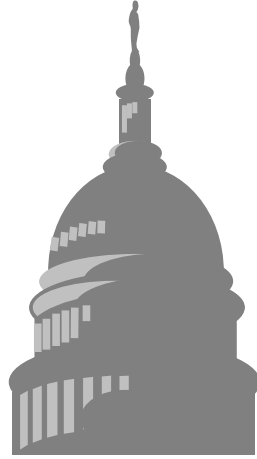


**Compendium Of Statutory And  
Regulatory Mandates On Municipalities  
In Connecticut:**

2013 Supplement



a report by the

**Connecticut Advisory Commission on  
Intergovernmental Relations**

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January 2013

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Bruce Wittchen      Office of Policy & Management

**COMPENDIUM OF STATUTORY AND  
REGULATORY MANDATES ON MUNICIPALITIES  
IN CONNECTICUT:**

**2013 SUPPLEMENT**

a report by the

**Connecticut Advisory Commission on  
Intergovernmental Relations**

January 2013

**W. David LeVasseur, Chairman**

**Principal Author**  
Bruce Wittchen

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\* The state has not yet provided online access to the full set of regulations, so they cannot be linked here, but some agencies provide online access to their regulations.

January 2013

To the Connecticut General Assembly:

In accordance with [Section 2-79a of the Connecticut General Statutes](#) (CGS), the Connecticut Advisory Commission on Intergovernmental Relations (ACIR) submits this update on statutory and regulatory mandates affecting the state's municipalities. Section 2-79a requires the ACIR to a complete compendium of such mandates every four years and issue supplements in the intervening years.

The ACIR issued its most recent [Compendium in 2010](#) and this Supplement joins the those of [2011](#) and [2012](#). The 2013 supplement contains new mandates adopted in 2012 and updates mandates that were reduced or repealed that year. Further information about specific legislation is available in [State Mandates on Municipalities: Actions in 2012](#).

State statutory direction of municipal responsibilities originates in the [State Constitution](#) which, in Article Tenth, establishes that the General Assembly "shall by law delegate such legislative authority as from time to time it deems appropriate to towns, cities and boroughs relative to the powers, organization and form of government of such political subdivisions."

State statutes have been used to build a mosaic of authorizations, organizational frameworks and requirements regarding local government structure and operations. It is the degree of specificity of these state requirements that generally determines the policy relationship between the state and local governments. The greater the detail of the state law, the less flexibility and policy role exists for municipalities.

Regulatory mandates are those which are contained in formal state regulations, adopted in accordance with the [Uniform Administrative Procedures Act](#). Regulations implement specific sections of the CGS and are usually more detailed.

Regulations cannot be enacted absent statutory authority. To the best of our knowledge, the mandates in this report all have such authority although, in the past, we have found regulations where the underlying statute has been repealed. In the normal course of events, the affected state agencies will repeal regulations, but there can be a substantial period of time between the two events.

Users should be mindful that this publication is intended only as a reference guide to the regulations. If an official provides regulatory information to the public, the appropriate source for such information is the *Regulations of Connecticut State Agencies*. The regulations are updated numerous times a year, with the most recent update available through the [Commission on Legal Publications](#). The state has not yet provided online access to the full set of regulations, but some agencies provide online access to their regulations.

This report is divided into two parts. Part I lists changes in statutory mandates and Part II contains the changes in the regulatory mandates. We have divided the statutory mandates into three sections to reflect three basically different types of mandates. Section A includes the general list of requirements which mandate actions on the part of municipalities; Section B includes statutes which mandate actions if a municipality chooses to perform a service which is not mandated (although it may be essentially unavoidable); and Section C includes statutes that are mandates on all entities including, but not limited to, municipalities.

Regulatory mandates are organized by title and are divided into two sections. Section A consists of regulations that implement statutes that require municipalities to take certain action. Section B consists of those regulations which specify how municipalities do certain actions, but only if they voluntarily choose to undertake a specific activity. In this case, once the activity is undertaken, the regulations contain requirements that necessitate additional municipal expenditures.

**Where a 2012 bill or regulation has changed added to the mandate description for an existing statute or regulation, boldface print has been used to signify that change. Also listed separately, following each section, are those bills that created new law but are as yet uncodified.**

Many of the statutes and regulations included in this report have impacts which clearly meet the statutory definition of mandate, while others have minimal effect by themselves, but cumulatively have a significant impact on either specific local officials or municipalities as a whole. A series of statutory or regulatory requirements, all of which require attention and/or action by a local official (such as a school superintendent, a registrar of voters, or a town clerk), can have the effect of defining and mandating the essence of that job, while none of the individual requirements would be considered as being significantly intrusive.

At the same time, this listing of mandates should not be considered to be a "hit list" of bad statutes and regulations. State and local officials concur that some degree of state guidelines and direction is appropriate under our system of government from both legal and practical standpoints. Legally, the state is the sovereign entity and the municipalities are creatures of the state. Practically, there are many governmental issues that are administered by local governments, but in which statewide uniformity is important. These issues can range from elections to property assessment standards to police training to aspects of education administration, and beyond. It is the determination of these issues, as well as the details of the requirements and the costs involved which have been, are now, and will continue to be the subjects of discussion and debate.

It should be noted that [PA 09-179](#) established a Health Benefit Review Program within the Insurance Department and required that department to evaluate statutorily mandated health benefits existing or effective as of July 1, 2009. The General Assembly's Insurance and Real Estate Committee also can request that the Health Benefit Review Program analyze possible mandated health benefits proposed in a legislative session. Additional information and links to that program's reports are available at <http://www.ct.gov/cid/cwp/view.asp?a=1254&q=447304>.

## **MANDATE REDUCTIONS**

A major concern of the Commission over the years has been mandate reduction. The 2012 General Assembly passed legislation that reduced or eliminated several state mandates on municipalities. Those changes are listed in Section IV of the ACIR's 2012 report, [State Mandates on Municipalities: Actions in 2012](#).

W. David LeVasseur  
Chairman

# Part I – Statutory Mandates

## Codified Section A Mandates

### Title 7: Municipalities

#### MUNICIPALITIES: GENERAL PROVISIONS

7-127b [Municipal Agents For Elderly Persons. Responsibilities Of State Department On Aging.](#) - Requires each municipality to appoint an agent for elderly persons **and identifies potential** duties. Also requires the town clerk to notify the state department on aging immediately of the appointment of a new municipal agent.

**Enactment:** 1972, PA 70

**Amendments:** P.A. 77-447 - replaced all former provisions re municipal agents for disseminating information to elderly with more detailed provisions of Subsecs. (a) to (d), inclusive.

P.A. 85-459 - amended Subsec. (b) to require written reports to be submitted to the state department on aging and amended Subsec. (c) to require the town clerk to notify the state department on aging of the appointment of a new municipal agent.

P.A. 88-206 - gave the chief elected official the authority to appoint a municipal agent and provided that the chief executive officer may also appoint if by ordinance he is given such authority in Subsec. (a), made a technical change in Subsec. (b) and required the department on aging to sponsor at least one training session and specified that the training shall include information re the availability of housing and required each municipal agent to attend at least one session in Subsec. (d).

P.A. 93-262 - authorized substitution of department of social services for department on aging.

P.A. 95-77 - amended Subsec. (c) to allow a municipal agent to serve a term of two or four years, at the discretion of the appointing authority, where previously terms were two years only.

**P.A. 12-119, Sec. 3 – reduced the duties specified for municipal agents for elderly persons.**

**Estimated Cost Characterization:** Minor

### Title 9: Elections

#### NOMINATIONS AND POLITICAL PARTIES

9-436 [Use, Number And Adjustment Of Voting Machines; Conditions And Rules For Use Of Paper Ballots; Qualification and Appointment Of Primary Officials.](#) - Requires municipalities to use voting tabulators for primaries; one booth for each 500 electors eligible to vote, and requires a separate voting machine in each polling place where a party has authorized unaffiliated electors. **Also requires registrars to train each prospective primary poll worker to perform in the poll worker's designated position.** Also requires registrars to appoint a mechanic to prepare and place the voting machines, and to also appoint one moderator, two checkers, at least one voting machine tender and two assistant registrars per polling place. If unaffiliated voters are permitted,



requires registrars to appoint two additional checkers. Also, requires registrars to notify all candidates of their right to submit a list of designees for appointment as election officials.

**Enactment:** 1955, June Supp. 600d A-116

**Amendments:** 1963, PA 17, 129 - acts restated previous provisions and placed time limit on submission of designees for primary officials to registrar.

