This session, the legislature authorized programs and policies for establishing or expanding businesses and creating jobs, tax credits for investing in new and expanding businesses, and pre-seed capital for those developing new concepts. Among other things, the new legislation:

1. authorizes loans and lines of credit for small businesses and financial and technical assistance for established businesses;

2. authorizes tax credits for hiring new employees, investing in new and expanding businesses, and providing seed capital for those developing new concepts;
3. provides technical assistance for all businesses seeking foreign markets for their goods and services;
4. directs the community-technical colleges to develop training programs that prepare unemployed people to meet job needs;
5. creates a council to continuously identify and gain access to the state's strategic business clusters and recommend policies addressing their needs;
6. authorizes bonds for the existing mortgage crisis job training program;
7. authorizes financial initiatives and technical assistance for businesses developing alternative energy technologies and Connecticut students seeking jobs in these and other technology fields; and
8. establishes a task force to boost government efficiency and eliminate waste. (**PA 10-75**, effective on various dates)

Help for Micro Businesses

The legislature enacted several forms of assistance for smaller businesses. It:

1. requires Public Works Department selection panels to consider business size in deciding which consultants are pre-qualified to work on projects,
2. prohibits a utility company from requiring nonresidential customers to pay a deposit greater than the amount the company charges for 1.5 months of service,
3. requires the Public Utility Control Department (DPUC) to study utilities' use of service deposits from nonresidential customers,
4. opens participation in the micro loan program to regional revolving loan funds, and
5. permits the Transportation Department (DOT) to set aside contracts or portions of contracts for very small businesses. (**sHB 5498**, effective July 1, 2010 except the provision related to utilities, which takes effect on passage)

Creation of a Job Corps

The legislature created the State Job Corps Task Force to study how the state may, under federal and state law, implement

a program similar to the Works Progress Administration created by President Roosevelt in 1935, to use unemployed workers to construct public works projects in the state. The task force must report to the General Assembly by January 1, 2011. (**SA 10-2**, effective on passage)

Competition in the Motor Fuel Industry

New legislation requires businesses in the motor fuel industry that file merger or other information regarding market concentration in Connecticut with the Federal Trade Commission or the U.S. Department of Justice to simultaneously provide the same information to the state attorney general. It also includes an anti-gouging provision, which sets conditions on gasoline sales during abnormal market disruptions created by weather, emergencies, or other adverse circumstances. (**sHB 5220**, effective July 1, 2010)

Penalty for Violating the No Sales Solicitation Calls Act

A new law imposes a fine of up to \$11,000 for violating the "Do Not Call" registry. Violations are already an unfair trade practice. (**PA 10-52**, effective January 1, 2011)

CHILDREN

Safe Harbor for Exploited Children

A new law (1) creates a presumption (i.e., one that must be rebutted by the prosecution) that a 16- or 17-year-old charged with prostitution was coerced into committing the offense by another person in violation of the law against trafficking in persons; (2) makes it a class B, rather than a class C, felony to promote prostitution using a person under age 18; and (3) specifies that, in any prosecution for patronizing a prostitute or promoting or permitting prostitution, the accused may not seek an acquittal by arguing that the person engaging or agreeing to engage in prostitution was too young to be prosecuted. (**sSB 153**, effective October 1, 2010)

Help for Children Affected by the Recession

The legislature created new state agency responsibilities and reporting requirements to provide an emergency response to children affected by the recession. Among other things, it:

1. designates the state's Child Poverty and Prevention Council as the leadership team to make recommendations for the state's emergency response to children affected by the recession;

2. requires the Department of Social Services (DSS) to develop a plan for comprehensive state services;
3. specifies how DSS can spend emergency funds received through the federal American Recovery and Reimbursement Act (ARRA);
4. makes attending a two- or four-year degree program an acceptable work activity for Temporary Assistance For Needy Families (TANF) participants when the unemployment rate is high;
5. prohibits DSS from changing eligibility criteria for the child care assistance program (Care4Kids) without 30 days advance notice;
6. increases state agency responsibilities for administering programs for the homeless and those at risk of homelessness; and
7. calls for greater focus on reducing the number of low birth-weight babies and homeless children and families, and food insecurity.

