



CBIA SUMMARY OF
**BUSINESS
LEGISLATION**

2012 Session of the Connecticut
General Assembly

CBIA's Summary of Business Legislation

The 2012 Connecticut General Assembly

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Introduction

This summary contains information about laws enacted in 2012 by the Connecticut General Assembly, in regular (February to May) and special (June) session, which impact businesses of all sizes throughout the state.

The signature bill of the 2012 General Assembly session was the landmark, bipartisan package of education reforms (Public Act 12-116, p 15) that paves the way for significant changes in Connecticut's public education system—changes that promise to narrow the achievement gap and raise student performance across the state.

In this short, off-year session, lawmakers also adjusted the state budget to ward off a potential deficit, even after last year's significant tax increases. They also expanded the programs adopted in the Oct. 2011 "Jobs Session"; improved on last year's landmark brownfields remediation and revitalization legislation; and created a new program to promote energy-efficiency investments at commercial and industrial facilities.

While legislators adopted a misguided campaign finance reform bill (HB 5556, p. 10) that would have been onerous to Connecticut businesses, Governor Malloy appropriately vetoed it. Also of great significance was legislators' rejection of a measure that would have increased the state's minimum wage.

Looking ahead, there is still a long-term fiscal crisis in Connecticut that can be resolved only by enacting structural reforms to reduce the cost of government and avoid further tax increases on individuals and businesses.

Policymakers must keep the focus on the state's overall economic competitiveness by bringing down business costs, improving the regulatory environment, and ensuring the implementation of this year's education reforms.

State Budget & Taxes

[PA 12-1](#) (HB 6001 of the June, 2012, Special Session) AN ACT IMPLEMENTING PROVISIONS OF THE STATE BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2012

Section 1: BUDGET CHANGES

Changes, in dollars, to the Fiscal Year 2013 state budget.

Effective: July 1, 2012

Section 266: HOSPITAL TAX

Maintains the hospital tax rates, base year on which the tax is assessed, and exemptions from the outpatient portion of the tax for hospitals with financial hardship that went into effect Jan. 1, 2012.

Effective: June 15, 2012

Section 11: MEDICATION ADMINISTRATION BY UNLICENSED PERSONNEL

Permits registered nurses (RN) to delegate home health aides to administer non-injected medications, provided that the health aides have certification for medication administration. The bill requires that certification requirements be formed. In addition, the law bill stipulates the grounds on which an RN can be sued for damages related to the delegation of medication administration.

Effective: July 1, 2012

Section 12: PERSONAL CARE ASSISTANTS (PCA) PERMITTED TO ADMINISTER MEDICATION

Establishes that nothing in the Nurse Practice Act prohibits a personal care assistant (PCA) employed by a registered homemaker-companion agency from administering medications to a competent adult.

Effective: July 1, 2012

Section 16: NURSING HOME REIMBURSEMENT

Allows the commissioner of the Department of

Social Services (DSS) to provide fair rent increases in FY 2013 for facilities that have undergone material changes.

Effective: Oct. 1, 2012

Section 17: COVERAGE OF CHIROPRACTOR SERVICES FOR MEDICAID RECIPIENTS

Allows DSS to cover chiropractor services for Medicaid recipients.

Effective: Oct. 1, 2012

Section 18: PHARMACY REIMBURSEMENT INCREASE FOR INDEPENDENTS

Favors "independent pharmacies" over large pharmacy chains by paying out more to the independent community pharmacies for dispensing medicine to Medicaid recipients.

Effective: Oct. 1, 2012

Section 25: JOBS FIRST EMPLOYMENT SERVICES (JFES) PILOT

Relaxes the specific requirements of the DSS and the Department of Labor (DOL) in the implementation of the pilot program for JFES participants. The changes are as follows:

- The DSS and DOL are no longer required to include intensive case management, support services, and funding to facilitate participation in education or subsidized employment.
- Eliminates the requirement to report on the pilot annually. The new requirement calls for a total of two reports: one by Oct. 1, 2012, and another by Oct. 1, 2013.

Effective: June 15, 2012

Section 101: COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES (CHRO)

Moves CHRO from the Department of Administrative Services to the DOL.

Effective: July 1, 2012

Section 110: DISPARITY STUDY

Transfers the responsibility for conducting a study on the supplier diversity program (set-aside program) from CHRO to the Connecticut Academy of Science and Engineering (CASE). The specific goals of the study include determining whether there has been discrimination in awarding state contracts in the past, and investigating ways to create more opportunity for small contractors and minority business enterprises (MBEs) to receive state contracts. The bill also extends the study's deadline to June 30, 2013.

Effective: June 15, 2012

Section 112-114 & 121: DEPARTMENT OF HOUSING

Establishes a Department of Housing (DOH) within the Department of Economic and Community Development (DECD). The DOH and its commissioner are responsible for developing strategies for providing housing to low- and moderate-income families. A 13-member interagency council, its chairperson appointed by the governor, will advise and assist the DOH commissioner in the planning and administration of the department. The plan will be subject to approval by the legislature's Appropriations, Housing, and Human Services committees

The DOH will:

1. Assess housing needs of low-income people.
2. Review effectiveness of state housing programs.
3. Identify barriers to effective housing.
4. Develop strategies for encouraging safe and affordable housing.

Effective: June 15, 2012

Section 117: LOCAL THEATER GRANT

Appropriates \$500,000 to DECD to be distributed equally to seven performing-arts theaters in Connecticut.

Effective: July 1, 2012

Sections 122 & 182-183: HOUSING FOR ECONOMIC GROWTH PROGRAM

Makes several modifications to the incentive housing zone (IHZ) grant program created under Connecticut's Housing for Economic Growth Program. The act:

- Gives the Office of Policy and Management (OPM) more discretion when awarding IHZ adoption grants to municipalities.
- Allows municipalities to waive their rights to payment of a zone adoption grant.
- Eliminates the deadline for OPM to make one-time building permit grant payments to municipalities for each building permit it issues in an incentive housing development (IHD).

Effective: July 1, 2012

Section 123: CIGARETTE ROLLING MACHINES AND TOBACCO PRODUCT MANUFACTURERS

Makes any business that allows someone to use a "cigarette rolling machine" subject to laws governing manufacturers who sell cigarettes in Connecticut. The act is a response to the 2012 Superior Court ruling in *State v. Tracey's Smoke Shop and Tobacco, LLC*. In the case, the court ruled that stores assisting customers in the operation of cigarette rolling machines are to be deemed manufacturers.

Effective: Oct. 1, 2012

Section 124: SALES TAX EXEMPTION FOR PARTICIPANTS IN CERTAIN AIRCRAFT INDUSTRY JOINT VENTURES

Expands the eligibility for a joint venture sales tax exemption to include certain kinds of joint ventures in the aircraft industry. The act also expands from 30 to 40 years the duration of the exemption for aircraft industry joint ventures.

Effective: July 1, 2012

Section 130: DISCLOSING SECURITY BREACHES OF COMPUTERIZED DATA

Expands the Connecticut Unfair Trade Practices Act (CUPTA) which requires that anyone who conducts business in Connecticut that uses computerized personal information to notify people whose information has been compromised of the security breach. The act:

- Requires notification of the security breach to be sent to the attorney general
- Specifies that the person whose data was breached be notified immediately after the discovery

Effective: Oct. 1, 2012

Section 145: COUNCIL OF ADVISERS ON STRATEGIES FOR THE KNOWLEDGE ECONOMY

Directs the commissioner of the Office of Policy and Management (OPM) to chair the Council of Advisors on Strategies for the Knowledge Economy. The DECD commissioner, who was the chair of the council under previous law, will continue to serve on the council.

Effective: July 1, 2012

Section 146: SMALL BUSINESS INNOVATION ASSISTANCE PROGRAM

Requires UConn to assist small and medium businesses in the development of advanced manufacturing technologies. The act stipulates that UConn must collaborate with the nonprofit Connecticut Center for Advanced Technology (CCAT), and provide CCAT with \$250,000 in funding.

Effective: July 1, 2012

Section 147-180, 184-187, 267-268, & 295: CDA AND CII MERGER

Merges the Connecticut Development Authority (CDA) into Connecticut Innovations, Inc. (CII). The act also makes the Connecticut Brownfield Redevelopment Authority a subsidiary of CII and expands CII's board from 15 to 17 members

Effective July 1, 2012

Section 148: POWERS, OBLIGATIONS, AND ASSETS

Transfers CDA's powers, duties, functions, obligations, procedures, and assets to CII.

Sections 150 & 175: SUBSIDIARIES

Authorizes CII to form subsidiaries to complete its duties and secure funding and property.

Section 149: TRANSFER MECHANISM

Authorizes CDA and CII to enter agreements with each other and third parties to accomplish the necessary transfers.