1971, PA 836 - act provided for designation of a head moderator by the registrar.

P.A. 82-426 - amended section to provide that names of designees and alternates for primary moderator are to be submitted twenty-one days before primary and to require appointment of only certified moderators unless the number of such persons is insufficient.

P.A. 82-472 - substituted reference to Ch. 54 for obsolete reference to repealed Secs. 4-41 to 4-50.

P.A. 83-391 - amended section to reduce number of voting machines and officials required, to provide that mechanics need not be electors of any town and to provide that provisions of Secs. 9-258 and 9-258a concerning additional lines of electors and shifts of officials shall apply to primaries and to prohibit primary officials from performing services for any candidate on the day of the primary.

P.A. 84-319 - added requirement that registrar notify candidates and contestants of their right to submit list of designees for election official positions.

P.A. 85-592 - authorized registrars to appoint a deputy head moderator who shall be deemed a primary official.

P.A. 87-382 - repealed provision re locking of party levers.

P.A. 87-509 - substituted "electors eligible to vote at such primary" for "enrolled party members whose names are on the last-completed enrollment list", established requirement for separate voting machines for unaffiliated electors in each polling place in which a party authorizes unaffiliated electors to vote for some but not all offices to be contested at primary, required registrar to appoint at least one assistant registrar as a primary polling place official in a town with two or more voting districts, required appointment of two additional checkers if unaffiliated electors authorized to vote for some but not all offices to be contested at primary and required appointment of two additional checkers if unaffiliated electors authorized to vote in primary of either of two parties in same polling place.

P.A. 89-297 - allowed registrar, in case of a political subdivision holding a primary, to appoint enrolled party members residing elsewhere in municipality to serve as moderator, checker, challenger or voting machine tender, when necessary.

P.A. 90-156 - authorized registrar to appoint any enrolled party member residing in municipality to be an assistant registrar if insufficient number of enrolled party members residing in political subdivision holding primary consent to be assistant registrars.

P.A. 93-384 - renumbered Subdivs. and inserted new Subdivs. (2) and (4) authorizing appointment of any resident elector when enrolled party members cannot be found or do not consent to serve as primary officials.

P.A. 94-203 - required registrars to exclude seventy-five per cent of names of electors, enrolled party members or unaffiliated electors residing in institutions when calculating required number of voting machines.

P.A. 95-177 - divided section into Subsecs., divided Subsec. (a) into Subdivs., made technical changes, amended Subsec. (e) by adding provision re designees to conduct supervised voting, and moved provisions re additional lines, shifts of officials and statutes re voting machines applying at primaries to Subsec. (g).

P.A. 96-119 and P.A. 96-180 - both deleted provision in Subsec. (g) specifying that Chapter 54 is inapplicable to rules made under this section.

P.A. 97-47 - amended Subsec. (e) by changing the reference to Secs. 9-150q and 9-150r to Secs. 9-159q and 9-159r, respectively.

P.A. 98-67 - amended Subsec. (e) to exempt polling place moderators from requirement that polling place officials be divided between designees of candidates.

P.A. 11-20 - replaced references to voting machines with references to voting tabulators and changed the required number of machines to a required number of booths.

**P.A. 12-49 - Sec. 1 required registrars of voters to train each prospective primary poll worker to perform in the poll worker's designated position.**

**Estimated Cost Characterization:** Minor

## **Title 10: Education and Culture**

### **EDUCATIONAL OPPORTUNITIES**

10-66ee [Charter School Funding. Student Count For Purposes Of Education Equalization Aid. Transportation. Contracting Authority.](#) - Requires that in the case of a state charter school student identified as requiring special education, the school district in which the student resides shall hold the planning and placement team meeting for such student. This section also specifies that local school boards pay state charter schools quarterly for the extra costs of educating special education students who live in their districts and attend charter schools. **Establishes the local financial obligation and payment schedule for a student attending charter school.**

Enactment: 1996, P. A. 214

Amendments: P.A. 97-290 - amended Subsec. (c) to change the payment schedule and to add the provisions on special education students, added new Subsecs. (d) and (g) re unexpended funds and repayment and redesignated remaining Subsecs., amended Subsec. A-138 (e) to provide for reimbursement pursuant to Sec. 10-266m and amended Subsec. (i) to add funds received by local charter schools for out-of-district students. P.A. 98-168 - amended Subsec. (c) to change the state payment to six thousand five hundred dollars per student from an amount equal to one hundred five per cent of the foundation level pursuant to Sec. 10-262f and made the same change for the purpose of calculating the school district payment for a special education student.

P.A. 99-289 - amended Subsec. (b) to add provisions relating to special education costs, amended Subsec. (c) to substitute amount based on per cent of the foundation for a specific dollar amount, to substitute July fifteenth and September fifteenth for "in July and September", January fifteenth for "in January" and not later than April fifteenth for "in April", and add requirement for charter school to ensure that special education students receive services mandated in their individualized education programs and amended Subsec. (e) to add provision concerning appeal of denial of transportation services.

P.A. 00-48 - amended Subsec. (c) to specify that payment for special education students be made by the school district on a quarterly basis.

P.A. 00-187 - amended Subsec. (c) to change the amount of the state payments to seven thousand dollars for each student.

**P.A. 12-116 – Sec. 29 established the local financial obligation and payment schedule for a student attending charter school.**

**P.A. 12-2 June Special Session – Sec. 20, 21, and 22 amended the statute without changing the mandate.**

**Estimated Cost Characterization:** Minor

10-76d [Duties And Powers Of Boards Of Education To Provide Special Education Programs And Services. Determination Of Eligibility For Medicaid. State Agency Placements; Apportionment Of Costs. Relationship Of Insurance To Special Education Costs.](#) - Requires every local or regional board of education to provide the professional services requisite to identification of school age children requiring special education, in a manner

prescribed by this section. Requirements include identification of such children, determination of eligibility for special education, a prescription of suitable programs, maintaining a record of each child and reporting to the commission as requested. **A board of education, if requested, must provide the results of assessments and evaluations used in the determination of a child's eligibility for special education at least three school days before the referral planning and placement team meeting at which such results will be discussed for the first time and, if requested, to provide an opportunity to meet with a member of the team prior to that meeting, for the sole purpose of discussing the planning and placement team process and any concerns regarding the child.** Whenever a town has had an average of 5,000 or more children ages three to 21 enrolled in the Medicaid program, the local or regional board of education, through the planning and placement team, may determine the child's Medicaid enrollment status. Any such payments received must be used to reduce the special education expenditures and not as town revenue. Also, an individual plan must be developed for the transition of a child from one school to another program or community setting. The obligation of the school district ends when such child is graduated from high school or reaches age twenty-one, whichever comes first. Any local or regional board of education providing special education must also provide transportation to and from the residence. Whenever a public agency, the state board of education or the superior court places a child in a foster home or some other facility, the board of education under whose jurisdiction the child would otherwise be attending school, or if no such board can be identified, the local board of education of the town where the child is placed, is responsible for the provision of special education instruction.

**Enactment:** 1967, P.A. 627

**Amendments:** 1969, P.A. 793 - amended Subsec. (a) to require school board to "prescribe suitable educational programs for eligible children", amended Subsec. (b) to delete provisions concerning special classes for educable and trainable mentally retarded children, making former Subdiv. (2) applicable to all children requiring special education and added provisions in Subsec. (d) concerning school board's payments to meet child's needs in private school, hospital or other institution and amended Subsec. (e) to add limitation on board's financial responsibility toward expenses of children placed in residential facilities.

P.A. 73-111 - amended Subsec. (a) to replace Sec. 10-76g with 10-76h reference and to require boards to inform parents of children requiring special education of special education laws.

P.A. 75-255 - amended Subsec. (a) to require notice to parents of meeting to prepare educational program for child and to allow parent's participation in meeting.

P.A. 75-364 - amended Subsec. (d) to clarify provisions concerning private schools which may supply child's needs.

P.A. 75-585 - added provisions in Subsec. (b) concerning preschool education supplied through private school.

P.A. 76-310 - required that contracts between school board and private school contain program description, goals and objectives of child's progress and timetable for returning child to community or transferring him to another institution in order for expenses to be reimbursable.

P.A. 76-341 - amended Subsec. (g) by adding Subdiv. (2) re children in private facilities for more than three years.

P.A. 78-218 - substituted "board of education" for "district" and "local" for "town".

P.A. 80-138 - amended Subsec. (e) to provide for reimbursement of parent or guardian when parent's placement preferred to board's program by hearing board.