(**sHB 5360**, effective on passage, except for the provisions on food outreach and student loans, which take effect July 1, 2010)

Increased Services for Homeless Kids

The state is increasing services for runaways and “throw-away” kids (youngsters whose families have thrown them out). A new law requires the Department of Children and Families (DCF), within available appropriations, to establish a program for homeless youth and youth at risk of becoming homeless. The program may include (1) public outreach, (2) respite housing, and (3) transitional living services. Under the act, a homeless youth is a person under age 21 without adequate and appropriate shelter, including a youth under age 18 whose parent or guardian is unable or unwilling to provide shelter and appropriate care. (**SB 494**, effective October 1, 2010)

CRIMINAL LAW

Sexting

This session, the legislature tackled the problem of teenagers’ electronically “sexting” (transmitting sexually explicit photos) one another by providing that, in a prosecution for felony possession of child pornography, it is an affirmative defense that the accused was a teen engaging in sexting. Sexting between teens is a class A misdemeanor. Under the act, the sexting recipient must be 13 to 17 years old, and the sender must be (1) 13 to 15 years old and (2) the subject of

the depiction. (**sHB 5533**, effective October 1, 2010)

Criminal Background Checks for Prospective State Employees

A new law prohibits certain covered state employers from asking about a prospective employee's past convictions until the person is deemed otherwise qualified for the position. The prohibition does not apply if a statute specifically disqualifies someone from a position because of a prior conviction. With two exceptions, the law already prohibited state employers from disqualifying a person from employment solely because of a prior conviction. (**sHB 5207**, effective October 1, 2010)

Criminal Statutes of Limitation Eliminated for Some Crimes

This act eliminates the five-year statute of limitation for a prosecution for (1) 1st or 2nd degree hindering prosecution if the person rendered criminal assistance to someone who committed a crime for which there is no statute of limitation (a capital felony, class A felony, arson murder, or 1st degree escape) and (2) perjury committed during a proceeding that results in the conviction of someone who is later determined to be innocent. (**sHB 5253**, effective on passage and applicable to offenses committed

(1) on or after that date or (2) before the date the statute of limitations in effect at the time the offense was committed expires)

DOMESTIC VIOLENCE

Changes in the Way Courts Handle Domestic Violence Issues

A new law changes the way courts handle family violence issues. It:

1. allows the court to consider relevant public court documents in making orders related to a petition for relief from physical abuse;
2. expands information and disclosure requirements for family violence intervention units, courts, and DCF;
3. allows the Judicial Branch to establish a pilot program for electronically monitoring family violence offenders;
4. requires the court to specify the duration of standing criminal protective orders and allows the court to issue a protective order covering the offender's probation period;
5. expands the persistent offender law for crimes involving assault, trespass, threatening, harassment, and violation of a restraining or protective order;

6. allows the chief court administrator to establish a domestic violence docket in three geographical areas; and
 7. enhances existing and creates additional employment protections for family violence victims, including allowing them to use leave time to deal with family violence issues.
- (**sHB 5497**, effective October 1, 2010, except for the domestic violence docket, which is effective on passage)

Domestic Violence Victims and Rental Agreement Termination

A new law makes it easier for tenants who are victims of family violence to terminate their rental agreements. It allows them to terminate such agreements and not be penalized if they give the landlord at least 30 days notice and demonstrate that they are family violence victims. The act applies to tenants who enter into or renew rental agreements after January 1, 2011. (**HB 5246, as amended by sSB 218**, effective October 1, 2010)

ECONOMIC DEVELOPMENT

Bradley Development Zone

A new law creates a multi-town development zone around Bradley International Airport and extends enterprise zone tax incentives to manufacturers and other specified businesses that

develop or acquire property in the zone and create jobs. The zone, called the Bradley Airport Development Zone (BADZ), encompasses specified contiguous census tract blocks in Windsor Locks, Suffield, East Granby, and East Windsor. The act designates these blocks as “distressed municipalities,” a designation that qualifies projects in BADZ for other economic assistance. (**PA 10-98**, effective October 1, 2011)