Section 168: STATE PLEDGE TO CDA BOND HOLDERS AND CONTRACTORS

Transfers the state's pledge to CDA bond holders and contractors to CII.

Sections 151 & 173: CII BOARD OF DIRECTORS

Increases board of directors from 15 to 17 members and makes several changes to the board's composition.

Section 170: SALES AND USE TAX EXEMPTION

Transfers CDA's authority to grant sales and use tax exemptions to CII.

Section 166: EQUITY INVESTMENTS

Prohibits CII from requiring security for investments and for loans.

Section 171: RELOCATION PENALTY

Extends the penalty for leaving Connecticut after receiving assistance to include business financing CII provides, except equity investments.

Sections 188-189: CAPITAL REGION DEVELOPMENT AUTHORITY (CRDA)

Changes the name of the Capital City Economic Development Authority (CCEDA) to the Capital Region Development Authority (CRDA). Correspondingly, CRDA will be able to implement its projects and exercise its powers outside of the Capital City Economic Development District to which it was previously confined.

Effective: July 1, 2012

Sections 190-192: Planning Regions

Creates an incentive for areas of the state to consolidate and form a single regional council of governments by offering payments from a bonus pool for regions that do so.

The act extends from Jan. 1, 2012 to Jan. 1, 2014, the deadline for the OPM secretary to complete an analysis of the boundaries of local planning regions; and changes the criteria required for the analysis.

Effective: Sec. 101, July 1, 2012; Sec. 192, June 15, 2012

Section 193-197: CALCULATING TAX LIABILITY FOR MANUFACTURING REINVESTMENT ACCOUNT DEPOSITS AND WITHDRAWALS

Identifies how manufacturers may determine the corporate business or personal income tax they owe when depositing or withdrawing money from a manufacturing reinvestment account. The act:

- Changes how distributions are taxed and sets a reduced rate for machinery, equipment, and facility purchases used in Connecticut.

- Specifies how manufacturers determine state taxes owed on money distributed from an account.
- Allows manufacturers to accumulate interest income on the funds they deposit in a manufacturing reinvestment account.

Effective: June 15, 2012

Section 198: URBAN REVITALIZATION

Requires the DECD to create a pilot program to foster revitalization and stabilization in city neighborhoods. The program will include:

- Facilitating the acquisition and renovation of one-to-four family homes in troubled areas.
- Offering incentives to investors to encourage owner occupancy.
- Providing services to potential homeowners in order to maximize their ability to succeed.

Effective: June 15, 2012

Section 199: JOB EXPANSION TAX CREDIT

Extends the job expansion tax credit to employers that hire people who are receiving services from the Department of Mental Health and Addiction Services (DMHAS); or are participating in DSS-funded or operated programs providing employment opportunities and day services.

Effective: July 1, 2012

Section 200-202: EXPRESS PROGRAM

Makes several programmatic changes to the Small Business Express program that includes several revolving loan, job incentive loan, and matching grant components. The act:

- Expands assistance to include businesses based in other states if

they have had operations in Connecticut for at least 12 months.

- Expands eligibility to employers with up to 100 employees.
- Expands the relocation penalty to 10 years. Currently, businesses that accept assistance are penalized if they leave the state within five years of receiving assistance.
- Allows businesses to use revolving loan funds or matching grants for purchases of machinery and equipment.
- Extends the repayment period for revolving loans from 5 to 10 years.
- Increases from \$250,000 to \$300,000 the maximum job incentive loan.
- Makes several administrative changes.
- Changes bond allocations for the Express program.

Effective: June 15, 2012

Section 203-204: STEP

Makes several changes to the Subsidized Training and Employment Program (STEP), which subsidizes the cost of training and compensating an employee during his or her first six months on the job. The act:

- Expands eligibility to employers with up to 100 employees.
- Broadens STEP benefits to include businesses based in other states if they have been registered here for at least 12 months.
- Modifies the subsidy payout periods, but maintains the subsidy levels.
- Increases the share of STEP funds that can be used to cover administrative costs is increased.

Effective: June 15, 2012

Section 205-206: UNEMPLOYED ARMED FORCES MEMBER SUBSIDIZED TRAINING AND EMPLOYMENT PROGRAM

Establishes the Unemployed Armed Forces Member Subsidized Training and Employment Program to encourage the hiring of unemployed veterans. The program is open to all businesses that have been registered in Connecticut for at least 12 months. The employee receiving the benefits must have been a member of the armed forces, and unemployed when hired. The program provides a subsidy of the employee's wages at a decreasing rate for six months.

Effective: Sec. 205, July 1, 2012; Sec. 206, Oct. 1, 2012

Section 207: "CONNECTICUT-MADE" MARKETING CAMPAIGN

Requires the DECD commissioner to establish a program to promote the marketing of Connecticut-made products. The program must include:

- A statewide multi-year advertising campaign with TV and radio announcements.
- The creation of a website associated with the program that promotes Connecticut manufacturers and their products.
- Help for manufacturers and producers trying to access the appropriate economic development organization.
- Opportunities for businesses to build contacts and relationships with other Connecticut businesses.

Effective: June 15, 2012

Section 208: CONNECTICUT TREASURES

Requires DECD to develop a program promoting Connecticut's "cultural treasures".

Effective: June 15, 2012

Section 209: MAIN STREET INVESTMENT FUND PROGRAM

Allows the OPM secretary to use the funds from the Main Street program to cover administrative costs.

Effective: June 15, 2012

Section 211: BONDS FOR SMALL BUSINESS DEVELOPMENT PROGRAMS

Allows more businesses to qualify for bond-funded small business development programs. Specifically, it allocates funds for businesses that bring overseas jobs to Connecticut.

Effective: June 15, 2012

Section 213: CHILDHOOD IMMUNIZATIONS

Requires all health care providers who administer vaccines to children to obtain vaccines from the Department of Public Health.

Effective: Oct. 1, 2012

Section 214 & 215: CHILDHOOD IMMUNIZATION INSURANCE ASSESSMENT

Requires an annual report by Sept. 1st from each health insurer, HMO, TPA, and exempt insurer on the number of insured lives in Connecticut. The insurance commissioner must use this information to calculate each insurer's assessment for the following year.

Effective: July 1, 2012

Section 216: CAPTIVE INSURERS

Eliminates the insurance regulatory and supervision account that was created to hold Insurance Department fees and assessments on captive insurance companies.

Effective: July 1, 2012

Section 217, 218 & 219: CONNECTICUT HEALTH INSURANCE EXCHANGE BOARD MEMBERS AND EMPLOYEES

Expands the Connecticut Health Insurance

Exchange board by making the Health Advocate a voting member. The act expands restrictions on the outside employment of board members to include consulting for insurance trade associations.

Effective: Sec. 218, June 15, 2012; Sec. 219, July 1, 2012

Section 252: UNDERGROUND STORAGE TANK PETROLEUM CLEAN-UP PROGRAM

Eliminates the Underground Storage Tank Petroleum Clean-Up Review Board. The Department of Energy and Environmental Protection (DEEP) and its commissioner are designated as the new administration for the clean-up program. The act also makes many minor changes to the program.

Effective: June 15, 2012

SA 12-2 (HB 5424) AN ACT CONCERNING DELAYS IN REVALUATION FOR CERTAIN TOWNS

Allows the municipalities of Norwich, Farmington, Windham, Stamford, and New Britain to delay revaluation until the 2013 assessment year.

Effective: Vetoed by the governor

PA 12-135 (HB 5421) AN ACT CONCERNING "ZAPPERS"

Makes the sale, purchase, installation, transfer, and possession of an automated sales suppression device ("zapper"), or "phantom-ware," a crime. Zappers are software programs that misrepresent the electronic records of cash registers and other point-of-sale devices. Phantom-ware is a hidden programming option embedded in electronic cash registers that may be used to falsify or eliminate sales records. Both "zappers" and "phantom ware" can be used to hide transaction data and make it difficult to detect understated accounts of sales and sales tax liability. In addition to criminal penalties, violators are liable for back taxes, penalties, and interest resulting from the crime.

Effective: July 1, 2012

[PA 12-175](#) (HB 5425) AN ACT CONCERNING THE APPLICABILITY OF THE SALES AND USE TAX TO VESSEL STORAGE, MAINTENANCE OR REPAIR

Extends the period of sales and use tax exemption on vessel storage, maintenance, and repair to cover the period from Oct. 1 through May 31. Under former law there was:

- A sales tax exemption for winter storage or mooring of noncommercial vessels from Nov. 1 through April 30.
- A use tax exemption for the use of a non-commercial vessel in Connecticut during the period from Oct. 1 through April 30, exclusively for the purposes of delivery of the vessel to a storage facility or the actual storage, maintenance, or repair of such vessel.

