PA 23-204—HB 6941
Emergency Certification

AN ACT CONCERNING THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2025, AND MAKING APPROPRIATIONS THEREFOR, AND PROVISIONS RELATED TO REVENUE AND OTHER ITEMS IMPLEMENTING THE STATE BUDGET

§§ 1-13 — FY 24 AND FY 25 APPROPRIATIONS

Appropriates money for state agency operations and programs for FYs 24 and 25

The act appropriates money for state agency operations and programs in FYs 24 and 25. The table below shows the net annual appropriations for each year from each appropriated fund.

Table: FY 24 and FY 25 Net Appropriations by Fund

§	Fund	Net Appropriation	
		FY 24	FY 25
1	General Fund	$22,105,580,970	$22,805,856,723
2	Special Transportation Fund	2,148,400,525	2,286,389,891
3	Mashantucket Pequot and Mohegan Fund	52,541,796	52,541,796
4	Banking Fund	34,759,959	35,832,606
5	Insurance Fund	104,441,098	135,210,679
6	Consumer Counsel and Public Utility Control Fund	36,917,566	37,943,087
7	Workers' Compensation Fund	28,835,998	29,128,141
8	Criminal Injuries Compensation Fund	2,934,088	2,934,088
9	Tourism Fund	17,494,453	16,144,453
10	Cannabis Social Equity and Innovation Fund	5,800,000	10,200,000
11	Cannabis Prevention and Recovery Services Fund	2,358,000	3,358,000
12	Cannabis Regulatory Fund	10,096,526	10,247,420
13	Municipal Revenue Sharing Fund	568,645,047	568,645,047

EFFECTIVE DATE: July 1, 2023

§§ 14 & 15 — SPENDING REDUCTIONS AND BUDGETED LAPSES

Allows the OPM secretary to reduce spending in the executive and judicial branches of government to achieve unallocated lapses in the General Fund

For FYs 24 and 25, the act allows the Office of Policy and Management (OPM) secretary to reduce allotments for the executive and judicial branches of government to achieve budgeted lapses in the General Fund as shown in the table below. (The reduction in General Fund expenditures for executive branch personal services corresponds to the "Reflect Historical Staffing" lapse in § 1.) Under the act, judicial reductions must be as determined by the chief justice and chief public defender.

Table: FY 24 and FY 25 Spending Reductions by Branch

	General Fund		General Fund – Personal Services	
Branch	**FY 24**	**FY 25**	**FY 24**	**FY 25**
Executive	$48,715,570	$48,715,570	$80,000,000	$129,000,000
Judicial	5,000,000	5,000,000	-	-

EFFECTIVE DATE: July 1, 2023

§ 16 — FEDERAL REIMBURSEMENT FOR DCF AND DSS PROJECTS

Authorizes DSS and DCF to establish receivables for anticipated federal reimbursement

For FYs 24 and 25, the act allows the departments of Children and Families (DCF) and Social Services (DSS), with OPM's approval, to establish receivables for the anticipated federal reimbursement for approved projects. They must do so in compliance with any advanced planning documents approved by the federal Department of Health and Human Services.

EFFECTIVE DATE: July 1, 2023

§ 17 — APPROPRIATIONS FOR "NONFUNCTIONAL – CHANGE TO ACCRUALS" LINE ITEM ACCOUNTS

Bars the OPM secretary from allotting funds from the "Nonfunctional – Change to Accruals" line item accounts in the state's appropriated funds

The act bars the OPM secretary from allotting funds from the "Nonfunctional – Change to Accruals" line item accounts in the state's appropriated funds, regardless of the law requiring the governor, through OPM, to allot appropriations before they can be spent. These line items represent the change to accruals in agency budgets due to the conversion to generally accepted accounting principles (GAAP)-based budgeting.