Expedited Permitting

A new law creates a permit ombudsman to expedite the review of economic development projects and requires the environmental protection commissioner to create a consultant service for helping permit applicants comply with regulatory requirements. (**sHB 5208**, effective October 1, 2010 for the ombudsman office and upon passage for the consulting service)

Regional Economic Development

New legislation allows regional planning and economic development organizations to propose regional economic development districts (REDDs), prepare comprehensive economic development strategies (CEDs) to develop them, and apply for state and federal economic development funds. The act specifies criteria for drawing

district boundaries and procedures for preparing, reviewing, and approving strategies. After the Department of Economic and Community Development (DECD) commissioner and Office of Policy and Management (OPM) secretary approve a strategy, the district may submit it to the U.S. Department of Commerce for approval and apply for and receive federal funds.

The legislation explicitly authorizes the DECD commissioner to provide REDDs with priority regional grants, within available appropriations, for municipal development and Economic Development and Manufacturing Assistance Act projects. It also makes projects connected with the CEDS eligible for DECD bond funds. (**sHB 5383**, effective July 1, 2010)

EDUCATION

High School Graduation Requirements

The legislature set higher standards for earning high school diplomas by increasing the minimum credits necessary to graduate from 20 to 25, starting with the graduating class of 2018. Beginning with 7th graders in the 2012-13 school year (the graduating class of 2018), local boards must provide adequate support and remedial services for students. For those who are unable to successfully complete any of the required courses or

exams, the student support and remedial services must provide an alternate way for a student to meet these requirements. (**sSB 438**, effective July 1, 2010)

Education Reform Measures

The legislature enacted various reforms to bolster the state's chances of winning a federal Race to the Top grant, including:

1. giving the State Board of Education (SBE) the power, without first seeking legislative approval, to reconstitute a local or regional board of education for a district that, after being designated as a low-achieving district, fails for two consecutive years to make adequate progress;
2. requiring teacher evaluations to be based partly on student academic growth;
3. expanding the public school information system to include data on performance growth by students, teachers, schools, and school districts;
4. explicitly authorizing school officials to consider a student's previous disciplinary problems when deciding whether an out-of-school suspension is warranted;

5. requiring SBE to waive enrollment limits for charter schools whose students show a record of achievement, if the school applies for a waiver;
6. requiring the State Department of Education (SDE) to review and approve proposals for alternate route to certification programs for school administrators; and
7. allowing the school board of a priority school district to convert an existing school or establish a new school as an “innovation school” through agreements with the school’s teachers and administrators to improve school performance and student achievement. (**sSB 438**, effective July 1, 2010)

Parental Involvement and Governance Councils for Low-Achieving Schools

A new law requires school boards with low-achieving schools to create school governance councils made up mostly of students’ parents or guardians. The councils are empowered to, among other things, advise the principal on the school budget before it is submitted to the superintendent, interview candidates to fill principal vacancies, and vote to reorganize low-achieving schools using models included in the act. (**sSB 438**, effective July 1, 2010)

Vocational-Technical (V-T) Schools

The legislature addressed the needs of the state’s V-T schools by, among other things,

1. requiring the SBE to hold a public hearing and vote before closing or suspending the operation of a V-T school;
2. expanding the SBE from 11 to 13 members and requiring at least two members to have V-T school or manufacturing experience and at least one to have agriculture or regional agricultural science and technology education center experience;
3. requiring the State Bond Commission to vote periodically on whether to issue authorized V-T bond funds when the balance of these funds reaches a certain threshold; and
4. requiring the state to replace any V-T school bus that is 12 or more years old or that has been ordered out of service by the Department of Motor Vehicles for two years in a row for the same problem. (**PA 10-76**, effective July 1, 2010)

Student Athletes and Head Injuries

A new law requires anyone who has an SBE-issued intramural or interscholastic athletics coaching permit to:

1. be periodically trained in how to recognize and respond to head injuries and concussions;
2. take a student athlete out of any interscholastic or intramural game or practice if the athlete shows signs of, or is diagnosed with, a concussion; and
3. keep the athlete out of any game or practice until the athlete has received clearance from a licensed medical professional to return to play.