Effective: Vetoed by the governor

[PA 12-157](#) (HB 5035) AN ACT CONCERNING PROPERTY TAX ASSESSMENTS BY MUNICIPALITIES

Responds to the Superior Court decision in *Kasica v. Columbia* (2011 Conn. Super LEXIS 2523), which is currently being appealed. In

Kasica v. Columbia, the Superior Court ruled that the town assessor could raise the assessment of a home that is currently under construction. The Court based its decision on the diction of section 12-53a, which confines reassessment to “the date the certificate of occupancy is issued or the date on which such new construction is first used for the purpose for which same was constructed, whichever is earlier,”

The act maintains that property will be re-assessed upon completion during the interim between revaluations. However, the act also stipulates that partially completed construction will be assessed based on its value on October first of the assessment year.

Effective: Oct. 1, 2012

[PA 12-203](#) (SB 285) AN ACT CONCERNING THE MACBRIDE PRINCIPLES

Sets an end date of Jan. 1, 2020 for the provisions regarding the MacBride Principles, and requires the State Treasurer to report on actions taken with regard to these principles at least once per year. The MacBride Principles called for Connecticut (and other states) to not invest in companies in Northern Ireland that did not engage in certain fair employment practices.

Effective: July 1, 2012

Corporate Governance/Campaign Finance

[PA 12-117](#) (HB 5556) **AN ACT CONCERNING CHANGES TO CAMPAIGN FINANCE LAWS AND OTHER ELECTION LAWS** (*VETOED BY THE GOVERNOR*)

Made unprecedented government intrusions into Connecticut business functions in several ways.

Under the act:

- Companies that contract with the state would have been required to notify their shareholders of campaign-related disbursements, which included issue-related independent expenditures and dues payments to such organizations as trade associations which then make independent expenditures.
- All companies (whether doing business in, organized in, or operating in the state of Connecticut) would have had to obtain prior approval from their governing body for any and all campaign-related disbursements over \$4,000. Prior to the vote, the company would have to inform the governing body of the money's specific use, including whether it may target or benefit a candidate. Again, campaign-related disbursements included issue-related independent expenditures and dues payments to such organizations as trade associations which then make independent expenditures.
- Within 48 hours, these companies would have had to post on their websites the actual vote of their governing body, including the names of

the voting individuals and how they voted--an unprecedented intrusion since it has never been required by Connecticut law before and it ignored the fact that these governing bodies operate as a whole and the individual votes are irrelevant.

- Following the vote, the company would have had to perform one of the following actions:
 - Include in one of its shareholder reports (or reports to its members or donors, as the case may be) the:
 - Identity of the individual making any campaign-related disbursement and his/ her business address
 - Amount, date, and recipient
 - Candidates or ballot issues to which the disbursement is related
 - Identity of individuals who donated over \$1,000 to the entity for campaign-related disbursements during the period that the report covers
 - Provide a link on its website to the disclosure reports it has filed with the State Elections and Enforcement Commission.

Effective: Vetoed by the Governor

Economic Development & Commerce

[PA 12-65](#) (SB 227) AN ACT CONCERNING CORRECTIONS TO CERTAIN CENSUS DESIGNATIONS

Reconfigures Bristol's portion of the multi-town Bioscience Enterprise Corridor Zone by removing two residential census tracts and designating two commercial and industrial ones instead, allowing bioscience businesses in these commercial and industrial tracts to qualify for the zone's incentives.

Effective: May 15, 2012

[PA 12-75](#) (SB 78) AN ACT CONCERNING THE LEARN HERE, LIVE HERE PROGRAM

Expands the "Learn Here, Live Here" first-time home buyers incentive program by opening the program to any student graduating from a public or private college in Connecticut. This also includes graduates of dental schools, chiropractic colleges, optometry schools or colleges, chiropody or podiatry schools or colleges, occupational therapy schools, hospital-based occupational schools, natureopathy schools or colleges, dental hygiene schools, physical therapy schools, and any other healing arts schools or institutions.

Effective: June 6, 2012

[PA 12-97](#) (SB 80) AN ACT EXPANDING TEST BED AUTHORITY AT THE CONSTITUENT UNITS OF THE STATE SYSTEM OF HIGHER EDUCATION

Expands the authority of the top executives of Connecticut's higher education institutions to create technology "test beds" at their schools by purchasing emerging technology for testing and evaluation. This will allow the universities to test new technologies, products, or processes in order to, among other things, assess their commercial potential and possible benefit to the state's economy.

Effective: May 23, 2012

[PA 12-138](#) (HB 5467) AN ACT CREATING A WORKFORCE TO MAKE IMPROVEMENTS AROUND CONNECTICUT'S PUBLIC AIRPORTS

Facilitates home improvements for noise reduction and weatherization and energy efficiency for homeowners within certain areas around the state's public airports

Effective: June 15, 2012

[PA 12-147](#) (SB 22) AN ACT CONCERNING THE CAPITAL REGION DEVELOPMENT AUTHORITY

Redesignates the quasi-public Capital City Economic Development Authority (CCEDA) as the Capital Region Development Authority (CRDA). It maintains many of CCEDA's powers, duties, and functions, including the authority to issue bonds, but expands the district and the range of eligible projects and allows CRDA to plan and implement some of these projects outside the district. CRDA is authorized to:

- Develop and redevelop property anywhere in Hartford
- Develop riverfront improvements anywhere in Hartford and East Hartford
- Demolish and redevelop vacant buildings in East Hartford

The act also increases the number of housing units CRDA may construct or rehabilitate in the district. To plan and implement these projects, the bill gives CRDA the same powers current law gives CCEDA to plan and implement specified capital district projects.

Effective: Upon the Governor's signature

[PA 12-161](#) (HB 5106) AN ACT CONCERNING THE PRIVATE RENTAL INVESTMENT MORTGAGE AND EQUITY PROGRAM

Allows the Connecticut Housing Finance Authority and the Department of Economic and Community Development (DECD) to jointly finance projects under the Private Rental Investment Mortgage and Equity (PRIME) program.

Effective: July 1, 2012

[PA 12-172](#) (HB 5344) AN ACT CONCERNING STREAMLINING THE STATE'S STORMWATER GENERAL PERMITTING PROCESS

Provides a framework for allowing qualified professionals to certify compliance with stormwater and waste water discharge general permits if doing so would not violate the federal Water Pollution Control or the Safe Drinking Water acts. (For a complete description, see the Environment section.)

Effective: June 15, 2012

[PA 12-183](#) (HB 5342) AN ACT CONCERNING REVISIONS TO THE STATE'S BROWNFIELD REMEDIATION AND DEVELOPMENT STATUTES

Makes programmatic and administrative changes to the DECD program providing financial assistance to clean up and redevelop brownfields. (For a complete description of the act, see the Environment section.)

Effective: July 1, 2012

[PA 12-196](#) (HB 5343) AN ACT CONCERNING ECONOMIC DEVELOPMENT THROUGH STREAMLINED AND IMPROVED BROWNFIELD REMEDIATION PROGRAMS

Empowers the Commissioner of the state Department of Energy and Environmental Protection to perform an in-depth analysis of the state's brownfield remediation and development programs and recommend changes to such programs

Effective: June 15, 2012, except for one technical change effective Dec. 1, 2014

Education

[PA 12-7](#) (SB 42) AN ACT CONCERNING THE SELECTION PROCESS FOR MEMBERS OF THE FACULTY ADVISORY COMMITTEE TO THE BOARD OF REGENTS FOR HIGHER EDUCATION

Expands the faculty advisory committee to the Board of Regents for Higher Education from seven members to 10. Achieves this by adding one administrative faculty member each from the Connecticut State University System, the community-technical colleges, and Charter Oak State College and requiring that these administrative faculty members provide direct student services. It specifies that the other committee members must be teaching faculty. Committee members and alternates must be elected by Oct. 1, 2013 through a uniform, fair, and open system-wide election by each constituent unit's faculty governance body.

Effective: July 1, 2012

[PA 12-31](#) (HB 5030) AN ACT CONCERNING THE DEVELOPMENT OF A GENERAL EDUCATION CORE OF COURSES TO ALLOW FOR THE SEAMLESS TRANSFER AMONG PUBLIC INSTITUTIONS OF HIGHER EDUCATION

Requires the development of a general education core of courses that will allow students to transfer credits from the regional community-technical college system to the Connecticut State University System and The University of Connecticut.

Effective: July 1, 2012

[PA 12-40](#) (SB 40) AN ACT CONCERNING COLLEGE READINESS AND COMPLETION

Allows all students open access to entry-level courses in a college level program and prohibits public institutions of higher education from forcing any student to enroll in a remedial course. It requires Connecticut's State University System and its community technical colleges to offer certain students remedial

support that is embedded in entry-level courses, and other students needing more intensive help a college-readiness program.