EFFECTIVE DATE: July 1, 2023

§ 18 — AUTHORITY TO TRANSFER FUNDS TO AND FROM THE RESERVE FOR SALARY ADJUSTMENTS ACCOUNT

Allows the OPM secretary to transfer specified funds to implement and account for adjustments to various personal services expenses

The act authorizes the OPM secretary to transfer the following:

1. personal services appropriations in any appropriated fund from agencies to the Reserve for Salary Adjustments account to provide for collective bargaining's impact and related costs and
2. General Fund appropriations for Reserve for Salary Adjustments to any agency in any appropriated fund to implement salary increases; other employee benefits; agency costs related to staff reductions, including accrual payments; agency personal services reductions; or any other authorized personal service adjustment.

EFFECTIVE DATE: July 1, 2023

§ 19 — COLLECTIVE BARGAINING AGREEMENT COSTS

Carries forward the unexpended portion of appropriated funds related to collective bargaining agreements and related costs and requires that the funds be used for the same purposes in FYs 24 and 25

The act carries forward the unexpended funds appropriated in the FY 22-23 budget that relate to collective bargaining agreements and related costs, as determined by the OPM secretary, and requires that the funds be used for the same purpose in FYs 24 and 25. It similarly carries forward the same unexpended funds

appropriated for FY 24 and requires that they be used for the same purpose in FY 25.

EFFECTIVE DATE: July 1, 2023

§§ 20 & 21 — APPROPRIATION TRANSFERS AND ADJUSTMENTS TO MAXIMIZE FEDERAL MATCHING FUNDS

Authorizes the governor, subject to specified conditions, to transfer or adjust agency appropriations to maximize federal matching funds

The act allows the governor, with the Finance Advisory Committee's (FAC) approval, to transfer all or part of an agency's appropriation at the agency's request to another agency to take advantage of federal matching funds. Under the act, both agencies must certify that the receiving agency will spend the transferred appropriation for its original purpose. Federal funds generated from such transfers can be used to reimburse spending, expand services, or both as the governor determines with FAC approval.

The act also allows the governor, with FAC approval, to adjust agency appropriations to maximize federal funding to the state.

EFFECTIVE DATE: July 1, 2023

§ 22 — DSS PAYMENTS TO DMHAS HOSPITALS

Specifies how (1) DSS must spend appropriations for certain DMHAS hospital payments and (2) hospitals must use the funds they receive from DMHAS

The act requires DSS to (1) spend money appropriated to it for "Department of Mental Health and Addiction Services (DMHAS) – Disproportionate Share" payments when and in the amounts OPM specifies and (2) make disproportionate share payments to DMHAS hospitals for operating expenses and related fringe benefits. It requires the hospitals to (1) use the funds they receive from DMHAS for fringe benefits to reimburse the comptroller and (2) deposit the other DMHAS funds they receive into "grants – other than federal accounts." Unspent disproportionate share funds in these accounts lapse at the end of each fiscal year.

EFFECTIVE DATE: July 1, 2023

§ 23 — TRANSFER FOR BIRTH-TO-THREE PROGRAM

Requires SDE to transfer certain federal special education funds to OEC for the Birth-to-Three Program

For FYs 24 and 25, the act requires the State Department of Education (SDE) to transfer $1 million of the federal special education funds it receives each year to the Office of Early Childhood (OEC) for the Birth-To-Three Program to carry out federally required special education responsibilities.

EFFECTIVE DATE: July 1, 2023

§ 24 — PRIORITY SCHOOL DISTRICT GRANTS

Distributes PSD grants for FYs 24 and 25

The act distributes priority school district (PSD) grants for FYs 24 and 25 across three categories as shown in the table below.

Table: PSD Grant Funding Distribution

Category	FY 24	FY 25
Priority school districts	$30,818,778	$30,818,778
Extended school building hours	2,919,883	2,919,883
School accountability	3,412,207	3,412,207

By law, the PSD program provides grants to districts (1) in the eight towns with the largest population in the state or (2) whose students receive low standardized test scores and have high levels of poverty.