SBE may revoke the coaching permit of any coach who violates the act's requirements. (**PA 10-62**, effective on passage for the training requirements and July 1, 2010 for the requirement to remove students from games and practices)

ELECTIONS

Independent Campaign-Related Expenditures

A new law conforms state law to a recent U.S. Supreme Court decision authorizing unlimited political spending in elections (i.e., independent expenditures) by businesses and organizations like labor unions.

It establishes reporting and attribution requirements for independent expenditures by businesses and organizations similar to those under existing law for independent expenditures by individuals. It also establishes new requirements. Principally, independent expenditure reports must be filed electronically with the State Elections Enforcement Commission and advertisements by 501(c) and 527 organizations must list their top five contributors.

The act removes a requirement that groups of two or more individuals register as a political committee (known as a PAC) upon receiving any funds or making or incurring any expenditures to promote or oppose a candidate, political party, or referendum question. Instead, it requires them to register upon receiving or raising \$1,000. (**sHB 5471**, effective on passage)

ENERGY

Renewable Energy

The legislature enacted a wide range of initiatives to promote renewable energy, particularly solar energy and fuel cells, funded in part by electric rates. The new law:

1. requires the Department of Public Utility Control (DPUC) to establish a program of incentives for electric and gas company customers to install

- cogeneration systems and energy-efficient replacement furnaces and related equipment, including loans that can be repaid on the customer's bill;
2. allows municipalities to establish loan programs to promote energy efficiency and renewables, issue bonds for the programs, and pay off the bonds by assessments on the property of participating residents and businesses that would be collected like property taxes;
 3. requires DPUC to review existing programs that benefit low-income electric customers and develop a rate discount for these customers funded by transferring money from the programs and other existing resources; and
 4. establishes energy efficiency standards for TVs and other consumer electronic products sold starting in 2013.

The new law requires the Energy Conservation Management and the Clean Energy Fund boards and the electric companies to establish a program that targets the 17 municipalities with enterprise zones and requires the integrated resources plan being developed this year to include an option to reduce the price of electricity by at least 15% by July 1, 2012 and

maintain this decrease for at least five years.

Finally, the act establishes a code of conduct for competitive electric suppliers that, among other things, bars them from making material changes in a contract without the customer's express consent; requires suppliers to verify their claims of being "green;" limits early termination fees for residential customers; and regulates marketing practices, primarily with regard to small customers. (**PA 10-97**, effective July 1, 2011)

Green Connecticut Loan Guaranty Program

A new law requires the Connecticut Health and Educational Facilities Authority (CHEFA) to use state bond money to guarantee loans made by participating lending institutions to eligible participants for energy conservation projects. Eligible participants are individuals, nonprofits, and businesses employing up to 50 full-time workers. In consultation with the Office of Policy and Management, CHEFA must identify types of projects that are eligible for the program. These can include the purchase or installation of insulation, alternative energy devices, energy conservation materials, replacement furnaces and boilers, and technologically advanced energy conserving equipment. (**SB 494**, effective July 1, 2010)

ENVIRONMENT

Recycling

New legislation expands the types of items that must be recycled; requires garbage collectors to handle recyclables; and prohibits towns from passing ordinances unreasonably limiting the size of, or access to, recycling receptacles. (**PA 10-87**, effective July 1, 2010)

Using a Handgun to Hunt Deer

A new law requires the environmental protection commissioner to issue \$5 permits allowing hunters to hunt deer on private land in deer hunting season with handguns that (1) fire cartridges of at least .357 caliber and (2) have barrels less than 12 inches long. The hunting is subject to the private land deer permit bag limit established by the commissioner. (**PA 10-99**, effective on passage)

Sportsmen's Fee Credits

New legislation requires the environmental protection commissioner to reserve a credit for anyone who bought sportsmen's licenses, stamps, permits, or tags between October 1, 2009 and April 14, 2010. The credit is the difference between the amount paid and fee charged on or after October 1, 2010 and will be applied against the fee for any such license, permit, or tag bought on or after October 1,

2010. (**PA 10-99**, effective on passage)