Effective: July 1, 2012

[PA 12-50](#) (SB 39) AN ACT CONCERNING REQUIREMENTS FOR EARLY CHILDHOOD EDUCATORS

Clarifies the staff-qualification requirements for state-funded early childhood education programs that serve infants, toddlers or preschool age children.

Effective: July 1, 2012

[PA 12-52](#) (SB 241) AN ACT ALLOWING ADJUNCT FACULTY MEMBERS OF THE REGIONAL COMMUNITY-TECHNICAL COLLEGE SYSTEM TO WAIVE MEMBERSHIP IN A STATE RETIREMENT PLAN

Allows adjunct faculty members of the regional community-technical colleges to waive membership in a Connecticut retirement plan, just as adjunct faculty members employed by the Connecticut State University System or The University of Connecticut are permitted to do.

Effective: July 1, 2012

[PA 12-63](#) (SB 382) AN ACT CONCERNING TEACHER CERTIFICATION

On or after July 1, 2013, teachers are required to obtain an early childhood nursery-through-grade-three endorsement in order to teach kindergarten. Elementary education endorsements issued before that date will continue to be valid for teaching kindergarten.

Effective: July 1, 2012

[PA 12-94](#) (SB 43) AN ACT REQUIRING THE SUBMISSION OF INFORMATION CONCERNING STUDENTS RECEIVING FINANCIAL ASSISTANCE FROM THE CONNECTICUT INDEPENDENT

STUDENT GRANT PROGRAM, CONNECTICUT AID TO PUBLIC COLLEGE STUDENTS GRANT PROGRAM AND CAPITOL SCHOLARSHIP GRANT PROGRAM

Requires higher education institutions to file an annual report concerning their students who are receiving financial aid from certain state assistance programs.

Effective: July 1, 2012

[PA 12-97](#) (SB 80) AN ACT EXPANDING TEST BED AUTHORITY AT THE CONSTITUENT UNITS OF THE STATE SYSTEM OF HIGHER EDUCATION

Expands the authority of the top executives of Connecticut's higher education institutions to create technology "test beds" at their schools by purchasing emerging technology for testing and evaluation. This will allow the universities to test new technologies, products, or processes in order to, among other things, assess their commercial potential and possible benefit to the state's economy.

Effective: May 23, 2012

[PA 12-116](#) (SB 458; ORIGINALLY SB 24) AN ACT CONCERNING EDUCATIONAL REFORM

This sweeping, bipartisan legislation lays the foundation for meaningful education reform by expanding access to early education, giving the Commissioner authority to intervene in low-performing schools, linking educator effectiveness to career growth, and expanding use and support of innovative school models. Among other things, it:

- Creates 1,000 new pre-K school readiness seats
- Launches a pilot Commissioner's Network to target and turn around the state's lowest-performing schools
- Increases funding for state's 30 lowest-performing school districts
- Increases funding and support for charter and magnet schools (including

technical and agricultural science schools)

- Requires a pilot program linking annual performance evaluations for teachers and principals to tenure
- Strengthens professional development resources
- Recognizes excellent teachers with a "distinguished educator" designation
- Cuts red tape for high-performing schools and districts
- Creates a common chart of accounts
- *Effective: July 1, 2012*

[PA 12-120](#) (SB 299) AN ACT CONCERNING MINOR REVISIONS TO THE EDUCATION STATUTES

Requires criminal background checks for school employees, allows public academies to apply for school construction grants, and makes other minor revisions to the education statutes.

Effective: June 15, 2012

[PA 12-128](#) (HB 5276) AN ACT CONCERNING THE CAPITOL SCHOLARSHIP GRANT PROGRAM

Eliminates the provision that restricts new, incoming students in certain academic years from receiving financial assistance under the Capitol Scholarship Grant Program.

Effective: June 15, 2012

[PA 12-129](#) (HB 5279) AN ACT CONCERNING PUBLIC INSTITUTIONS OF HIGHER EDUCATION

Eliminates the requirement that public higher education institutions advertise, in printed publications, bidding opportunities for goods and services expected to cost more than \$50,000. It also requires annual, rather than semiannual, internal audits of public higher education institutions' compliance with their faculty consulting policies; eliminates a requirement that an independent auditor verify the book values of certain UConn Health Center (UHC) accounts receivables; and makes several

other changes including giving UConn more control over inventions and less oversight in setting organizational goals.

Effective: July 1, 2012

[PA 12-154](#) (SB 383) AN ACT CONCERNING MANUFACTURING INTERNSHIPS

Allows 16- and 17-year-olds to work in manufacturing facilities as part of an internship program. This will give young people greater access to hands-on learning opportunities in the field of manufacturing.

- Creates 1,000 new pre-K school readiness seats
- Launches a pilot Commissioner's Network to target and turn around the state's lowest-performing schools
- Increases funding for state's 30 lowest-performing school districts
- Increases funding and support for charter and magnet schools (including technical and agricultural science schools)
- Requires a pilot program linking annual performance evaluations for teachers and principals to tenure
- Strengthens professional development resources
- Recognizes excellent teachers with a "distinguished educator" designation
- Cuts red tape for high-performing schools and districts
- Creates a common chart of accounts

Effective: July 1, 2012

[PA 12-156](#) (HB 5032) AN ACT CONCERNING REVISIONS TO THE HIGHER EDUCATION STATUTES

Among other things, transfers several duties from the Board of Regents for Higher Education to the Office of Higher Education and makes numerous technical changes.

Effective: June 15, 2012

[PA 12-173](#) (HB 5353) AN ACT CONCERNING INDIVIDUALIZED EDUCATION PROGRAMS AND OTHER ISSUES RELATING TO SPECIAL EDUCATION

Requires additional opportunities for meetings between school district officials and parents of students in, or under evaluation for, special education. It also requires teacher certification preparation, in-service training, and professional development to include expanded instruction and training regarding implementing individualized education programs (IEPs), and makes various other changes to the laws regarding special education.

Effective: July 1, 2012

[PA 12-179](#) (HB 5358) AN ACT CONCERNING AUTHORIZATION OF STATE GRANT COMMITMENTS FOR SCHOOL BUILDING PROJECTS

Approves state grant commitments for school construction projects on the education commissioner's project priority list, including \$344.5 million in state grant commitments for 20 new school construction projects of various types. It also reauthorizes a total of three previously authorized projects.

Effective: June 15, 2012

[PA 12-192](#) (SB 237) AN ACT CONCERNING THE SHARING OF INFORMATION BETWEEN THE LABOR DEPARTMENT AND INSTITUTIONS OF HIGHER EDUCATION

Allows disclosure of unemployment compensation records, with identifiers, to the president of the Board of Regents for Higher Education (BOR) for use in his official duties to the extent necessary to evaluate programs at higher education institutions governed by the board.

Effective: July 1, 2012

[SPECIAL ACT 12-3](#) (SB 384) **AN ACT CONCERNING TEACHER PREPARATION**

Increases the quality of classroom teaching by requiring graduates of teacher preparation programs to have, among other things, a certain minimum grade point average and a minimum number of student teaching hours each year he or she is in the program.

Effective: July 1, 2012

[SPECIAL ACT 12-9](#) (SB 41) **AN ACT CONCERNING WORKFORCE DEVELOPMENT**

Requires the Office of Workforce Competitiveness, in collaboration with the Department of Education and the Board of Regents for Higher Education, to study model programs concerning the pre-employment training and employment of young adults with autism spectrum disorder and other developmental disabilities and to report no later than Jan. 1, 2013 on such study to the joint standing committee of higher education and employment advancement.

Effective: July 1, 2012

Energy & Technology

PA 12-4 (SB 457) AN ACT CONCERNING A CAP ON THE PETROLEUM PRODUCTS GROSS EARNINGS TAX AND PENALTIES FOR ABNORMAL PRICE INCREASES IN CERTAIN PETROLEUM PRODUCTS

Caps at \$3 per gallon the amount of gross earnings from gasoline and gasohol sales subject to the petroleum products gross earnings tax--a tax that fluctuates with the wholesale price of these products.

Petroleum products distributors are barred from including in any billing for the first sale of any petroleum products in the state any amount representing the gross earnings tax that exceeds their gross earnings tax liability. This means that should the wholesale price of gasoline rise to \$4 per gallon, distributors would only be able to bill their customers for a gross earnings tax based on \$3 per gallon.

The act also:

- Gives the Department of Consumer Protection the authority to investigate complaints and to enforce against violations, which the Act specifies will be considered an unfair or deceptive trade practice under state law.
- Includes measures concerning excessive pricing of energy resources which expressly includes No. 2 heating oil used exclusively for heating purposes.
- Declares that the 90-day period after passage constitutes a "period of abnormal market disruption" during which energy resource sellers are prohibited from excessive pricing.
- Establishes a new fine of up to \$10,000 for each market disruption violation in addition to the civil actions the attorney general may already seek and CUTPA penalties that already apply.