P.A. 81-187 - amended Subsec. (e) to specify transportation of children requiring special education be "curb to curb" transportation to and from child's residence, unless otherwise agreed upon by the board and child's parent or guardian.

P.A. 81-432 - added Subdivs. (2) and (3) in Subsec. (e) clarifying educational and financial responsibility for children placed by public agencies.

P.A. 82-311 - amended Subsec. (e) clarifying provisions of P.A. 81-432 concerning state agency placements of children by: (1) limiting school board responsibility for transporting handicapped children "curb to curb" to mean not beyond the curb of their residence, (2) clarifying that the educational and financial responsibility for children for whom no other board of education can be identified rests with the school district in which the child is placed, (3) requiring the placing agency to provide to the district where the child is placed current and accurate information for the purpose of determining if a responsible school district exists, (4) creating a uniform system of payments for towns which educate children who reside on state property, and (5) clarifying that funding or tuition received by school boards for educating handicapped children placed by state agencies is credited to the school board's accounts only when such payments exceed the receiving board's budget estimates for educating these children.

P.A. 83-169 - amended Subsec. (e) to delete reference to "special" school districts.

P.A. 83-265 - clarified provisions relating to payment for children who reside on state owned or leased property or in permanent family residences and who are not in educational responsibility of unified school districts.

P.A. 84-255 - amended Subsec. (a) deleting obsolete provision relating to the exclusion or exemption from school privileges of any child requiring special education.

P.A. 85-473 - inserted new Subdiv. (4) in Subsec. (e) concerning residents of department of mental health facilities who are between the ages of eighteen and twenty one.

P.A. 85-491 - amended Subsec. (e)(3) to provide that adoption of a child residing in a permanent family residence by a person providing foster care in the residence does not affect school district's eligibility for reimbursement.

P.A. 86-333 - added placements in day treatment facilities to types of placements to which the subdivision applies, in Subdiv.(4) of Subsec. (e) provided that boards submit reports of expenditures and that grant adjustments be made for overpayment or underpayments, in Subdiv. (5) substituted October for September as the time on or before which estimates of the cost of providing special education must be filed.

P.A. 87-324 - In Subsec. (a), provided for individual transition plans commencing with the 1988-89 school year.

P.A. 87-499 - amended Subsec. (b) to describe when a private facility need not be approved by the commissioner of education, amended Subsec. (d) to add new Subdiv. ((3) requiring, with phase-in provisions, that private facilities be approved and changed a payment date in Subdiv. (4) of Subsec. (e) from August to September and the report submission dates from January to August fifteenth.

P.A. 88-360 - in Subsec. (a) increased the minimum number of school days for prior notice of a planning and placement team meeting from three to five and in Subdiv. (4) of Subsec. (e) added references to the Connecticut Alcohol and Drug Abuse commission.

P.A. 89-315 - in Subsec. (a) added provisions re reimbursement from Medicaid for special education costs.

P.A. 90- 230 - made a technical change in Subsec. (b).

P.A. 91-16 - limited the determination of eligibility for Medicaid to towns in which the number of children receiving aid to families with dependent children exceeds seventy-five, and added language requiring parents or guardians to be notified of the possible consequences of accessing private insurance and prohibiting the denial of special education due to refusal to access private insurance or Medicaid.

P.A. 91-16 - divided Subsec. (a) into Subdivs., limited the determination of eligibility for Medicaid to towns in which the number of children receiving aid to families with dependent children exceeds seventy-five, and added language requiring parents or guardians to be notified of the possible consequences of accessing private insurance and prohibiting the denial of special education due to refusal to access private insurance or Medicaid.

P.A. 91-277 - made a technical change in Subdiv. (1) of Subsec. (e); the references in Subdivs. (2) and (3) of Subsec. (e) to "section 17a-38" were corrected editorially to "section 17a-37" in 1993.

P.A. 92-170 - amended Subsec. (e) to require that board of education be notified when payments are made to town treasurer.

P.A. 92-170 - amended Subsec. (e) to require that board of education be notified when payments are made to town treasurer.

P.A. 92-262 - amended Subsec. (a) to add provisions concerning transition services in Subdiv.(6) and to authorize transition services as part of a child's program before his fifteenth birthday and amended Subsec. (d) to add the reference to group homes.

P.A. 93-91 - substituted commissioner and department of children and families for commissioner and department of children and youth services.

P.A. 93-352 - made Subdiv. (4) of Subsec. (e) Subpara. (A) and deleted provisions dealing with the department of mental health and added separate Subpara. (B) concerning the department of mental health.

P.A. 93-353 - amended Subsec. (a) to specify in Subdiv. (7) that notice shall be given before the board proposes to or refuses to initiate or change the child's identification, evaluation, or educational placement and added requirement that each board have in effect at the beginning of the school year an educational program for each child who has been identified as eligible for special education.

P.A. 93-381 - replaced department and commissioner of health services and Connecticut alcohol and drug abuse commission and executive director with department and commissioner of public health and addiction services, respectively.

P.A. 94-245 - amended Subsec. (b) to remove obsolete language concerning preschool special education, effective June 2, 1994, and amended Subdiv. (2) of Subsec. (e) to add provisions dealing with school districts which have a large number of children placed in foster homes.

May Sp. Session P.A. 94-6 - amended Subsec. (a) in Subdiv. (2) to change the criteria for towns to be required to determine Medicaid eligibility from any town in which the number of children exceeds seventy-five to any town in which the "average number of children ages three to twenty-one enrolled in the Medicaid program on October first of each of the previous three years equals or exceeds one thousand", to remove requirement for the towns to request permission of the parent or guardian of such child to access private insurance and to notify them that accessing private insurance may affect benefits available through such insurance or costs to be paid to maintain such insurance, to replace the requirement for the board of education to request written permission of the parent or guardian to request Medicaid payment and to request such payment with a requirement, upon notification by the planning and placement team that the child is a recipient, to submit documentation of the provision and costs of Medicaid eligible special education and related services to the commissioner; added Subdivs. (4) to (7), inclusive, re Medicaid eligible payments and grants and renumbered Subdivs. (8) to (11), inclusive, in Subdiv. (8) to require that payments be made to the town or regional school district which has incurred such costs and be deemed to be appropriated to the board of education and removed language limiting the districts use of such payments and in Subdiv. (9) to change the date for notification of whether a town will be required to comply from "by August 1, 1991" and "annually thereafter" to "by July 30, 1994, and by April first annually thereafter" and to make the description of the children consistent with Subdiv. (2).

P.A. 95-237 - amended Subsec. (a) to increase the requirements for notification in Subdiv. (11) and to make technical changes in said Subdiv. and amended Subsec. (e) to change the party who is financially liable for the cost of special education for children placed by the Department of Children and Families after July 1, 1995, in cases in which the local or regional board of education under whose jurisdiction the child would otherwise be attending school cannot be identified and to make numerous technical changes.

P.A. 95-257 - replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995 and

deleted Subdiv. (4)(A) of Subsec. (e) re services by the former Department of Public Health and Addiction Services and replaced Department of Mental Health with Department of Mental Health and Addiction Services.

P.A. 95-259 - amended Subdiv. (2) of Subsec. (a) to raise the threshold for the determination of Medicaid eligibility from "one" to "five" thousand children.

P.A. 96-146 - (1) amended Subdivs. (2) to (4), inclusive, of Subsec. (a) to substitute determination of a child's Medicaid enrolment status for a determination of whether a child is eligible for Medicaid, to provide for the sharing of information with the state's Medicaid agent for specified purposes, to add references to the commissioner's authorized agent and to make technical changes and made technical changes in Subsecs. (b) and (c), effective July 1, 1996, and (2) amended Subsec. (e)(2) to add the notification requirements for the Department of Children and Families and the requirement for the convening of a planning and placement team meeting within thirty days of placement and participation of said department at the meeting, to remove a requirement that said department meet with representatives of the board of education under whose jurisdiction the child attended school or in whose district the child resided at the time of removal to review the child's individualized education plan, to cap the financial responsibility of a board of education during the period it is responsible for the cost of special education and related services and to provide for the payment of any costs in excess of such board's basic contributions by the State Board of Education on a current basis, and to add provision concerning the responsibility of Unified School District #2 for the provision of special education and related services and the cost of such education and services provided at a private residential institution to a child for whom no local or regional board of education can be found responsible under Subsec. (b).

P.A. 97-114 - amended Subsec. (d) to add provision that notwithstanding Subdiv. (2) and regulations concerning placement priorities, placements and payment pursuant to Sec. 10-76g may be made if public arrangements are more costly and private facilities meet the educational needs of the child and their programs are suitable and efficacious.