Speeding Up the Process for Obtaining DEP Permits

New legislation requires the Department of Environmental Protection (DEP) to review existing time limits for acting on individual permits and submit a comprehensive report proposing an expedited permitting pilot program, prescribing amended review schedules, and identifying elements necessary to meet those schedules. It also requires the commissioner, in coordination with business, environmental, and municipal representatives, to study the impact of the state environmental protection and general permit procedures and recommend how to improve the process and expedite decisions. (**sHB 5208**, effective on passage)

FINANCE

TARP Bonus Tax and Business Entity Tax Exemption

A new law:

1. imposes a temporary, two-year 8.97% tax in lieu of regular state income tax on certain bonuses of \$500,000 or more paid or awarded to Connecticut taxpayers by companies that received direct funding from the federal Troubled Assets Relief Program (TARP) or certain of their affiliates; and

2. exempts certain businesses with annual net incomes of \$50,000 or less and at least one full-time worker from the \$250 business entity tax for two years.

(**PA 10-45**, effective on passage and applicable to tax years starting on or after January 1, 2010)

Bonding for State Capital Improvements

To improve the state's credit rating and comply with the statutory debt limit, the legislature cancelled \$480.6 million in unallocated general obligation (GO) bond authorizations for state and local capital projects and state grants and loans, including those to municipalities and nonprofit entities. The same act authorizes up to \$58.6 million in new state GO bonds and divides the money into three pools for specified projects in Bridgeport, Hartford, and New Haven as designated by the State Bond Commission.

The act also authorizes (1) an additional \$40 million in Clean Water revenue bonds to fund loans to municipalities for water pollution control projects and (2) \$7.325 million in special tax obligation bonds to pay environmental cleanup costs at rest areas on the state's major highways. (**PA 10-44**, effective July 1, 2010)

Securitization of Electric Charges

To help fund the FY 11 General Fund budget plan, the legislature authorized the state to issue bonds backed by two charges imposed on electric bills (the competitive transaction (CTA) charge and the conservation charge). Under the act, the bond proceeds must be used to provide \$956 million in revenue to the General Fund and to cover the cost of bond issuance, credit enhancements, and other costs the treasurer considers necessary or advisable, including certain electric company costs. The act also requires the DPUC, from January 1, 2011 through June 30, 2011, to have electric companies assess their customers a per kilowatt-hour charge to raise \$40 million for the General Fund.

Under prior law and at existing rates of consumption, customers of Connecticut Light and Power would stop paying the CTA at the end of 2010 and customers of United Illuminating would stop paying it in 2013. The act instead extends the payment obligation through the bond term, which must be no more than eight years, unless the treasurer advises that a longer term is needed for economic reasons. (**SB 494**, effective on passage)

HIGHER EDUCATION

UCONN Health Center Facilities Plan

A new law provides funding, with certain conditions, to (1) construct a new bed tower and renovate academic, clinical, and research space at UConn's John Dempsey Hospital (JDH) and (2) develop regional health network initiatives. It also establishes provisions for transferring, from JDH to Connecticut Children's Medical Center, licensure and control of 40 neonatal intensive care unit beds.

The total cost of the project is \$362 million. The act authorizes the issuance of \$237 million in state GO bonds to fund the project, of which \$207 million will be issued under the UConn 2000 infrastructure improvement program. It also reallocates \$25 million in existing UConn 2000 funds to pay for planning and design costs of the new JDH bed tower and requires a contribution of \$100 million in federal, private, or other nonstate money. The act prohibits the \$237 million in new bonds from being issued and construction of the bed tower from starting if the \$100 million is not received by June 30, 2015.

The act also extends enterprise zone benefits to certain businesses in Bristol, Farmington, Hartford, and New Britain. These benefits include property tax exemptions, business tax credits, and sales

tax exemptions for replacement parts. (**PA 10-104**, effective on passage, except for the provision on enterprise zones, which is effective July 1, 2010)

HOUSING

Selecting Tenant Commissioners

Under prior law, a municipality's chief executive officer or governing body appointed housing authority commissioners, including tenant commissioners. In doing so, they had to consider tenant commissioners suggested by tenant organizations. This new law establishes a process for recognizing tenant organizations that may elect or designate tenants to the board according to the organization's bylaws.