Effective: April 3, 2012

PA 12-148 (SB 23) AN ACT ENHANCING EMERGENCY PREPAREDNESS AND RESPONSE

Adds all public service companies, including electric, gas, telephone and cable companies, to the list of state and local agencies that must carry out specific duties and functions under the state's civil preparedness plan. The act expands planning and training responsibilities for state and local agencies, effective July 1, 2012.

Performance standards

The heart of the act requires the state's Public Utilities Regulatory Authority (PURA) to conduct public proceedings to establish industry-specific standards for acceptable performance by public service companies. Standards for electric-distribution and natural-gas companies must be designed to:

- Protect public health and safety
- Ensure the reliability of services
- Prevent and minimize the number of service outages or disruptions;
- Reduce the duration of such outages and disruptions
- Facilitate restoration of services after outages or disruptions
- Identify the most cost-effective level of tree trimming and system hardening, including undergrounding, necessary to achieve the maximum reliability of the system and to minimize service outages.

PURA must report and identify the standards and any recommendations for legislative changes necessary to implement them by Nov. 1, 2012. Each utility may recover the costs of maintaining or improving their infrastructures necessary to meet the standards.

Utility information for review

The act also identifies a comprehensive list of relevant utility information that must be reviewed during the process and requires specific utility standards to be developed including:

- Minimum staffing and equipment levels
- Restoration of service
- Communications with customers
- Safety standards for employees, mutual aid crews and private contractors
- Mutual storm aid agreements
- Coordination protocols with state, municipal and emergency operation center officials
- Tree trimming

Also under this act:

- Each utility must file an annual emergency response report with PURA concerning its ability during the preceding year to meet the emergency preparedness and response standards.
- PURA is given authority to enforce the standards and levy civil penalties for failure to meet the new standards. Penalties would be assessed in the form of a credit to ratepayers and could not be the basis for any ratemaking applications before PURA.

Telecommunications standards

The act also requires separate proceedings to establish standards for telephone, telecommunications, television, cable and video service and franchise authorities. And, it identifies a broad range of information to be considered in establishing the standards.

The provisions associated with non-compliance with these standards are different than those for electric distribution and gas companies, outlined above. Here, a finding of noncompliance gives PURA the authority to submit a report with suggested legislative

changes to the legislature's Energy Committee, including penalties for future noncompliance.

The act also prescribes specific credits that telephone and telecommunications providers must give to their subscribers in the event of outages lasting more than 24 hours, under certain conditions.

Microgrid program

DEEP is also required to establish a grant and loan program of up to \$15 million to support the creation of microgrids that can act as "energy islands" when the main grid is down. These distributed generation sources will be utilized to maintain power at critical facilities. DEEP would also administer the implementation of these microgrids through an RFP process.

The act calls for the funds to be "evenly distributed between small, medium and large municipalities." It also calls for a study evaluating the costs and benefits of various microgrid strategies and make recommendations on the most cost-effective and reliable methods.

Backup plans

The act makes changes concerning current requirements for emergency service restoration plans, requires some public utility providers to assign representatives to liaison with emergency operation centers, and requires reports from cell phone service providers on backup generation capacity.

The act also:

- Requires PURA to study the feasibility of creating a program to reimburse residential electric company customers for the loss of refrigerated food and medications caused by electricity outages lasting over 48 hours.

- Includes provisions for streamlined environmental authorizations from DEEP for certain emergency activities. The Act requires DOT and any municipality to notify PURA whenever it does road work over five miles long or in a commercial area. PURA must then notify utility companies if it determines that the road work could provide an opportunity to install, replace, upgrade, or bury any of their various infrastructure lines.

Effective: June 15, 2012 (except for those portions noted above)

PA 12-165 (HB 5271) AN ACT CONCERNING THE SITING COUNCIL

The primary focus of this act is to prohibit the Connecticut Siting Council from approving the locating of telecommunication towers within 250 feet of a school or child day care center. Exceptions include if the chief elected official of a municipality approves the location, or if the council determines that the tower will not have a substantial adverse effect on the aesthetics or scenic quality of the school or day care center's neighborhood.

The act also:

- Requires telecommunications tower developers to begin consulting with potentially affected municipalities 90, rather than 60, days before applying to

the Siting Council for a certificate approving the tower's location. It also expands the scope of this consultation.

- Expands the factors the Siting Council must consider when approving cable TV or telecommunications towers and equipment, and allows the council to request the state's attorney general to bring a civil suit under certain circumstances.
- Adds neighborhood concerns to the list of factors that the council must consider when reviewing power plant applications.

Effective: July 1, 2012 with the exception of the consultation requirements which are effective June 15, 2012.

SPECIAL ACT 12-8 (HB 5543) AN ACT CONCERNING THE CREATION AND EXPANSION OF MUNICIPAL ELECTRIC UTILITIES

Requires PURA to conduct an examination of the procedures associated with creating and expanding municipal electricity utilities. PURA must submit a report to the legislature's Energy and Technology Committee by Jan. 2013 describing those procedures along with "any statutory changes necessary to enable a municipality to implement or initiate such procedures."

Effective: June 15, 2012

Environment

PA 12-11 (SB 88) **AN ACT CONCERNING THE PUBLIC'S RIGHT TO KNOW OF A SEWAGE SPILL**

Requires the Department of Energy and Environmental Protection (DEEP), beginning July 1, 2013, to post on its website a map indicating combined sewer overflows anticipated to occur during certain storm events. On and after July 1, 2014, DEEP will have to post notice of unanticipated diversions of wastes from any portion of a sewage treatment plant or collection system--defined as any sewage treatment plant, water pollution control facility, related pumping station, collection system or other public sewage works. Despite the adjective "public," DEEP successfully requested legislators to specify in the debate on the House floor that the intention was to include private-sector facilities as well.

Effective: July 1, 2012

PA 12-32 (HB 5073) **AN ACT CONCERNING REVISIONS TO CONNECTICUT'S MODEL ENTITY TRANSACTIONS ACT AND THE CONNECTICUT BUSINESS CORPORATION ACT**

Section 7 of this act revises the list of exemptions under the Transfer Act to include:

- The conversion of a general or limited partnership to a limited liability company;
- Acquisition of an establishment that is in the abandoned brownfield cleanup program established pursuant to section 32-9// and all subsequent transfers of the establishment, provided the establishment is undergoing remediation or is remediated in accordance with subsection (g) of said section 32-9//;
- Any transfer of title from a bankruptcy court or a municipality to a nonprofit organization; or

- Acquisition of an establishment that is in the brownfield remediation and revitalization program and all subsequent transfers of the establishment, provided the establishment is in compliance with the brownfield investigation plan and remediation schedule, the commissioner has issued a no audit letter or successful audit closure letter in response to a verification or interim verification submitted regarding the remediation of such establishment under the brownfield remediation and revitalization program, or a one-hundred-eighty-day period has expired since a verification or interim verification submitted regarding the remediation of such establishment under the brownfield remediation and revitalization program without an audit decision from the Commissioner of Energy and Environmental Protection.

Effective: Jan. 1, 2014 (Section 7)

PA 12-54 (SB 350) **AN ACT REQUIRING THE ESTABLISHMENT OF MANUFACTURER MERCURY THERMOSTAT COLLECTION AND RECYCLING PROGRAMS**

Requires mercury thermostat manufacturers to establish mercury thermostat collection and recycling programs by April 1, 2013.

Beginning July 1, 2014, manufacturers will be prohibited from selling, offering for sale, or distributing thermostats in Connecticut if they do not meet the act's program-related requirements. Wholesalers or qualified contractors will also be prohibited from selling, offering for sale, or distributing thermostats in the state if they do not participate as a mercury

thermostat collection site, and the thermostats are from noncompliant manufacturers.

The act also:

- Requires manufacturers to provide collection sites with containers and information about proper mercury thermostat management and allows them to charge such sites a one-time administrative fee.
- Requires manufacturers to provide education and outreach programs about mercury thermostat recycling and disposal. DEEP will have to report about these programs to the legislature.

Municipalities will not be required to participate in a manufacturer mercury thermostat collection and recycling program.

Finally, the act requires, beginning July 1, 2014, the disposal of mercury thermostats through recycling or as hazardous waste. It also specifies that solid waste disposal facility owners or operators will not violate the program or disposal requirements if they make certain efforts.

Effective: May 31, 2012

PA 12-100 (SB 351) AN ACT CONCERNING CERTAIN CEMETERY EROSION MITIGATION EFFORTS WITHIN THE COASTAL BOUNDARY

Under the federal Clean Water Act, applicants for certain federal licenses or permits must obtain a certification from the state that the proposed activity is consistent with its water quality standards. By law, the commissioner of DEEP must publish a notice of tentative determination at least 30 days before approving or denying certain applications, including applications for Water Pollution Control Act water quality certifications and permits to conduct certain regulated activities in tidal,

coastal, or navigable waters below the high tide line.