P.A. 98-168 - amended Subsec. (b) to make a technical change and amended Subdiv. (2) of Subsec. (e) to change one method for determining the financial responsibility of local and regional boards of education from "two and one-half times" the average to the average per pupil educational costs.

P.A. 98-252 - amended Subdiv. (5) of Subsec. (e) to change the time frames for (1) the original submission from October to December, (2) the claim for additional children or costs from April to February and (3) the payments from December and June to February and April, to increase the amount of the first payment from fifty to seventy-five per cent and to make technical changes, effective July 1, 1998 (Revisor's note: In Subsec. (a)(11) a reference to "... pupil who is an emaciated minor ..." was changed editorially by the Revisors to "... pupil who is an emancipated minor ..." to correct an error in the codification of P.A. 95-237).

P.A. 99-279 - amended Subsec. (a) by deleting in Subdiv. (2) requirement that local or regional board of education determine Medicaid enrolment status of children for any town in which the average number of children ages 3 to 21 enrolled in the Medicaid program equals or exceeds five thousand and by substituting in lieu thereof that any local or regional board of education may determine a child's Medicaid enrolment status, by adding in Subdiv. (2) "For the purpose of determining Medicaid rates for Medicaid eligible special education and related services based on an actual cost method, the local or regional board of education shall submit documentation of the costs and utilization of Medicaid eligible special education and related services for all students receiving such services to the Commissioner of Social Services or to the commissioner's authorized agent at such time and in such manner as prescribed." and provision authorizing commissioner to use information received from local or regional boards of education for purposes of determining Medicaid rates for Medicaid eligible special education and related services, by deleting all provisions in former Subdivs. (3) and (4), by adding in new Subdiv. (3) provisions as follows: "Beginning with the fiscal year ending June 30, 2000, the Commissioner of Social Services shall make grant payments to local or regional boards

of education in amounts representing sixty per cent of the federal portion of Medicaid claims processed for Medicaid eligible special education and related services provided to Medicaid eligible students in the school district. Such grant payments shall be made on at least a quarterly basis and may represent estimates of amounts due to local or regional boards of education. Any grant payments made on an estimated basis, including payments made by the Department of Education for the fiscal years prior to the fiscal year ending June 30, 2000, shall be subsequently reconciled to grant amounts due based upon filed and accepted Medicaid claims and Medicaid rates. If, upon review, it is determined that a grant payment or portion of a grant payment was made for ineligible or disallowed Medicaid claims, the local or regional board of education shall reimburse the Department of Social Services for any grant payment amount received based upon ineligible or disallowed Medicaid claims." by deleting from the new Subdiv. (4) (formerly Subdiv. (5)) requirement that rates for Medicaid eligible special education and related services be determined annually and that such rates reflect the reasonable average monthly cost per student of Medicaid eligible special education and related services for the current year, by deleting all provisions in former Subdiv. (7), by substituting in the new Subdiv. (6) (formerly Subdiv. (8)) "local or regional board of education" for "town or regional school district", by deleting all provisions in former Subdiv. (9), by renumbering the remaining Subdivs. accordingly, by adding in new Subdiv. (9) provisions re regulations and by making technical changes throughout.

P.A. 00-48 - rewrote Subdiv. (7) of Subsec. (a), changing the time frame for the development of the statement of transition service needs from age fifteen to age fourteen and requiring the statement to focus on courses of study, made a technical change in Subsec. (d) and amended Subdiv. (4) of Subsec. (e) to change the time for the payment of eighty-five per cent of the estimated cost from September to July.

P.A. 07-147 – requires a local or regional board of education, at each initial planning and placement team meeting for a child, to inform the parent, guardian, surrogate parent or pupil of the laws relating to physical restraint and seclusion pursuant to chapter 814e and the rights of such parent, guardian, surrogate parent or pupil under such laws and the regulations adopted by the State Board of Education relating to physical restraint and seclusion.

**P.A. 12-173 – Sec. 1 requires a board of education to provide the results of assessments and evaluations and provide an opportunity to meet as specified.**

**Estimated Cost Characterization:** Major

10-76ii [Provision of applied behavior analysis services.](#) – requires a board of education to provide applied behavior analysis services as specified in this section to any such child with autism spectrum disorder if required by the child's individualized education program.

**Enactment:** 2010, P.A. 10-175, Sec. 2

**Amendments:** [P.A. 12-173, Sec. 7](#) amended but did not affect the mandate

**Estimated Cost Characterization:** Minor

## TEACHERS AND SUPERINTENDENTS

10-145o [Teacher education and mentoring program. Administration. Three-year plan. Instructional modules. Data system. Guidelines.](#) - requires requires boards of education to recruit mentors for their teacher education and mentoring program and to provide mentors with a minimum of a five-hundred-dollar annual stipend for each beginning teacher assigned to such mentor.

**Enactment:** 2009, Sept. Sp. Sess. P.A. 09-6, Sec. 37

Amendments: none

Estimated Cost Characterization: Minor

10-151b

Evaluation By Superintendents Of Certain Educational Personnel. - Requires the superintendent of each local or regional board of education to evaluate each teacher, considering multiple indicators of student academic growth, and report on such evaluation to the board of education **and the board of education must report to the Department of Education annually.** Also requires a report every five years to the state board of education on the development and implementation of teacher evaluation programs. In addition, this section allows teachers to go through the grievance procedure in collective bargaining agreements for claims of failure to follow the established procedures of teacher evaluations.

**Enactment:** 1974, P.A. 278

**Amendments:** P.A. 77-27 - amended Subsec. (b) to make provisions generally applicable rather than specific to January 1, 1975, report.

P.A. 82-74 - amended Subsec. (b) to require boards of education to file triennial rather than annual reports on teacher evaluation programs.

P.A. 87-2 - amended Subsec. (a) to require a review of the guidelines and in Subsec. (b) substituted the fifteenth of June, 1989, for January first of 1983 and provided for monitoring teacher evaluation programs by the department of education.

P.A. 89-26 - amended the definition of "teacher" in Subsec. (a) to include the word "professional" and deleted an obsolete provision re a review and revision of guidelines not later than May 15, 1987.

P.A. 90-324 - in Subsec. (b) deleted reference to the program submitted pursuant to repealed Sec. 10-155ee.

P.A. 91-220 - in Subsec. (b) changed "triennial" to every five years re reports on teacher evaluation programs.

P.A. 93-353 – amended Subsec. (b) to substitute requirement that the report be submitted in accordance with Sec. 10-220 instead of every five years, to specify that the programs be consistent with the plan developed in accordance with the provisions of Sec. 10-220a and made technical changes.

P.A. 95-58 – amended Subsec. (a) to specify areas to be included in evaluations.

P.A. 95-182 – amended Subsec. (b) to delete requirement that report on teacher evaluation program be used to monitor program implementation.

P.A. 00-220 – amended Subsec. (b) to make a technical change.

P.A. 04-137 amended Subsec. (a) by adding provision re claims of failure to follow procedures of evaluation programs, effective May 21, 2004.

P.A. 10-111 – Sec. 4 amended Subsec. (a) to require that the evaluation of teachers also consider multiple indicators of student academic growth.

P.A. 11-135, Sec. 7 & 9, reduce the existing mandate in Subsec. (a) by eliminating the requirement that teacher evaluation be continuous.

**P.A. 12-116, Sec. 51 requires the board of education to annually report to the Department of Education regarding the status of teacher evaluation implementation.**

**P.A. 12-2, June Special Session, Sec. 2 modifies the change made by PA 12-116.**

**Estimated Cost Characterization:** Minor

## SCHOOL ATTENDANCE AND EMPLOYMENT OF CHILDREN

10-184a

Refusal of certain parents to consent to use of special education programs or services. – requires a board of education providing special education programs or



**services for a child in a private school to comply with the Individuals with Disabilities Education Act.**

**Enactment:** 1994, P.A. 94-245, Sec. 5

**Amendments:** [P.A. 12-173](#), Sec. 5 created the mandate.

**Estimated Cost Characterization:** Minor

## SCHOOL HEALTH AND SANITATION

10-212c [Life-threatening food allergies: Guidelines; district plans.](#) – Requires boards of education to implement a plan based on guidelines set by the Department of Education for the management of students with life-threatening food allergies **and glycogen storage disease** enrolled in the schools under their jurisdiction.