It also provides a mechanism for tenants to petition for an election if no recognized organization exists. Whether an election is held under an organization's bylaws or tenants' petition, the housing authority must use its best efforts (in agreement with the tenant organization, to the extent practicable) to arrange for a neutral third-party organization to administer the election.

If the act's provisions for electing a tenant commissioner or selecting one under a tenant organization's bylaws are not used, then the appointing authority must select the appointee by considering tenants

the organization suggests, as under current law. (**PA 10-67**, effective October 1, 2010)

HUMAN SERVICES

Freeze in Charter Oak Health Premium Assistance Program

For FYs 10 and 11, a new law limits premium assistance in the Charter Oak Health Plan to those individuals enrolled in the program on April 30, 2010. The Charter Oak Health Plan offers health coverage to qualified, uninsured adults aged 19 to 64. (**PA 10-3**, effective on passage)

DSS Coverage for Over-the-Counter (OTC) Drugs Eliminated

Starting June 1, 2010, a new law provides that, regardless of any other law to the contrary, DSS will no longer pay for OTC drugs except for insulin and insulin syringes and anything else federal law requires. The law applies to (1) all DSS medical assistance programs, except the Connecticut AIDS Drug Assistance Program and (2) DSS clients aged 21 and older. (**PA 10-3, as amended by SB 494**, effective on passage)

Medicaid Coverage for Childless Adults

A new law requires the DSS commissioner to submit a Medicaid state plan amendment to the federal Medicaid agency to

extend Medicaid coverage to individuals enrolled in the state-funded State Administered General Assistance (SAGA) medical assistance program. If the amendment is approved, the commissioner must implement the coverage expansion.

Beginning April 1, 2010, the new federal health care act permits states to extend Medicaid coverage to childless adults with incomes up to 133% of the federal poverty level (FPL, \$14,403 annually for a single person), while the SAGA medical assistance program covers individuals with incomes up to about 70% of the FPL. (**PA 10-3**, effective on passage)

DSS Rental Assistance Program

A new law requires DSS to use up to \$450,000 of its FY 11 housing and homeless services appropriation to provide up to 50 rental assistance certificates to individuals and families who frequently use expensive state services. It requires DSS to coordinate the spending for the rent certificates with specified officials. (**SB 494**, effective July 1, 2010)

Use of Administrative Services Organizations in DSS Health Programs

A new law authorizes DSS to contract with one or more administrative service organizations (ASO) to provide a

variety of nonmedical functions in health assistance programs DSS administers or oversees. Tasks the ASO must perform include (1) care coordination, (2) utilization, (3) disease management, (4) customer service, and (5) grievance review. Previously, DSS contracted with managed care organizations to perform most of these services on a risk-sharing basis; ASOs perform these services for a set fee. (**SB 494**, effective July 1, 2010)

INSURANCE

State Continuation of Health Insurance Coverage

A new law extends the period during which certain people and their dependents may continue group health insurance under the state's "mini-COBRA" law from 18 to 30 months. Group policyholders include those with fewer than 20 employees. To qualify for the continued coverage, the person must have experienced a specified qualifying event, including a layoff, reduced hours, leave of absence, or employment termination for other than death or gross misconduct. (**PA 10-13**, effective on passage)

Bulk Purchasing of Prescription Drugs

New legislation requires the comptroller to offer nonstate public employers the option to

purchase prescription drugs through the state's bulk purchasing authority for their employees, employees' dependents, or retirees. The act defines "nonstate public employer" as (1) a municipality or other state political subdivision, including a board of education, quasi-public agency, or public library or (2) the Teachers' Retirement Board.

Nonstate public employers must pay the full cost of their own claims and prescription drugs. The comptroller may offer a nonstate public employer the option of purchasing stop-loss coverage from an insurer at a rate she negotiates.

Lastly, the act permits nonstate public employers to join together to purchase prescription drugs for their employees, employees' dependents, and retirees. (**sHB 5295**, effective on passage)

Anticancer Medications and Related Benefits

A new law requires certain health insurance policies that cover intravenously and orally administered anticancer medications to cover the orally administered medication on at least as favorable a basis as the intravenously administered medication. It prohibits insurers, HMOs, medical and hospital service corporations, and fraternal benefit societies from reclassifying anticancer medications or increasing the

patient's out-of-pocket costs for the medications as a way to comply.