Under this act, the DEEP is required to conduct a hearing at an applicant's request on an application for a:

- Water quality certification under the federal Water Pollution Control Act (WPCA)
- Permit to conduct certain activities in tidal, coastal, or navigable waters below the high tide line, under certain circumstances

Anyone aggrieved by the DEEP commissioner's final decision on these applications may appeal to Superior Court.

Effective: Oct. 1, 2012

PA 12-101 (SB 376) AN ACT CONCERNING THE COASTAL MANAGEMENT ACT AND SHORELINE FLOOD AND EROSION CONTROL STRUCTURES

Makes several changes to the Coastal Management Act (CMA) and laws regulating certain activities in the state's tidal, coastal, or navigable waters.

Among other things, it:

- Modifies the CMA's general goals and policies to consider private property owners' rights when developing, preserving, or using coastal resources; and the potential impact of a rise in sea level when planning coastal development to minimize certain needs or effects;
- Expands the list of land uses that can be protected by structural solutions under certain circumstances to include cemetery and burial grounds and inhabited structures built by Jan. 1, 1995;
- Requires, under Sec. 3, a municipal zoning commission to approve a coastal site plan for a shoreline flood and

erosion control structure under certain circumstances;

- Requires a municipal zoning commission or the DEEP commissioner to propose structure alternatives or mitigation measures and techniques if they deny a shoreline flood and erosion control structure application for certain reasons; and
- Replaces the statutory definition of “high tide line” with one for “coastal jurisdiction line”.

The act also requires the Office of Policy and Management (OPM) to consider coastal erosion when revising the state’s Plan of Conservation and Development after October 1, 2012. It authorizes establishing certain programs and preparing a study related to shoreline protection and management.

Effective: Oct. 1, 2012 except for Sec. 3, effective June 8, 2012

PA 12-155 (SB 440) AN ACT CONCERNING PHOSPHOROUS REDUCTION IN STATE WATERS

The commissioner of DEEP (or the commissioner's designee) and the chief elected officials of Cheshire, Danbury, Meriden, Southington, Wallingford and Waterbury, as well as any other municipality affected by the statewide strategy to reduce phosphorus, will evaluate and recommend a strategy to reduce phosphorus loading in inland nontidal waters in order to comply with EPA standards. This work shall include:

- A statewide response to address phosphorus nonpoint source pollution
- Approaches for municipalities to use in order to comply with standards established by the United States Environmental Protection Agency for phosphorus, including guidance for treatment and potential plant upgrades
- The proper scientific methods by which to measure current phosphorous levels

in inland nontidal waters and to make future projections of phosphorous levels in such waters.

The act also prohibits anyone from applying fertilizer as a soil amendment or any compost containing compost to an established lawn, with few exceptions that include agricultural lands and golf courses. The same prohibition, without exception, applies to any lawn from Dec. 1 through March 15 of the following year, and to any portion of lawn located 20 feet or less from any brook, stream, river, lake, pond sound or any other body of water except that the use of a drop spreader, rotary spreader with a deflector or targeted spray liquid may be used not less than 15 feet from such waters.

Effective: Provisions of this Act dealing with application restrictions (section 2) become effective on Jan. 1, 2013. The other portions of the Act are effective June 15, 2012.

PA 12-172 (HB 5344) AN ACT CONCERNING STREAMLINING THE STATE’S STORMWATER GENERAL PERMITTING PROCESS

Authorizes the DEEP commissioner to allow the documents necessary for coverage under a general permit to be certified by a “qualified professional.” This potentially will eliminate the need for time-consuming reviews by DEEP staff. Qualified professionals must have sufficient education, training, experience and credentials to meet the standards defined in the act. They must also have no conflict of interest regarding the submissions (reasonable compensation for services rendered are specifically deemed not to create a conflict of interest).

Further, the act requires the commissioner to accept a certification unless it is the subject of a DEEP audit (also authorized by the Act or if there is reason to believe the certification does not comply with the requirements of the

general permit). The qualified professional must also notify the commissioner within 15 days if he or she learns, or should have learned, information that would have significantly affected the certification decision.

The commissioner may audit any certification under this program and the act specifies a goal of auditing 10% of the certifications. In an audit, the commissioner may require "independent verification of all or any part of a certification." These verifications would have to be conducted by a different qualified professional and would be conducted at the expense of whoever is seeking, or who has obtained, authorization under the general permit. The commissioner has to submit a report to the legislature's Environment and Commerce committees by Jan. 1, 2014

The commissioner may deny, revoke, suspend or modify an approval under the general permit if it is found that a certification does not comply with the requirements of the general permit. Further, the commissioner may initiate disciplinary action against a qualified professional with any board or commission overseeing the credentials held by the profession and may unilaterally temporarily or permanently prohibit such professional from making future certifications under the program.

Finally, the act allows the commissioner to adopt regulations to implement the Act.

Effective: June 15, 2012

PA 12-183 (HB 5342) AN ACT CONCERNING REVISIONS TO THE STATE'S BROWNFIELD REMEDIATION AND DEVELOPMENT STATUTES

Expands the projects eligible for funding under the Targeted Brownfield Development Loan Program to include affordable and workforce housing as well as other residential development if approved by the DECD.

Municipalities and economic development agencies are also made eligible for the program, and DECD has the authority to modify the terms of its loans to include extend the repayment schedule or forgive principal and/or interest.

Office of Brownfield Development

The act also will help bolster the state's Office of Brownfield Remediation and Development by allowing funds available under existing brownfield grant and loan programs to be used by the office for staffing, marketing and website development.

Pilot programs

Multiple state agencies will be allowed to develop pilot programs to facilitate the redevelopment of up to three "properties that will provide significant regional or statewide economic benefits in a manner that promotes smart growth."

These properties will be exempted from the Connecticut Transfer Act, provided they are investigated and remediated under the state's voluntary cleanup program.

What's more, the projects will receive an expedited environmental review through a DECD report to be submitted to DEEP and OPM. The report will be the subject of a public comment period and OPM will make a final determination on the sufficiency of the review.

Liability reform

Improving on last year's Brownfield Remediation and Revitalization Program (BRRP) liability reform law, the act:

- Gives municipalities the ability to nominate properties for the program even when there is no eligible purchaser yet identified for the property.
- Allows properties currently being investigated or remediated under

the state's Property Transfer Act to apply to the program.

- Gives the DEEP commissioner authority to provide, at his discretion, latitude regarding various timeframes existing under the current law.
- Provides greater flexibility as to the timing of the payment required to participate in the program such that the first installment is due no later than 180 days after the later of the date the eligible applicant is notified that the application has been accepted by the commissioner or the date that the eligible applicant takes title to the eligible property. Fee payment deadlines for a municipality or an economic development agency may be extended further with permission from DEEP. Subsequent deadlines for cleanup will be tied to the date of the first installment.

Effective: July 1, 2012, except for the pilot programs sections (5, 6 and 8 of the act) which are effective June 15, 2012

PA 12-189 (SB 25) AN ACT AUTHORIZING AND ADJUSTING BONDS OF THE STATE FOR CAPITAL IMPROVEMENTS, TRANSPORTATION AND OTHER PURPOSES

Section 48 of this year's bonding bill authorizes up to \$36 million, including \$27 million over the next three years, "for the purpose of providing payment or reimbursement ordered by the Commissioner of Energy and Environmental Protection pursuant to the underground storage tank petroleum clean-up program."

Effective: July 1, 2012 (Section 48)

PA 12-196 (HB 5343) AN ACT CONCERNING ECONOMIC DEVELOPMENT THROUGH STREAMLINED AND IMPROVED BROWNFIELD REMEDIATION PROGRAMS

Requires DEEP to report to the Governor as well as the legislature's Commerce and Environment committees by Jan. 1, 2013, the results of its ongoing review of the general statutes as they relate to brownfield remediation and development and the state's remediation standard regulations. The report must include "any recommended changes to such statutes and regulations **or** any recommendations for any new program for responding to hazardous material releases." (emphasis added)

In addition, the act provides exemptions from the Transfer Act for conveyances or development activities associated with state-run airports, including Bradley International Airport. It also provides liability protection for the Connecticut Airport Authority, its members and employees arising from environmental pollution issues.

Effective: June 15, 2012

General Law

[PA 12-12](#) (SB 252) AN ACT AUTHORIZING FLAVORING AGENTS FOR PRESCRIPTION PRODUCTS

Authorizes the addition of flavoring agents to prescription products, subject to certain conditions.