**Enactment:** 2005, P.A. 104

**Amendments:** [P.A. 12-198](#), Sec. 6 extends the requirement to also cover glycogen storage disease.

**Estimated Cost Characterization:** Minor

## BOARDS OF EDUCATION

10-220d [Student recruitment by regional and interdistrict specialized schools and programs. Recruitment of athletes prohibited.](#) – requires a board of education to provide access to technical high schools, regional agricultural science and technology education centers, interdistrict magnet schools, charter schools, alternative high schools and interdistrict student attendance programs **and to provide students and parents with information regarding such opportunities.**

**Enactment:** 1997, P.A. 39

**Amendments:** [P.A. 11-01, Oct. Spec. Session](#), Sec. 33 requires a board of education to provide students and parents with such information. [P.A. 12-116](#), Sec. 14 requires a board of education to provide such information on its website.

**Estimated Cost Characterization:** Minor

10-221o [Lunch Periods. Recess.](#) – Requires school boards to provide all students with the opportunity for a minimum twenty minute lunch break every full school day and to provide students in grades K-5 **at least 20 minutes of physical exercise.**

**Enactment:** 2004, P.A. 224

**Amendments:** [P.A. 12-198](#), Sec. 9 establishes the minimum period of exercise.

**Estimated Cost Characterization:** Minor

## SUPPORT OF PUBLIC SCHOOLS. TRANSPORTATION

10-262i [Grant payments. Expenditures for educational purposes only, exception. Prohibition against supplanting local funding. Minimum budget requirement. Penalty.](#) – Requires each

town receiving an ECS grant to budget no less for education than an amount as determined in accordance with this section. Such reductions cannot exceed 0.5% and a school district cannot reduce the budget if it is in its third year or more of being identified as in need of improvement pursuant to section 10-223e; has failed to make adequate yearly progress in mathematics or reading at the whole district level; has satisfied the requirements for adequate yearly progress by means of the allowances specified in Section 1111(b)(2)(l) of Subpart 1 of Part A of Title I of the No Child Left Behind Act; or is identified as in need of improvement and has a poverty rate exceeding 10%. A district that pays tuition to another school district rather than maintain a high school may reduce its budget by up to 0.5% if the number of resident students attending high school is lower than the previous year. **A school district that achieves savings through intradistrict efficiencies or through regional collaboration or cooperative arrangements can reduce the school budget by one-half of those savings, but not more than one-half of one per cent of the budget for the fiscal year ending June 30, 2012.**

**Enactment:** 1988, P.A. 88-358

**Amendment:** P.A. 09-6 (September Special Session), Sec. 30 imposed the mandate. P.A. 11-48, Sec. 190, extends the mandate through the 2012-2013 fiscal year and caps the amount of reduction to 0.5% of the budget for the previous year. It also limits such reductions to school districts satisfying certain criteria.

P.A. 11-234, Sec. 1, expands the mandate by adding the poverty rate to the criteria for preventing a town from reducing its school budget and reduces the mandate by allowing a district that pays tuition to another school district to reduce its budget if the number of resident students attending high school declines.

**P.A. 12-116 reduces the mandate by allowing a school district that achieves savings through intradistrict efficiencies or through regional collaboration or cooperative arrangements to reduce the school budget by one-half of those savings, but not more than one-half of one per cent of the budget for the fiscal year ending June 30, 2012.**

**P.A. 12-1 (June Special Session), Sec. 288 amended the statute without changing the mandate.**

**Estimated Cost Characterization:** Minor

## EDUCATION OF THE BLIND

10-300 [Exemption From License Fees](#). - Exempts the Department of Rehabilitation Services or the Connecticut Institute for the Blind from the requirement to pay for a license to sell its merchandise in any municipality.

**Enactment:** Prior to 1949

**Amendment:** 1961, P.A. 539 - act added activities of board to existing exemption for institute.

**P.A. 12-1 (June Special Session), Sec. 48 amended the statute without changing the mandate.**

**Estimated Cost Characterization:** Minor

10-303 [Food service facilities and vending stands in public buildings controlled by Board of Education and Services for the Blind. Permissible uses of vending machine income](#). - Requires municipalities to grant a permit to the Department of Revenue Services to operate a food service facility, vending machine, newspaper stand, etc. in any municipal building whenever it is determined that such a facility is desirable.

**Enactment:** Prior to 1949

**Amendments:** 1959, PAs 264, 615 - acts deleted reference to county buildings and property and extended section's application to food service machines and vending machines.

1963, P.A. 386 - act changed the name of the board.

P.A. 75-549 - clarified "state or municipal" building by replacing phrase with "building or property owned, operated or leased by the state or any municipality therein".

P.A. 78-218 - substituted "such person's" for "his".

P.A. 80-59 - added Subsec. (b) re savings account for non-state vending machine income.

June 18 Sp. Session P.A. 97-2 - amended Subsec. (a) by adding provision allowing the board to establish a training facility at any location where the board operates a food service, vending machine, newsstand, etc.

P.A. 98-252 - made a technical change in Subsec. (a).

**P.A. 12-1 (June Special Session), Sec. 50 – amended statute without changing mandate.**

**Estimated Cost Characterization:** Minor

## Title 12: Taxation

### LOCAL LEVY AND COLLECTION OF TAXES

12-163      [Jeopardy Collection of Taxes.](#) – Requires a tax collector who believes that the collection of any tax will be jeopardized by delay to use specified procedures in collecting the tax **and requires a tax collector who commences a jeopardy tax collection proceeding to provide written notice, as specified, to the chief elected official or chief executive officer of the municipality and to the taxpayer.**

**Enactment:** 1949 Rev., S. 1844

**Amendment:** **P.A. 12-26, Sec. 1** requires a tax collector to provide the specified written notices.

**Estimated Cost Characterization:** Minor

## Title 13b: Transportation

### RAILROAD CONSTRUCTION AND LOCATION

13b-292      [Private Crossings: Protection Requirements.](#) – Requires municipalities to erect and maintain traffic control devices **at each private railroad crossing as specified in this section** or prescribed by the department of transportation and the state traffic commission.

**Enactment:** 1961 P.A. 513

**Amendments:** 1969, P.A. 768 - act substituted in Subsec. (c) "commissioner of transportation" for "state highway commissioner".

P.A. 75-486 - substituted "public utilities control authority" for "public utilities commission" and "authority" for "commission" where appearing, effective December 1, 1975.

P.A. 77-614 and P.A. 78-303 - substituted "commissioner of transportation" for "public utilities control authority" where appearing and "commissioner" for "authority" in Subsec. (e), effective January 1, 1979; in 1981 Sec. 16-119a transferred to Sec. 13b-292.

**P.A. 12-132, Sec. 12 – reduces municipalities’ financial obligations for traffic control devices at private railroad crossings.**

**Estimated Cost Characterization:** Minor

## **Title 29: Public Safety and State Police**

### DIVISION OF STATE POLICE

29-7h [Firearms Evidence Databank](#). – requires firearms issued to police departments to be test fired and documentation retained as specified.

**Enactment:** 2001, P.A. 130

**Amendment:** **P.A. 12-16** reduces municipal requirements for the submission of firearms for ballistics testing.

**Estimated Cost Characterization:** Minor

## **Title 31: Labor:**

### EMPLOYMENT REGULATION

31-51rr [Family And Medical Leave Benefits For Employees Of Political Subdivisions](#). - Requires municipalities and boards of education to provide their employees who are party to a **marriage in which the other party is of the same sex as the employee** with the same Federal Family And Medical Leave Act benefits that the state provides its employees who are a party to marriage **and specifies certain eligibility for leave**.

**Enactment:** 2007, P.A. 245

**Amendment:** **P.A. 12-43, Sec. 1** replaces “civil union” with "marriage in which the other party is of the same sex as the employee" and specifies **certain eligibility for leave**.

**P.A. 12-197, Sec. 38** amended the statute without affecting the mandate.

**Estimated Cost Characterization:** Minor

## **Title 32: Commerce And Economic and Community Development**

### CONNECTICUT DEVELOPMENT AUTHORITY

32-23h [Exemption From State And Local Taxes And Assessments. Payments In Lieu Of Taxes. Approvals Of Pollution Control Facilities](#). - Requires that the Connecticut Innovations, Incorporated be exempt from any municipal taxes or assessments on its projects or any of its property or monies.

**Enactment:** 1972, P.A. 195

**Amendments:** P.A. 73-599 - replaced Connecticut development commission with Connecticut development authority.

P.A. 78-303 - deleted reference to Sec. 4-60a.