The act also broadens the applicability of several health insurance benefits required by law, including treatment of tumors and leukemia, reconstructive surgery, nondental prosthesis, chemotherapy, and wigs for chemotherapy patients. It does so by requiring all policies renewed, amended, or continued in Connecticut to include the benefits. Policies delivered or issued here already must include them. (**PA 10-63**, effective January 1, 2011)

JUDICIAL MATTERS

Making the Judicial Selection Process Transparent

Partly in response to controversy over the nine attorneys the governor nominated for judgeships this spring, the legislature made the judicial selection process more transparent. The new law requires the Judicial Selection Commission's annual report to contain, as of January 1 of the reporting year, the following demographic data for (1) judges seeking reappointment or appointment to a higher court and (2) candidates whom the commission interviewed, recommended, or denied recommendation:

1. race, gender, national origin, and religion;
2. bar admission date and years of experience; and
3. year in which the commission first recommended them to the governor.

The law already requires the report to include items listed in (1) above for judicial appointment applicants, but not for sitting judges (**SB 494**, effective on passage)

Creation of a Sentencing Commission

A new law creates, within existing budgetary resources, the 23-member Connecticut Sentencing Commission to review the existing criminal sentencing structure and any proposed changes, including existing statutes, proposed legislation, and existing and proposed sentencing policies and practices. The commission must make recommendations to the legislature, governor, and criminal justice agencies and begin submitting annual reports by January 15, 2012. (**HB 5248**, effective February 1, 2011)

Failure to Appear for Jury Duty

New legislation subjects potential jurors who fail to appear for jury duty after being summoned to do so to a civil penalty in an amount that the Superior Court judges must

establish. Under prior law, absent jurors were guilty of an infraction. (**sHB 5253**, effective October 1, 2010)

MUNICIPALITIES

Mandate Relief

New legislation:

1. requires a state marshal to deliver an evicted tenant's or person evicted in a foreclosure or similar action's possessions and personal property to a town-designated storage facility and eliminates the town's responsibility to pay for the expense of moving these items;
2. limits the scope of a law under which certain telecommunications companies pay property tax on their personal property at a statewide mill rate; and
3. stipulates that a municipal agency's meeting minutes need not be posted on the Internet in order to comply with the Freedom of Information Act's requirements.

(**sHB 5255**, effective July 1, 2010 for the tenant and foreclosure provisions and; October 1, 2010 for (1) the Internet posting provision and (2) the property tax provisions, which are applicable to assessment years beginning on and after that date.

Plans of Conservation and Development

The state, regions, and municipalities must prepare periodic plans for balancing the need to conserve and develop land. New legislation requires OPM to develop a new process for adopting, revising, and implementing the five-year State Plan of Conservation and Development (State Plan of C&D) by incorporating "cross-acceptance," comparing and reconciling local, regional, and state plans. It also postpones, from March 1, 2011 to March 1, 2012, the deadline for revising the next five-year State Plan of C&D, thus resetting the schedule for revising the plan.

Municipalities must prepare 10-year plans of conservation and development. Those that fail to update their plans are disqualified from receiving discretionary state funds unless the OPM secretary waives the disqualification. The new law relieves municipal planning commissions from the obligation to prepare or amend a municipal plan between July 1, 2010 and June 30, 2013, and suspends the disqualification provision until July 1, 2014, after the next time the state adopts its revised Plan of C&D.

The new law also requires state agencies to review grant applications for proposed development, rehabilitation, or other construction projects for their compliance with some or all

of the smart growth principles set out in 2009 legislation. (**sSB 199**, effective on passage, except the delay for municipal plans is effective July 1, 2010 and the provision on compliance with smart growth principles is effective October 1, 2010)

PUBLIC HEALTH

Reporting Adverse Events

A new law amends the state's adverse event reporting law by requiring that the Department of Public Health's (DPH) annual report to the legislature on adverse events include aggregate information for each hospital and outpatient surgical facility. It also (1) requires the report to include contextual information about the hospital or facility and (2) allows these entities to provide informational comments on the adverse event reported, which DPH must include in the report.