Effective: July 1, 2012

[PA 12-15](#) (SB 71) AN ACT EXPANDING THE "ONE FREE ITEM" RETAIL SALES LAW

Expands the "one free item" law to cover retail foods without bar codes, including ones that must be weighed at purchase. If a commodity is offered for retail sale and its price at the point of sale is higher than the posted or advertised price, the consumer receives the commodity for free, up to a \$ 20 value.

Effective: July 1, 2012

[PA 12-17](#) (HB 5021) AN ACT CONCERNING COMPETITIVE ALCOHOLIC LIQUOR PRICING AND HOURS OF OPERATION FOR PERMITTEES

Makes various changes to the liquor control act, expanding the days and hours for alcohol sales, including off-premises sales on Sundays.

Effective: May 14, 2012, except some provisions July 1, 2012

[PA 12-18](#) (HB 5057) AN ACT CONCERNING PENALTIES FOR THE VIOLATION OF MECHANICAL CONTRACTOR REGISTRATION REQUIREMENTS

Imposes penalties for the violation of mechanical contractor registration requirements.

Effective: Oct. 1, 2012

[PA 12-28](#) (HB 5329) AN ACT CONCERNING THE USE OF TELEPHARMACY BY HOSPITALS

Makes permanent the telepharmacy pilot program and expands it to all licensed hospital

pharmacies and to the dispensing of sterile products beyond intravenous admixture preparations as under the pilot programs and allows pharmacists at hospital pharmacies to use electronic technology at the hospital, its satellite, or remote locations to allow a clinical pharmacist to supervise pharmacy technicians in dispensing sterile products.

Effective: July 1, 2012

[PA 12-76](#) (SB 207) AN ACT CONCERNING RESIDENTIAL HEATING OIL AND PROPANE CONTRACTS

Requires a written contract for selling residential heating fuel, in addition to those for guaranteed price heating fuel plans, which are required under current law; and renting or leasing a heating fuel tank. It exempts automatic delivery agreements from this requirement under certain conditions. The bill applies to fuel sales where fuel is the primary source of heat for residential heating or domestic hot water for a residential structure having one to four units.

Effective: July 1, 2013

[PA 12-79](#) (HB 5089) AN ACT PROHIBITING TELEMARKETERS FROM TRANSMITTING INACCURATE OR MISLEADING CALLER IDENTIFICATION INFORMATION

Prohibits telephone solicitors from intentionally transmitting inaccurate or misleading caller identification information, which is deemed an unfair or deceptive trade practice and subject to a fine of up to \$11,000.

Effective: Oct. 1, 2012

[PA 12-92](#) (SB 27) AN ACT CONCERNING TRANSLATING THE REGULATIONS OF CONNECTICUT STATE AGENCIES TO AN ONLINE FORMAT

Requires the state to make available to the public most agency regulations, contained in policy manuals and guidance documents, on the Secretary of the State's website (instead of published in the *Connecticut Law Journal*).

Effective: July 1, 2013

[PA 12-95](#) (SB 57) AN ACT CONCERNING THE LICENSURE OF FOOD MANUFACTURING ESTABLISHMENTS

Creates a new food manufacturing establishment license. It places requirements substantially similar to those for an existing bakery on these new licenses. It adds a penalty for bakeries that violate bakery laws and extends them to food manufacturer establishments. It also removes certain bakery sanitation condition requirements.

Effective: July 1, 2012

[PA 12-122](#) (HB 5087) AN ACT REQUIRING THE COMMISSIONER OF CONSUMER PROTECTION TO MAKE CHANGES TO THE RESIDENTIAL PROPERTY CONDITION DISCLOSURE REPORT

Implements the recommendations of the General Law Committee's Real Estate Property Condition Disclosure Report Form Revision Work Group.

Effective: July 1, 2012

[PA 12-131](#) (HB 5328) AN ACT ESTABLISHING A FINE ART SECURED LENDING LICENSE

Creates a new fine art secured lending license issued by towns and cities with provisions and requirements similar to those for pawnbrokers including the same penalties and similar requirements for licensing, identifying sellers, recording, reporting, and payments.

Effective: Oct. 1, 2012

[PA 12-169](#) (HB 5307) AN ACT CONCERNING REGISTERED INTERIOR DESIGNERS

Removes the requirement that a registered interior designer exhibit his or her certificate at the request of any interested party and requires registered interior designers to include their registration certificate number in any advertisement.

Effective: July 1, 2012

[PA 12-199](#) (HB 5360) AN ACT PROHIBITING CERTAIN PERSONS FROM ALLOWING MINORS TO POSSESS ALCOHOLIC LIQUOR IN DWELLING UNITS AND ON PRIVATE PROPERTY

Prohibits anyone who owns or controls private property, including a dwelling unit, from recklessly or with criminal negligence, permitting any minor to illegally possess alcohol in the unit or on the property, in addition to existing law's prohibition on knowingly allowing such possession.

Effective: Oct. 1, 2012

[SPECIAL ACT 12-5](#) (HB 5326) AN ACT ENCOURAGING THE PURCHASE OF FOOD PRODUCTS GROWN OR MADE IN CONNECTICUT

Requires grocery stores that sell or offer to sell food products that have a Connecticut traceable point of origin to post a conspicuous sign (1) on the product, (2) on each cash register or point of sale, or (3) at a place visible from the register stating that the product was grown or made in Connecticut, and requires grocery stores to identify on the receipt the portion of each purchase that consists of food products with a Connecticut traceable point of origin.

Effective: Jan. 1, 2013

Healthcare & Other Insurance Matters

PA 12-1 (HB 5301) **AN ACT ADJUSTING INCOME ELIGIBILITY GUIDELINES FOR MEDICARE SAVINGS PROGRAMS**

Changes the date on which the Connecticut Department of Social Services (DSS) must begin escalating the income amount that it disregards for purposes of Medicare Savings Program eligibility. The previous date was Oct. 1, 2009 and the new date is March 1, 2012.

Effective: March 6, 2012

PA 12-13 (SB 56) **AN ACT CONCERNING CRITICAL CONGENITAL HEART DISEASE SCREENING FOR NEWBORN INFANTS**

Requires all hospitals (and other healthcare institutions), which currently provide newborn care, to test infants for critical congenital heart disease. These hospitals and other healthcare institutions are already required to test for cystic fibrosis and severe combined immunodeficiency disease.

The only exception to this rule is if the infant's parents object to the testing based on legitimate religious reasons.

Effective: Oct. 1, 2012

PA 12-28 (HB 5329) **AN ACT CONCERNING THE USE OF TELEPHARMACY BY HOSPITALS**

Changes the state's telepharmacy program from a pilot program to a permanent state program.

The act also enhances the program to apply to all licensed hospital pharmacies, and allows hospital pharmacies to use new technologies to allow a clinical pharmacist to supervise pharmacy technicians in dispensing sterile products.

Effective: July 1, 2012

PA 12-44 (SB 205) **AN ACT CONCERNING INSURANCE COVERAGE FOR THE BIRTH-TO-THREE PROGRAM.**

Amends, but does not expand, the existing birth-to-three health benefit mandate under state-regulated health insurance policies. State health benefit mandates are state laws that require state-regulated health insurance plans to cover various procedures and services, or cover given populations. The plans that are impacted by these state mandates are only fully-insured plans – these are the types of health insurance plans that small companies and individuals typically purchase. Larger companies generally can avoid these state mandates by self-insuring their employees and dependents.

Under the act, any cost-sharing mechanisms related to such mandate may not result in a loss of benefits due to a policy limit, an insured child or family member being denied health insurance coverage or a policy rescission or cancellation.

Effective: July 1, 2012

PA 12-61 (SB 12) **AN ACT CONCERNING GUIDELINES FOR HEALTH INSURANCE COVERAGE FOR COLORECTAL CANCER SCREENING**

Amends, but does not expand, the existing colorectal cancer screening health benefit mandate. State health benefit mandates are state laws that require state-regulated health insurance plans to cover various procedures and services, or cover given populations. The plans that are impacted by these state mandates are only fully-insured plans. These are the types of health insurance plans that small companies and individuals typically purchase. Larger companies generally can avoid

these state mandates by self-insuring their employees and dependents.

Prior to the enactment of this act, health insurance carriers were required to comply with the recommendations of the American College of Gastroenterology (following consultation with the American Cancer Society and the American College of Radiology).

This act now requires carriers to instead follow the recommendations of the American Cancer Society.

Effective: Jan. 1, 2013

PA 12-102 (SB 410) **AN ACT CONCERNING ADVERSE DETERMINATION REVIEWS.**

Adds to the types of information and data that most health insurance carriers are required to provide to individuals when such carrier denies coverage (in other words, make an adverse determination) both in the initial determination and reviews of this determination. The carriers are also required to provide copies of such determination no later than five business days following the decision.

Impacted carriers are those that offer health benefit plans providing utilization review services.

Annually, carriers must certify to the Connecticut Department of Insurance that they are in compliance with all adverse determination and grievance procedural rules.