EFFECTIVE DATE: July 1, 2023

§ 25 — DCF-LICENSED PRIVATE RESIDENTIAL TREATMENT FACILITIES

Suspends rate adjustments for DCF-licensed private residential treatment facilities

For FYs 24 and 25, the act suspends per diem and other rate adjustments for private residential treatment facilities licensed by DCF.

EFFECTIVE DATE: July 1, 2023

§ 26 — GRANT TO SALVATION ARMY BOYS AND GIRLS CLUB OF NEW LONDON

Redirects a $100,000 carryforward from FY 20-21 appropriations to DECD for a grant to the Salvation Army Boys and Girls Club of New London, rather than the Boys & Girls Club of Southeastern Connecticut

The FY 22-23 budget act carried forward unspent balances from FY 20-21 appropriations for designated accounts and transferred them to specified purposes in FYs 22 and 23. This act modifies one of these transfers by redirecting a $100,000 Department of Economic and Community Development (DECD) grant in each of FYs 22 and 23 to the Salvation Army Boys and Girls Club of New London rather than the Boys & Girls Club of Southeastern Connecticut.

EFFECTIVE DATE: Upon passage

§§ 27-28, 32, 37 & 41-45 — CARRYFORWARDS AND TRANSFERS

Carries forward certain agencies' unspent funds and requires that they be used in FYs 24-25

FY 24 Appropriations Carried Forward to FY 25 (§§ 27 & 28)

As shown in the table below, the act carries forward amounts appropriated in FY 24 and requires that they be used for specified purposes in FY 25 rather than lapsing at the end of FY 24.

Table: FY 24 Appropriations Carried Forward to FY 25 for a Different Purpose

§	Agency	FY 24 Purpose	FY 25 Purpose	Amount
27	Department of Administrative Services (DAS)	Rents and Moving	Emergency vehicle operations course for the Department of Emergency Services and Public Protection	Up to $1 million
28	Department of Labor (DOL)	Connecticut Youth Employment Program	Same as FY 24	Unspent balance

Prior Years' Appropriations Carried Forward for a Different Purpose (§§ 32, 37, 42-43 & 45)

As shown in the table below, the act carries forward prior years' appropriations to FY 24 and requires that they be used for other purposes in the same agency.

Table: Funds Carried Forward for a Different Purpose

§	Agency	Prior Purpose	New Purpose	Amount

32	DOL	Workforce Investment Act	Personal services: to support additional unemployment insurance program costs	Up to $3,323,985
37	Department of Energy and Environmental Protection	Other Expenses: for a grant to Batterson Park	Conducting a study (up to $650,000) and actions deemed necessary as a result of the study (the remainder)	Unspent balance
42	OEC	Early care and education account	Care4Kids TANF/CCDF account: to pay the family child care provider agreement's costs	Up to $7,800,000
43	Department of Housing	Housing and homeless services account	Emergency rental assistance program administration	Up to $2,000,000
45	DECD	Other Expenses: for a grant to Sprague for streetscape improvements	Grant to Sprague for recreation field and park lighting	Unspent balance

Funds Carried Forward from FY 23 Unspent Funds (§ 41(a)-(c))

The act requires the OPM secretary to identify $339,572,439 in unspent funds from FY 23 General Fund appropriations. It carries forward these funds and transfers them to various agencies for specified purposes enumerated under the act, totaling $266.1 million in FY 24 and $73.5 million in FY 25. These transfers include (1) a total of $195 million over the biennium to UConn, UConn Health, and CSCU for temporary operating support; (2) $53.3 million to OPM in FY 24 for one-time support to private providers; and (3) $32 million to DSS in FY 24 for temporary grants to federally qualified health centers and look-alikes.

Under the act, the unspent balance of these transferred amounts available for FY 24 does not lapse and is available in FY 25 for the same purposes specified under the act.