P.A. 84-512 - deleted references to Secs. 4-5 and 4-24a; in 1993 the obsolete reference to repealed Sec. 36-322 was deleted editorially.

P.A. 97-316 - exempted from sales and use tax sales of tangible personal property and services by the authority, effective July 10, 1997, and applicable to sales occurring on or after July 1, 1997.

**P.A. 12-1, June Special Session, Sec. 169 amended the statute without affecting the mandate.**

**Estimated Cost Characterization:** Tax Exemption: No data available on monetary impact.

## **Title 46b: Family Law**

### **MARRIAGE**

46b-38b

Investigation of family violence crime by peace officer. Arrest. Assistance to victim. Guidelines. Education and training program. Assistance and protocols for victims whose immigration status is questionable. - Requires a peace officer, whenever he determines upon speedy information that a family violence crime has been committed within his jurisdiction, to arrest the suspected perpetrator. Requires the peace officer to provide immediate assistance at the scene to the victim of a family violence incident and to also provide the victim with contact information for a regional family violence organization.. Requires each law enforcement agency to develop, in conjunction with the division of criminal justice, and to implement and promulgate specific operational guidelines for arrest policies in domestic violence incidents **and those guidelines meet the standards set forth in the model law enforcement policy on family violence.**

**Enactment:** 1986, P.A. 337

**Amendments:** P.A. 87-554 - substituted commission on victim services for criminal injuries compensation board.

P.A. 87-567 - added "as defined in subdivision (3) of section 46b-38a" after "family violence crime" and deleted former provision of Subsec. (e) re release of person arrested in family violence case.

P.A. 87-589 - made technical change in Subsec. (d).

P.A. 95-108 - amended Subsec. (f) to rename Municipal Police Training Council as Police Officer Standards and Training Council.

P.A. 96-246 - amended Subsec. (e) by deleting references to Subsec. (e) of Sec. 17a-101 and Sec. 17a-107.

P.A. 99-186 - amended Subsec. (a) to exclude a family violence crime involving a dating relationship from provision requiring peace officer to make an arrest when a family violence crime has been committed, to add provision authorizing a peace officer to seize any firearm in possession of any person or in plain view at the crime scene, to add provision requiring the law enforcement agency to return any such seized firearm in its original condition to the rightful owner within forty-eight hours unless the person is ineligible to possess such firearm or unless otherwise ordered by the court, and to make technical changes for purposes of gender neutrality.

P.A. 00-196 - changed reference to "Commission on" to "Office of" Victim Services in Subsec. (d).

P.A. 09-7 (September Special Session) – added that each law enforcement agency shall adopt and use protocols the Police Officer Standards and Training Council will establish for treating victims of family violence whose immigration status is questionable and designate at least one officer with supervisory duties to expeditiously process, upon request of a victim of family violence or other crime who is applying for U Nonimmigrant Status the necessary certifications and forms designated by the United States Department of Homeland Security and required by the victim.

P.A. 11-152 – Sec. 3 added requirement for a peace officer to provide a victim with contact information for a regional family violence organization.

**P.A. 12-114 – Sec. 8 requires that a department's guidelines meet the standards set forth in the model law enforcement policy on family violence.**

**Estimated Cost Characterization:** Minor

## **Title 54: Criminal Procedure**

### **COURT JURISDICTION AND POWER**

54-1m Adoption Of Policy Prohibiting Certain Police Actions. Data Collection And Reporting. - Requires municipal police departments to adopt written policies prohibiting stops, searches or detentions motivated solely by considerations of specified characteristics, to collect specified data using a standardized method and form and provide specified information to the Chief State's Attorney and OPM.

**Enactment:** 1999, P.A.198

**Amendments:** June Special Session P.A. 01-9 amended Subsec. (h) to extend the effectiveness of Subsecs. (f) and (g) from January 1, 2002, to January 1, 2003, effective July 1, 2001; P.A. 03-160 amended Subsec. (b)(5) to provide that additional information does not include any other identifying information about any person stopped for a traffic violation such as his or her operator's license number, name or address, amended Subsec. (c) to require copy of the complaint and written notification of the review and disposition of such complaint to be provided to the African-American Affairs Commission and to provide that no such complaint shall contain any other identifying information about the complainant such as his or her operator's license number, name or address, amended Subsec. (f) to require that summary report be provided to the African-American Affairs Commission, amended Subsec. (g) to require the African-American Affairs Commission to review the prevalence and disposition of traffic stops and complaints and, not later than January 1, 2004, and annually thereafter, to report the results of such review to the Governor, the General Assembly and any other entity said commission deems appropriate and to delete references to the Chief State's Attorney, deleted former Subsec. (h) re limited period of effectiveness of Subsecs. (f) and (g), redesignated existing Subsec. (i) as Subsec. (h) and amended said Subsec. by substituting reference in Subdiv. (1) to personal identifying information with reference to race, color, ethnicity, gender and age, effective June 26, 2003;

P.A. 04-27 made technical changes, effective April 28, 2004; P.A. 04-257 made a technical change in Subsec. (b), effective June 14, 2004.

**P.A. 12-1, June Special Session amended the statute without changing the mandate.**

**Estimated Cost Characterization:** Minor

54-36a Definitions. Inventory. Return Of Stolen Property. Disposition Of Other Seized Property. Return Of Compliance. – Requires property seized in connection with a criminal arrest or

pursuant to a search warrant to be inventoried and, **if the estimated value exceeds a specified amount, the inventory must be** filed, along with the arrest report, with the court. Also, if the seized property is stolen property the police are required to notify the owner of the property within 10 days of determining whom the owner is and advise that owner of his rights concerning the property. Any written request to the police for the release of the property must be forwarded to the court, which will release the property within 30 days unless needed by the court. Requires that whenever municipal law enforcement agencies seize property that is currency, which is not stolen property, it must notify the defendant(s) the circumstances in which that currency was seized and allow them the opportunity for a hearing. If so ordered by the court, the law enforcement agency must deposit the currency in an account.

**Enactment:** 1974, P.A. 221

**Amendments:** P.A. 75-530 - amended Subsec. (b) to make clear distinctions between filing procedure for inventories of property seized in arrest or under a search warrant, and to add provisions specifically applicable to stolen property and restated Subsec. (c).

P.A. 76-77 - required that uniform arrest report or search warrant, as the case may be, be filed with inventory, added exception to inventory requirement in connection with arrest re stolen property not exceeding fifty dollars in value and added provision re return of stolen property upon its owner's application to court in Subsec. (b) and changed applicable time periods re claims for property and return of property in Subsecs. (c) to (f) from one year to six months.

P.A. 78-280 - deleted references to filing of inventories in counties.

P.A. 79-392 - added definitions of "stolen property" and "owner" in Subsec. (a) and substituted reference to Sec. 54-36c for reference to Sec. 54-36b.

P.A. 81-240 - replaced previous provisions re return of stolen property with new provisions re notification of the owner of stolen property, procedure for return of stolen property within thirty days of request therefor, except for good cause shown and specified that secondary nature of evidence may affect weight of evidence but not admissibility in Subsec. (b) and deleted provision in Subsec. (e) whereby return of compliance was filed after return of property to owner or at the end of six months in cases where court orders return within that time period.

P.A. 82-235 - required office of chief court administrator to provide forms for return of stolen property, required notice of stolen property within ten days instead of forty-eight hours, provided procedure for return of seized property, other than stolen property or contraband, within six months, eliminated sentence of imprisonment for criminal contempt for failure to file the return of compliance and required that any sale of unclaimed seized property ordered by the court shall be public.

P.A. 85-263 - amended Subsec. (a) by adding exceptions of stolen property which does not exceed two hundred fifty dollars in value or when an attempt was made to steal property but property remained on premises in sealed container, amended Subsec. (c) by adding "finds that such property is a controlled drug" and "drug paraphernalia", and added provisions re order of return of property by court, property adjudicated a nuisance, disposition of controlled drugs, controlled substances and drug paraphernalia and immediate filing of return of compliance if owner fails to claim property within six months.

P.A. 87-243 - added new Subsec. (f) re the forfeiture and destruction of fireworks and the admissibility of secondary evidence of such fireworks, and relettered the remaining subsections and internal references accordingly.

P.A. 87-294 - specified that property which is money and sale or auction proceeds be deposited in the general fund.

P.A. 99-247 - amended Subsec. (b) to insert Subdiv. indicators, reposition provision re transfer of inventory and add new Subdiv. (3) re the deposit of seized currency in a safe deposit box in a financial institution, the removal of such currency and the responsibility of such financial institution with respect to such safe deposit box and its contents.