Under the act, carriers which contract with utilization review companies must ensure that those companies comply with these adverse determination and grievance procedural rules as well.

Effective: Oct. 1, 2012

PA 12-109 (HB 5483) **AN ACT CONCERNING COVERAGE OF TELEMEDICINE SERVICES UNDER MEDICAID**

Allows DSS to establish a telemedicine demonstration program at federally-qualified community health centers. This project would allow for health care services under Medicaid to be provided via telemedicine at such centers.

Effective: Jan. 1, 2013

PA 12-123 (HB 5143) **AN ACT CONCERNING INSURANCE COVERAGE FOR PERISHABLE FOOD DONATED BY CERTAIN FOOD ESTABLISHMENTS**

Encourages donations of food in times of need by requiring property and casualty insurance carriers (which cover food spoilage) during official "States of Emergencies" to cover to the same extent donations of perishable food to temporary emergency shelters.

This act only concerns food donated from grocery stores and restaurants.

Under most circumstances, such food donors are insulated from liability for civil damages or criminal penalties related to the food's nature, age, condition, or packaging.

However, such food donors would not be insulated from liability or penalty if the donor, at the time of making the donation, knew or had reasonable grounds to believe that the food was any of the following:

- Embargoed or ordered destroyed by the Connecticut Department of Public Health or a local director of health (or an authorized agent thereof)
- Adulterated
- Not fit for human consumption

Effective: Oct. 1, 2012

PA 12-139 (HB 5484) **AN ACT CONCERNING CREDIT ALLOWED A DOMESTIC CEDING INSURER FOR REINSURANCE**

Amends the rules governing under what circumstances an insurer may take financial

credit for reinsurance when it cedes certain risks. Under the law, a “ceding” insurer is allowed to treat monies due from carriers as either assets or “reductions from liability” (based on the reinsurer's status) for purposes of preparing its financial statements.

Effective: Oct. 1, 2012

[PA 12-150](#) (SB 97) AN ACT CONCERNING BREAST CANCER SCREENING

Clarifies the applicability of the existing breast cancer screening health benefit mandate by limiting the circumstances under which state-regulated health insurance policies must cover breast magnetic resonance imaging. When such breast magnetic resonance imaging is to be covered, the act requires that it be in accordance with American Cancer Society guidelines.

Effective: June 15, 2012

[PA 12-158](#) (HB 5037) AN ACT IMPLEMENTING THE GOVERNOR'S BUDGET RECOMMENDATIONS CONCERNING PUBLIC HEALTH

In an effort to conform conflicting provisions of the general statutes, this act deletes a former requirement that the state pay for the cost of medical care for an individual who is committed to a “state humane institution” after being found not guilty of a crime by reason of a mental illness.

“State humane institutions” are state mental hospitals, community mental health centers, treatment facilities for children and adolescents, or any other programs or facilities administered by certain state agencies.

Under existing law, if such a resident of a state humane institution is unable to pay, the state can recover some or all of the cost from certain relatives of the individual.

Effective: June 15, 2012

[PA 12-166](#) (HB 5038) AN ACT IMPLEMENTING THE GOVERNOR'S BUDGET RECOMMENDATIONS CONCERNING AN ALL-PAYER CLAIMS DATABASE PROGRAM

Increases access to healthcare cost and quality data for consumers and providers through the creation of an all-payer claims database program.

Information in the database will consist of various forms of health insurance and medical care-related data provided by insurance carriers and other “reporting entities” (which administer health care claims and payments).

However, the state must first obtain funding from various outside sources (including federal and private sources) before it may move forward with this data collection and dissemination. In addition, any disclosure from the database must protect the confidentiality of an individual's health information.

Effective: June 15, 2012

[PA 12-190](#) (SB 98) AN ACT CONCERNING DEDUCTIBLES AND GUIDELINES FOR COLONOSCOPIES.

Operates as a cost-shift for healthcare costs by prohibiting health insurance carriers from charging deductibles for colorectal cancer screening colonoscopy or sigmoidoscopy under state-regulated health insurance policies.

Effective: Jan. 1, 2013

[PA 12-197](#) (HB 5514) AN ACT CONCERNING VARIOUS REVISIONS TO THE PUBLIC HEALTH STATUTES

Mandates that all higher education institutions have not less than one automatic external defibrillator (AED) located at their athletic departments, with not less than one person trained in the use of AEDs (and trained in cardiopulmonary resuscitation).

Effective: Oct. 1, 2012

**[PA 12-207](#) (SB 371) AN ACT CONCERNING THE
ADMINISTRATION OF INJECTABLE VACCINES
TO ADULTS IN PHARMACIES.**

Expands the authority of licensed pharmacists to administer certain vaccines to adults. The list of permissible vaccines that such a pharmacist

may administer to adults now includes all of those listed on the National Centers for Disease Control and Prevention's Adult Immunization Schedule.

Effective: Oct. 1, 2012

Labor & Employment

PA 12-46 (SB 258) AN ACT CONCERNING AN INCREASE IN THE MAXIMUM ALLOWABLE UNEMPLOYMENT COMPENSATION TRUST FUND BALANCE

Following a new federal rule, states must, in order to be eligible for future interest-free borrowing, increase their unemployment compensation reserve goal to at least one year's worth of reserves based on the average of the three worst recessionary years (i.e., \$1.2 billion for Connecticut). Consequently, this act increases Connecticut's Unemployment Compensation Trust Fund (UTF) reserve goal from its current level of 0.8% of total payroll for all Connecticut employers (roughly \$625 million) to 1.0% of total payroll (roughly, \$1.2 billion).

This change will begin with the 2013 calendar year and then take place gradually over several years up to year 2019 using the Average High Cost Multiple (AHCM) formula. Under that formula, the new reserve goal would be based on the state's three highest years of unemployment benefit payouts over the last 20-year period; ultimately, employers would pay the trust fund solvency tax for a longer period of time until the new reserve goal is met.

At the height of the recession, more than 30 states had to borrow from the federal government to meet their unemployment benefit obligations. Connecticut has borrowed more than \$710 million to date, and employers will pay more than \$40 million in additional taxes because of it this year. After that, millions more are owed to start repaying the loan principal and ultimately restore solvency to the Fund.

Effective: Oct. 1, 2012

PA 12-77 (SB 353) AN ACT CONCERNING ATTACHMENTS TO SECURE PAYMENT OF COMPENSATION OWED TO THE STATE'S SECOND INJURY FUND

Permits the state's Second Injury Fund to seek writs of attachment from a workers' compensation commissioner against employers who fail to carry workers' compensation insurance; or if they have not satisfied obligations to pay workers' compensation claims and it appears the claim may require payment from the Second Injury Fund.

The act would allow workers' compensation claimants vis a vis the Second Injury Fund to seek writs of attachment against employers who fail to satisfy the financial requirements of a claim; ultimately the act allows the Fund to step in and pay benefits to the injured worker.

Effective: Oct. 1, 2012

PA 12-125 (HB 5232) AN ACT CONCERNING HEARINGS BEFORE THE ADMINISTRATOR AND THE EMPLOYMENT SECURITY APPEALS DIVISION UNDER THE UNEMPLOYMENT COMPENSATION ACT

Clarifies procedural ambiguities regarding when unemployment compensation hearings may be held either in person or remotely by telephone, upon the request of the parties involved.

By law, the Department of Labor may hold hearings in person, by telephone or by other electronic means. This bill prohibits the administrator or examiner from unreasonably denying a request for an in-person hearing if either party insists upon it.

Effective: Oct. 1, 2012

Transportation

[PA 12-70](#) (SB 33) AN ACT CONCERNING DEPARTMENT OF TRANSPORTATION PROJECT DELIVERY AND PROJECT LABOR AGREEMENTS FOR CERTAIN PUBLIC WORKS PROJECTS.

Among other things, authorizes the Connecticut Department of Transportation to designate that certain highway construction and maintenance projects be completed using specified processes, including:

- “Construction-manager-at-risk”—in which the owner generally contracts with a single construction manager, who works with the designer and then provides labor, materials and project management during construction) with a guaranteed maximum price
- “Design-build” contract—in which the owner contracts with a single entity that both designs and builds the project

- “Design bid build” process—under this most traditional of the three processes, the owner has separate contracts with the designer and the builder, and the project design is completed before bids are solicited for a contract

Effective: June 6, 2012

[PA 12-138](#) (HB 5467) AN ACT CREATING A WORKFORCE TO MAKE IMPROVEMENTS AROUND CONNECTICUT'S PUBLIC AIRPORTS.

Among other things, amends existing state aviation law by requiring the state to establish noise-mitigation programs in local neighborhoods where noise levels exceed certain applicable standards.

The act further stipulates that these programs must be federally-funded.

Effective: July 1, 2012