The act prohibits a facility from imposing certain employment sanctions against an employee or job applicant for actions taken to help enforce the adverse event law.

It requires DPH to give patients (1) access to information if they have filed complaints with the department alleging incompetence, negligence, fraud, or deceit by health care providers and (2) notice about their complaint's status and disposition. It also requires mandatory mediation for all civil actions involving allegations of

negligence by health care providers resulting in personal injury or wrongful death. (**sSB 248**, effective July 1, 2010, except that the provisions on patient complaints are effective October 1, 2010)

Certificate of Need

This session, the legislature made several substantive changes to the certificate of need (CON) process administered by the Office of Health Care Access (OHCA). The new law (1) clearly identifies when CON authorization is and is not required, (2) updates the guidelines and criteria OHCA must consider when making CON decisions, (3) simplifies the administrative process for CON applications, and (4) requires an inventory of health care facilities and services (**SB 494**, effective October 1, 2010)

SENIORS

Senior Centers and Disclosure of Personal Information

New legislation allows publicly administered or sponsored senior centers to refuse to disclose members' or employees' names, addresses, telephone numbers, or email addresses. (**PA 10-17**, effective October 1, 2010)

Nursing Home Oversight

A new law makes several changes in the law related to the oversight, management, and operation of nursing homes. It allows the DSS commissioner to examine or audit the financial records of management companies operating nursing homes, as he may already do for nursing homes. It places certain restrictions on a nursing home operator's ability to acquire a nursing home if the operator violates nursing home laws in Connecticut or in another state or has nursing home problems related to Medicare and Medicaid.

The act also makes changes in DPH's certification process for management companies operating nursing homes, including requiring out-of-state companies that apply for certification to provide a certificate of good standing from the agencies in that state that oversee corporations and public health licensing. And it allows DPH to wholly or partially refuse to issue or renew a certificate if the applicant does not do so. **(SB 428**, effective October 1, 2010)

Connecticut Home Care Program for Elders (CHCPE)

The budget act reduces, from 15% of the cost of care to 6%, the co-payment a 2009 law required from certain participants in the state-funded portion of CHCPE. Participants with incomes over

200% of the federal poverty level must still pay an amount of applied income DSS determines in addition to their 6% co-pay. **(SB 494**, effective July 1, 2010)

TRANSPORTATION

Funding for Seat Belts on School Buses

New legislation requires the Department of Motor Vehicles (DMV) to administer a program to help participating school districts pay for school buses equipped with lap/shoulder (3-point) seat belts. DMV must do so by increasing certain fees by \$50 and using the increase to offset a portion of the sales tax school bus companies pay for seat belt-equipped school buses.

School districts may apply to DMV for the funding between July 1, 2011 and December 31, 2017. They must meet certain conditions, including (1) providing written notice of the availability and proper use of seat belts to the parents or legal guardians of each student who uses a school bus and (2) teaching students the proper use of the seat belts, including how to fasten and unfasten them. **(PA 10-83**, effective July 1, 2010)

Fine Increase for Driving While Using Cell Phone

A new law (1) sets higher fines for drivers who use a cell phone or mobile electronic device while driving, (2) eliminates the

automatic suspension of a fine for a first offender who acquires a hands-free device before the fine is imposed, (3) gives 25% of fine revenue to the town where a summons is issued, and (4) specifies that it is illegal to text while driving a moving vehicle.

The law already prohibits drivers from engaging in any activity unrelated to operating a motor vehicle that interferes with its safe operation. (**SB 427**, effective October 1, 2010)

Motorcyclist Training Course for All License Applicants

A new law requires all applicants for a motorcycle license, rather than just those under age 18, to demonstrate to the DMV commissioner's satisfaction that they have successfully completed a novice motorcycle training course. The act eliminates the commissioner's authority to waive the on-road skills portion of license examination for an applicant who (1) presents evidence of passing a motorcycle training course or (2) has held a license in another state that requires a similar test or course. (**sSB 407**, effective January 1, 2011)

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