P.A. 01-104 – added notification requirement for seized property that is currency. Also, changes procedure to allow a photograph of a motor vehicle along with a sworn affidavit to be sufficient evidence for the identity of the vehicle.

**P.A. 12-72, Sec. 1 – increased the minimum threshold at which filing of a seized property inventory is required from \$250 to \$1000.**

Estimated Cost Characterization: Minor

## Section A Statutory Changes that do not Affect the Mandate or its Compendium Description

1-210	P.A. 12-1 (JSS), Sec. 181	10-220a	P.A. 12-116, Sec. 56
1-212	P.A. 12-205, Sec. 1	10-220a	P.A. 12-173, Sec. 3
7-29	P.A. 12-187, Sec. 2	10-221a	P.A. 12-172, Sec. 8
7-34a	P.A. 12-187, Sec. 1	10-262f	P.A. 12-1 (JSS), Sec. 290
8-3	P.A. 12-182, Sec. 1	10-295	P.A. 12-1 (JSS), Sec. 40
8-25	P.A. 12-182, Sec. 2	12-19a	P.A. 12-1 (JSS), Sec. 98
9-20	P.A. 12-1 (JSS), Sec. 36	12-129c	P.A. 12-197, Sec. 27
10-16b	P.A. 12-198, Sec. 4	12-170f	P.A. 12-197, Sec. 28
10-65	P.A. 12-116, Sec. 64	12-170aa	P.A. 12-197, Sec. 30
10-65	P.A. 12-1 (JSS), Sec. 237	22a-92	P.A. 12-101, Sec. 1
10-145a	P.A. 12-173, Sec. 2	22a-109	P.A. 12-101, Sec. 3
10-145b	P.A. 12-173, Sec. 4	28-5	P.A. 12-148, Sec. 1, Sec. 2
10-212a	P.A. 12-198, Sec. 2	46b-25	P.A. 12-197, Sec. 2

## Uncodified Section A Mandates

**P.A. 12-40**     **An Act Concerning College Readiness and Completion.** – requires public high schools to align their curricula with public institution of higher education by no later than the start of the fall semester of 2016.

Enactment: 2012, **P.A. 12-40, Sec. 2**

Estimated Cost Characterization: Minor

**P.A. 12-56**     **An Act Concerning Voting Rights.** – requires registrars to designate locations for election day registration and, as necessary, staff those locations and follow other procedures as specified.

Enactment: 2012, **P.A. 12-56, Sec. 1**

Estimated Cost Characterization: Minor

**P.A. 12-71**     **An Act Concerning Sibling Visitation for Children in the Care and Custody of the Commissioner of Children and Families.** – requires a public entity, prior to entering into a design-build contract for new construction or renovation of a public school costing ten million dollars or more, to determine if the use of a project labor agreement would be in the public's interest.

Enactment: 2012, **P.A. 12-156, Sec. 6**



Estimated Cost Characterization: Minor

**P.A. 12-116** An Act Concerning Educational Reform – Sec. 6 requires boards of education to require employees having certain educator certificates to take the practice version of the reading instruction examination and report the results as specified. Sec. 15 requires a board of education to implement a uniform system of accounting, to be developed by the Dept. of Education, beginning with the fiscal year ending June 30, 2015. Sec. 23 expands the requirement for creating a school governance council beyond the requirements specified in CGS 10-223e and specifies the council's and the Board of Education's responsibilities. Sec. 34 requires the board of education for a town designated as an alliance district to follow specified procedures to apply to the Dept. of Education for payment of funds withheld in accordance with this section and requires an annual report of expenditures if such funds are received. Sec. 39 and 138 requires a board of education to provide and document professional development training to certified employees as specified in this section. Sec. 54 requires each board of education to conduct training programs for all evaluators and orientation for all teachers regarding the provisions of the teacher evaluation and support program. Sec. 90 requires a board of education identified by the Dept. of Education as disproportionately and inappropriately identifying minority students as requiring special education services because of a reading deficiency in contravention of Sec. 10-76ff to submit an annual report on the board's plan to reduce the misidentification of minority students by improving assessments and interventions.

Enactment: 2012, **P.A. 12-116**, Sec. 6, 15, 23, 34, 39, 54, 90, 138

Estimated Cost Characterization: Minor

**P.A. 12-131** An Act Establishing a Fine Art Secured Lending License. – requires a municipality to approve or deny an application for a person to be a fine art secured lender and in accordance with this section follow specified procedures.

Enactment: 2012, **P.A. 12-131**, Sec. 2

Estimated Cost Characterization: Minor

**P.A. 12-173** An Act Concerning Individualized Education Programs and Other Issues Relating to Special Education. – requires the individualized education program for any child identified as deaf or hearing impaired to include a language and communication plan as specified in this section

Enactment: 2012, **P.A. 12-173**, Sec. 11

Estimated Cost Characterization: Minor

**P.A. 12-1 (JSS)** An Act Implementing Provisions of the State Budget for the Fiscal Year Beginning July 1, 2012. – Sec. 96 requires that a school-based health center receiving funding from DPH enter into an agreement with the board of education to establish minimum standards for communications between the school-based health center and school nurses or nurse practitioners. Sec. 129 requires a municipality to include the form specified in Sec. 49-8a with any statement sent to a homeowner regarding an arrearage owed by the homeowner for public sewer or water services or for property taxes. Sec. 225 requires boards of education, in collaboration with the Board of Regents for Higher Education and the Board of Trustees for The

University of Connecticut, to develop a plan to align Connecticut's common core state standards with college level programs at Connecticut public institutions of higher education.

Enactment: 2012, [P.A. 12-1, June Special Session](#), Sec. 96, 129, 225

Estimated Cost Characterization: Minor

**P.A. 12-2 (JSS) An Act Implementing Certain Provisions Concerning Government Administration.** – Sec. 138 amends requirement imposed by Sec. 39 of P.A. 12-116 a board of education provide professional development training, in accordance with this section, to all certified employees and to document that training in a manner to be determined by the Dept. of Education. Sec. 155 requires a municipality receiving electric utility data under this section to demonstrate that it has appropriate procedures to protect the confidentiality of the information.

Enactment: 2012, [P.A. 12-2, June Special Session](#), Sec. 138, 155

Estimated Cost Characterization: Minor

# Codified Section B Mandates

## Title 7: Municipalities

### MUNICIPAL POWERS

- 7-148 [Scope of Municipal Powers.](#) – Under the Public Health and Safety Subparagraph, municipalities may institute fines for violations of regulations preventing housing blight. If such fines are prescribed, municipalities must adopt a hearing procedure for violations under this section. **The municipality must give written notice of any violation and provide the opportunity to remediate the conditions and, if such fines are prescribed, there must be a hearing procedure.**

**Enactment:** Prior to 1949

## Title 8: Zoning, Planning, Housing, Economic Development and Human Resources

### INCENTIVE HOUSING ZONES

- 8-13q [Preliminary determination of eligibility for financial incentive payments. Letter of final approval of incentive housing zone.](#) - requires a municipality waiving its right to receive a zone adoption payment pursuant to section 8-13p to provide a written notice of its intent.

**Enactment:** 2012, P.A. 12-1, June Special Session, Sec. 182 (when mandate created)

**Estimated Cost Characterization:** Minor

### MUNICIPAL PLANNING COMMISSIONS

- 8-26b [Approval of subdivision and resubdivision plans. Waiver of certain regulation requirements. Fees. Hearing. Notice. Applications involving an inland wetland or watercourse.](#) - Requires the planning commission to give written notice of subdivision plans to the regional planning agency in a manner specified by this section when the subdivision will abut or include land in two or more municipalities. The planning agency shall report on the intermunicipal aspects of the plan at or before the hearing to all the parties concerned.