Funds Carried Forward from FY 20-21 Appropriations (§§ 41 (d) & 44)

The FY 22-23 budget act carried forward certain unspent balances from FY 20-21 appropriations and transferred them to specified purposes in FYs 22 and 23. Under this act, these amounts do not lapse and must continue to be available in FY 24 for the same purposes with certain exceptions for specified carry forwards transferred for different purposes under the act (see §§ 27, 37, and 42-45).

It also specifically carries forward the unspent balance of the FY 20-21 appropriation carried forward and transferred to DECD to support the establishment of nonstop air service to Jamaica for the same purpose in FY 24 (§ 44).

EFFECTIVE DATE: Upon passage, except two of the DECD carryforwards (§§ 44-45) are effective July 1, 2023.

§§ 29 & 30 — FY 23 APPROPRIATION FOR REDEEMING OUTSTANDING GAAP BONDS

Appropriates $211.7 million from the General Fund in FY 23 for debt service payments and reserves this amount to redeem the outstanding GAAP bonds

The act appropriates $211.7 million from the General Fund in FY 23 for debt

service payments and reserves this amount to redeem outstanding GAAP bonds issued in 2013. Under the act, the unspent balance of this appropriation is carried forward to FY 24 for the same purpose.

EFFECTIVE DATE: Upon passage

§ 31 — DECD APPROPRIATION FOR THE MUNICIPAL REDEVELOPMENT AUTHORITY

Allows FY 24-25 appropriations to DECD for MRDA to be used for MRDA's personal services and fringe benefit expenses

The act allows the FY 24-25 appropriations to DECD for the Municipal Redevelopment Authority (MRDA) to be used to support personal services and fringe benefit costs for MRDA's staff during those fiscal years.

EFFECTIVE DATE: July 1, 2023

§ 33 — PROBATE COURT ADMINISTRATION FUND

Requires that the fund's balance at the end of FY 23 remain in the fund rather than be transferred to the General Fund

Under existing law, if there is a balance in the Probate Court Administration Fund on June 30 exceeding 15% of its authorized expenditures in the coming fiscal year, then that excess is transferred to the General Fund. The act suspends this provision for FY 23 by requiring that any balance in the fund as of June 30, 2023, remain there.

EFFECTIVE DATE: Upon passage

§ 34 — DISTRIBUTION FROM TOBACCO SETTLEMENT FUND TO TOBACCO LITIGATION SETTLEMENT ACCOUNT

Distributes $550,000 from the Tobacco Settlement Fund to the tobacco litigation settlement account for the Office of the Attorney General's tobacco enforcement activities in FYs 24-25

The act requires $550,000 to be distributed from the Tobacco Settlement Fund to the tobacco litigation settlement account for the Office of the Attorney General's tobacco enforcement activities in FYs 24-25.

EFFECTIVE DATE: July 1, 2023

§ 35 — ANAEROBIC DIGESTER PROJECT IN FRANKLIN

Specifies how $4.3 million in farm manure management system program funds must be distributed to farms associated with an anaerobic digester project in Franklin

PA 22-118 transferred $5 million in FY 23 from the community investment account to the Department of Agriculture (DoAg) for a farm manure management system program. The act requires $4.3 million of these funds to be distributed to specified farms that are associated with the anaerobic digester project in Franklin. DoAg must distribute these grants by July 12, 2023.

EFFECTIVE DATE: Upon passage

§§ 36 & 47 — RESERVED AMOUNTS FROM LINE ITEM APPROPRIATIONS

Reserves certain amounts from line items in agency budgets for various purposes in FYs 24 and 25

As shown in the table below, the act reserves certain amounts from line items in the State Department of Education (SDE) and State Library budgets for various purposes in FYs 24 and 25.

Table: Reserved Amounts for FY 24 and FY 25 Line Item Appropriations

§	Agency	Appropriation For	Reserved For	Amount	
				FY 24	FY 25
36	State Library	Other Expenses	Grants (in equal amounts) to (1) United Way of Central and Northeastern Connecticut for the Dolly Parton Imagination Library; (2) Read to Grow; and (3) Reach Out and Read	$500,000	$500,000
47 (various subsections)	SDE	Other Expenses	Grants to various specified youth organizations and programs	3,270,000	2,870,000
47(h)	SDE	Other Expenses	Robotics	75,000	75,000
47(j)	SDE	Other Expenses	ECE recruitment and after school K-2 reading tutoring	2,000,000	2,000,000
47(z)	SDE	Other Expenses	Virtual reality study	100,000	--
47(AA)	SDE	Other Expenses	Thompson Alliance District	200,000	200,000
47(BB)	SDE	Family Resource Center	Alliance districts	50,000	--
47(CC)	SDE	Other Expenses	Promotion and marketing of teaching	487,500	487,500
47(DD)	SDE	Magnet Schools	Grant to Capitol Region Education Council for operating expenses	1,000,000	--
47(EE)	SDE	Magnet Schools	To SDE to cover certain magnet school tuition costs	3,000,000	--

EFFECTIVE DATE: July 1, 2023, except the State Library provision is effective upon passage.

§ 38 — MASHANTUCKET PEQUOT AND MOHEGAN FUND GRANTS

Allocates the total grant amounts paid to municipalities from the Mashantucket Pequot and Mohegan Fund for FYs 24 and 25

For FYs 24 and 25, the act specifies the grant amounts paid to municipalities from the Mashantucket Pequot and Mohegan Fund, totaling $52.5 million annually in FYs 24 and 25. In doing so, it overrides the statutory formulas for the grants but expressly subjects them to the laws that hold back all or part of the grant for the following purposes:

1. a school or associated athletic team under its school board's jurisdiction using Native American names, symbols, or images without tribal consent (CGS § 3-55j(l));
2. failing to send the state the portions of fees the municipality collects from applicants for a planning, wetlands and watercourse, and coastal permit (CGS § 22a-27j); and
3. failing to conduct a timely revaluation (CGS § 12-62(d)).

EFFECTIVE DATE: July 1, 2023

§§ 39 & 40 — YOUTH SERVICES PREVENTION AND YOUTH VIOLENCE INITIATIVE GRANTS

Specifies how a portion of the funds appropriated to the judicial branch for Youth Services Prevention and Youth Violence Initiative grants must be distributed

The act appropriates to the judicial branch for FYs 24 and 25 (1) $7.28 million per year for Youth Services Prevention and $5.45 million per year for the Youth Violence Initiative (§ 1). For certain organizations, it specifies each organization's (1) FY 24 Youth Services Prevention grant amount, totaling $7.05 million, and (2) FY 24 and 25 Youth Violence Initiative grant amounts, totaling $4.56 million in each year.

EFFECTIVE DATE: July 1, 2023

§ 46 — ARPA ALLOCATION FOR THE CONNECTICUT SUMMER AT THE MUSEUM PROGRAM

Requires at least $3.5 million of the ARPA allocation to DECD for the Connecticut Summer at the Museum Program to be used for grants to for-profit entities as part of the program

The act requires at least $3.5 million of the American Rescue Plan Act (ARPA) allocation to DECD for the Connecticut Summer at the Museum Program to be made available for grants to for-profit entities as part of the program.

EFFECTIVE DATE: July 1, 2023

§§ 48 & 49 — ARPA ALLOCATION ADJUSTMENTS

Modifies previous ARPA funding allocations and adds new allocations for FYs 23-25

The act adjusts ARPA funding allocations for FYs 22-25 by doing the following:

1. adding allocations for FYs 24 and 25 for initiatives and programs that previously received allocations for FYs 22 and 23,
2. adding allocations for FYs 23-25 for new initiatives and programs,
3. eliminating certain allocations for FYs 22 and 23,
4. adjusting previous allocation amounts for specified programs, and
5. changing the purposes for which previous allocations may be used.