**Enactment:** 1961, P.A. 547

### DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT: REDEVELOPMENT AND URBAN RENEWAL; STATE AND FEDERAL AID; COMMUNITY DEVELOPMENT; URBAN HOMSTEADING

- 8-126 [Redevelopment Agency.](#) - Allows the legislative body of any municipality to designate the housing authority of the municipality or the Connecticut housing authority as a redevelopment agency, or to create a new redevelopment agency. The members will be appointed by the chief executive of a city or borough and by the board of selectmen of a town. **Requires a municipality seeking to dissolve a redevelopment agency that has received state assistance to request DECD approval and DECD can impose conditions for such approval.\***

**Enactment:** Prior to 1949

\* If a redevelopment agency is created, the following sections become applicable:  
8-127 Initiation And Approval Of Redevelopment Plan.  
8-127a Limits On Redevelopment Agency's Use Of Eminent Domain Under A Redevelopment Plan  
8-129 Agency To Determine Compensation And File With Superior Court And Town Clerks; Notice To Owners And Interested Parties. Possession Of Land. Certificate Of Taking.  
8-130 Deposit Filed With Superior Court Clerk. Withdrawal Of Agency From Proceeding.  
8-131 Acceptances To Be Filed. Approval By State Referee.  
8-133a Relocation Or Removal Of Public Service Facilities From Streets Closed As Part Of Project.  
8-133b Payments In Lieu Of Taxes.  
8-134 Bonds; Authorization, Terms, Security, Payment.  
8-134a Allocation Of Taxes On Real Property In A Redevelopment Project.  
8-138 Bonds And Title To Land To Be In Name Of Municipality.

## **Title 21: Licenses**

### **PAWNBROKERS**

21-46a [Seizure of property by law enforcement officer.](#) - Requires a law enforcement officer who seizes property from a pawnbroker or precious metals or stones dealer to provide a signed receipt including information specified in this section.

**Enactment:** 1997, P.A. 97-164, Sec. 8

## **Title 54: Criminal Procedure**

### **COURT JURISDICTION AND POWER**

54-1p [Eyewitness identification procedures.](#) – Establishes procedures that must be used for determining and documenting an eyewitness' identification of a suspected perpetrator.

## **Uncodified Section B Mandates**

**P.A. 12-111** [An Act Concerning Eyewitness Identification Procedures.](#) – Sec. 2 requires a police basic or review training program conducted or administered by a municipal police department to provide training in the administration of eyewitness identification procedures in accordance with Sec. 54-1p.

**Enactment:** 2012, **P.A. 12-111**

**P.A. 12-114** [An Act Concerning Domestic Violence.](#) – Sec. 8 requires a law enforcement agency receiving a complaint regarding a violation of a restraining order, protective order, standing criminal protective order or foreign order of protection as specified in this section to accept the complaint and take specified actions.

**Enactment:** 2012, **P.A. 12-114**

# Codified Section C Mandates

## Title 16: Public Service Companies

DEPARTMENT OF PUBLIC UTILITY CONTROL. OFFICE OF CONSUMER COUNSEL.  
MISCELLANEOUS PROVISIONS

16-32e [Emergency plans to be filed by public service companies, telecommunications companies and municipal utilities. Hearings. Revisions.](#) – requires utilities, including municipal utilities, to develop a plan for post-emergency restoration of service as specified in this section and in accordance with the memorandum of understanding entered into pursuant to section 4-67e.

**Enactment:** 1986, P.A. 86-204

## Title 31: Labor

WORKERS' COMPENSATION ACT

31-275 [Definitions.](#) - requires that unless the context otherwise provides, the definitions in this section apply. A police officer is eligible for coverage for mental or emotional impairment arising from the use of deadly force or subjection to deadly force in the line of duty **and a firefighter is eligible if diagnosed with post-traumatic stress disorder originating from the firefighter witnessing the death of another firefighter while engaged in the line of duty.**

**Enactment:** Prior to 1949

31-294h [Benefits for police officers suffering mental or emotional impairment.](#) - requires workers' compensation coverage to include counseling for mental and emotional impairments for police officers who use deadly force or are subjected to deadly force in the line of duty **and for firefighters who suffer a mental or emotional impairment diagnosed as post-traumatic stress disorder originating from the firefighter witnessing the death of another firefighter in the line of duty.**

**Enactment:** Prior to 1949

31-308 [Compensation For Partial Incapacity.](#) - Workers may receive permanent partial disability benefits under the workers' compensation system for injuries specified in a statutory list of injuries.

**Enactment:** Prior to 1949

## Title 38a: Insurance

HEALTH INSURANCE

38a-516a [Coverage for birth-to-three program.](#) – Requires group health insurance policies to provide coverage for medically necessary early intervention services in accordance with this section; prohibits any payment from being applied against any maximum lifetime or

annual limits specified in the policy; **and prohibits payment under this section from adversely affecting the availability of health insurance, from being a reason for rescinding or canceling the such policy, and from being treated differently than other claim experience for purposes of premium rating.**

**Enactment:** 1996, P.A. 96-185, Sec. 7 & 16

38a-518k [Mandatory Coverage For Colorectal Cancer Screening.](#) – Requires group health insurance policies to provide coverage for colorectal cancer screening, including, but not limited to, (1) an annual fecal occult blood test, and (2) colonoscopy, flexible sigmoidoscopy or radiologic imaging, in accordance with the recommendations established by the American College of Gastroenterology, after consultation with the American Cancer Society. No such policy, except for a high deductible health policy, shall impose a coinsurance, copayment, deductible or other out-of-pocket expense for any additional colonoscopy ordered in a policy year by a physician for an insured **and no additional deductible shall be imposed for a procedure that a physician initially undertakes as a screening colonoscopy or a screening sigmoidoscopy.**

**Enactment:** 2001, P.A. 171

## **Title 46a: Human Rights**

### **PHYSICAL RESTRAINT, MEDICATION AND SECLUSION OF PERSONS RECEIVING CARE, EDUCATION OR SUPERVISION IN A SCHOOL, INSTITUTION OR FACILITY**

46a-153 [Recording of use of restraint and seclusion required. Review of records by state agencies and State Board of Education. Reviewing state agency and State Board of Education to report serious injury or death to Office of Protection and Advocacy for Persons with Disabilities and to Office of Child Advocate.](#) – requires a board of education, institution or facility that provides direct care, education or supervision of persons at risk or provides special education to record each instance of the use of physical restraint or seclusion, the nature of the emergency that necessitated its use and provide that information to the state board of education.

**Enactment:** 1999, P.A. 99-210, Sec. 4

## **Title 47a: Landlord and Tenant**

### **ADVANCE RENTAL PAYMENT. SECURITY DEPOSITS**

47a-22a. [Security deposits of senior citizens and disabled persons in public housing, interest payable.](#) – requires that a housing authority or other entity approved for state financial assistance and providing public housing for senior citizens and disabled persons to return a security deposit and pay an interest rate as specified.

**Enactment:** 1979, P.A. 79-371

## **Uncodified Section C Mandates**

**P.A. 12-171** [An Act Concerning Museum Property.](#) – Sec. 2 requires a museum, including one operated by a municipality, that accepts the loan of property to provide a written

copy of this act to the owner of that property. Sec. 4 requires a museum, including one operated by a municipality, to maintain a record of loaned property in accordance with this section and with regulations adopted by the State Librarian. Sec. 5 requires that a museum, including one operated by a municipality, provide notices as specified in this section prior to taking possession of loaned property in accordance.

Enactment: 2012, [P.A. 12-171](#), Sec. 2, 4 & 5

## Part II – Regulatory Mandates

### Section A Mandates

#### Title 22a: Environmental Protection

- 22a-241b Mandatory Recycling. - Requires mandatory recycling by municipalities of **specified materials.** (Department Of Environmental Protection)
- 22a-638 Standards for the Recycling of Covered Electronic Devices. – Requires a municipality to provide electronic device collection and recycling opportunities for its residents as specified. (Department of Environmental Protection)

#### Title 29: Public Safety and State Police

- 29-292 Connecticut Fire Safety Code. – Specifies obligations of local fire marshals and stipulates minimum construction requirements. (Department of Public Safety)

### Section B Mandates

#### Title 7: Municipalities

- 7-169h (a1 – 28) The manufacture, distribution and sale of sealed tickets. – requires organizations, including volunteer fire departments, to follow specified procedures if they sell sealed tickets. (Department of Consumer Protection)
- 7-294e (1 – 14) Original appointment and reappointment to the position of police officer. – Specifies police officer requirements, including the duties of municipalities for their police officer candidates. (Department of Emergency Services and Public Protection)

#### Title 14: Motor Vehicles. Use of the Highway by Vehicles. Gasoline

- 14-36f Driver Education In Secondary Schools. – **Requires secondary schools to obtain a certificate as specified to offer driver education training and specifies minimum requirements for curriculum, equipment, instructors and recordkeeping.** (Department of Motor Vehicles)

#### Title 22a: Environmental Protection

- 22a-449(d)-1 Control of the nonresidential underground storage and handling of oil and petroleum liquids. – Specifies requirements for nonresidential underground storage tank systems used for storing heating oil for consumptive use on the premises where stored and for farm underground storage tank systems of 1,100 gallons capacity or less used for noncommercial purposes. (Department Of Environmental Protection)