EFFECTIVE DATE: Upon passage

§§ 50 & 51 — BRISTOL AND DAY KIMBALL HOSPITALS

Reserves specified amounts for payments to Bristol Hospital and Day Kimball Hospital to support the development and implementation of plans for maintaining their health services and a path to financial viability

The act reserves specified amounts from FY 24-25 General Fund appropriations and ARPA allocations and requires that they be paid to Bristol and Day Kimball hospitals by September 30, 2023, to help them each prepare a plan. The plan must be for (1) maintaining essential health services aligned with community need and the most current community needs health assessment and (2) creating a path to financial viability. Specifically, it reserves (1) $2.5 million of DSS's FY 24 General Fund appropriation for Bristol Hospital's plan and (2) $4 million of ARPA funding allocated to DSS for FY 24 for Day Kimball Hospital's plan.

Under the act, the plans must consider the feasibility of providing access to 24-hour emergency services, obstetrics, behavioral health, population-relevant specialty care, and primary care services. Each hospital must submit its finished plan to the OPM secretary. After the OPM secretary approves the plan in consultation with DSS, the Department of Public Health (DPH), and Office of

Health Strategy, DSS must pay an additional (1) $2.5 million of its FY 24 General Fund appropriation to Bristol Hospital and (2) $4 million of its FY 24 ARPA allocation to Day Kimball Hospital to implement its plan.

The act also reserves an additional $2 million of DSS's FY 25 General Fund appropriation and $2 million of its FY 25 ARPA allocation and requires it be paid to Bristol Hospital and Day Kimball Hospital, respectively, for activities related to implementing the approved plan. Under the act, DSS may only make these additional payments if the OPM secretary certifies that progress is being made toward implementing the plan with a clear path to financial viability.

EFFECTIVE DATE: Upon passage

§ 52 — RURAL SPEED ENFORCEMENT GRANT PROGRAM

Extends a DESPP grant program for speed enforcement on rural roads to eligible municipalities without a law enforcement unit or resident state trooper

Existing law requires the Department of Emergency Services and Public Protection (DESPP), within available resources, to administer a municipal grant program for speed enforcement activities on rural roads. Municipalities eligible for grants under prior law were those with a population of less than 25,000 and that had a law enforcement unit or resident state trooper. The act removes the requirement that these municipalities have a law enforcement unit or resident state trooper.

By law, eligible municipalities must apply to the program as DESPP prescribes. Program grants are capped at $5,000, but municipalities may receive up to 10 grants. DESPP must continue to award grants until all resources dedicated to the program are spent.

EFFECTIVE DATE: July 1, 2023

§ 53 — AMBULANCE RATES

Requires the DPH commissioner to increase the maximum allowable rates by 10% in FY 24 for licensed and certified ambulance services, invalid coaches, and paramedic intercept services

For FY 24, the act requires the DPH commissioner to increase by 10% the maximum allowable rates for licensed and certified ambulance services, invalid coaches, and paramedic intercept services.

EFFECTIVE DATE: Upon passage

§ 54 — HOSPITAL NURSE PARTICIPATION IN HOSPITAL ACTIVITIES

Prohibits hospitals from requiring registered nurses to perform patient care tasks beyond the scope of their license and allows an RN to object to doing so, with limited exceptions

The act prohibits hospitals from requiring an RN to perform any patient care task beyond the scope of his or her license. It allows an RN to object to or refuse to participate in any activity, policy, practice, or task the hospital assigns, if he or she does not have the education, training, or experience to participate without compromising patient safety.

However, an RN cannot abandon a patient or refuse to perform patient care activities in the following situations:

1. during an ongoing surgical procedure, until it is completed;
2. in critical care units, labor and delivery, or emergency departments, until

they are relieved by another nurse;
3. public health or institutional emergencies; and
4. an instance where the nurse's inaction or abandonment would jeopardize patient safety.

The act provides that the prohibition does not prohibit a hospital, DPH, or the State Board of Examiners for Nursing from requiring a nurse to complete additional training or continuing education consistent with the nurse's assigned roles and job description.

It also prohibits a hospital from taking any adverse action (e.g., discharge, discrimination, or retaliation) against an RN or any aspect of the RN's employment for (1) objecting or refusing to participate, (2) participating in a hospital staffing committee, or (3) raising concerns about unsafe staffing or workplace violence, racism, or bullying.

Form Submissions

If an RN objects or refuses to participate, he or she must (1) immediately contact a supervisor for assistance or allow the hospital to find a suitable replacement and (2) within 12 hours, submit a DPH-approved form the hospital developed that includes the following:

1. a detailed statement of the reasons for the objection or refusal to participate;
2. a description of how performing the activity, policy, practice, or task would compromise patient safety; and
3. the ways in which the activity, policy, practice, or task was inconsistent with the nurse's education, training, experience, or job description.

The act requires the hospital to review and analyze the form through one of its committees or functions (e.g., the quality assessment and performance improvement program, risk management, or patient safety) and make any necessary adjustments to nurse staffing assignments to improve patient safety. They must also provide DPH with confidential access to the forms upon request.

Filing Complaints

If an RN reasonably believes his or her participation in an activity, policy, practice, or task violates a provision of the hospital's nurse staffing plan or a policy of its nurse staffing committee, he or she may file a complaint with the nurse staffing committee on a DPH-approved form the hospital developed. The hospital and its nurse staffing committee must analyze the complaint and provide DPH with an analysis of actions they took in response to it. DPH must submit the forms it receives with its biannual report required under the act (see above). EFFECTIVE DATE: October 1, 2023

§ 54 — HOSPITAL NONCOMPLIANCE WITH NURSE STAFFING REQUIREMENTS

Requires hospitals to biannually report to DPH on their compliance with nurse staffing assignments in their nurse staffing plans; requires DPH to investigate complaints regarding nurse staffing plan violations and, when appropriate, issue orders of noncompliance that require hospitals to implement corrective action plans and pay civil penalties; allows DPH to audit nurse staffing assignments

Biannual Report

The act requires each hospital, by October 1, 2024, and biannually after that, to

report to DPH, as the commissioner prescribes, whether it has complied in the past six months with at least 80% of nurse staffing assignments in its nurse staffing plan.

DPH Orders for Noncompliance

If a hospital fails to (1) establish or maintain a hospital staffing committee, (2) submit a biannual compliance report to DPH, (3) post the staffing plan, or (4) comply with at least 80% of the nurse staffing assignments in its nurse staffing plan, the act requires the DPH commissioner to issue an order that does the following:

1. requires the hospital to submit and implement a corrective action plan unless DPH disapproves the plan within 20 business days after the hospital submits it and
2. imposes a civil penalty of $3,500 for the first violation and $5,000 for subsequent violations.

Hearings

If a hospital contests the DPH order, it must submit a written request for a hearing to DPH within five business days after receiving the order. If the hospital fails to do so within that time, the order is deemed final.

Under the act, if DPH receives a hearing request, it must be conducted as a contested case proceeding under the Uniform Administrative Procedure Act (UAPA).

Civil Penalties

The act requires hospitals to pay any civil penalties imposed by DPH (1) within 15 days after the final date the hospital may appeal the DPH order to Superior Court under the UAPA or (2) in the case of an appeal, within 15 days after the final judgment.

Under the act, if the hospital does not pay the civil penalties, or the cost of a required audit (see below), the DPH commissioner must notify the social services commissioner who must immediately withhold the amount owed from the hospital's next Medicaid payment.

Audit

The act permits the DPH commissioner to order an audit of a hospital's nurse staffing assignments for each unit in the nurse staffing plan. The audit may include an assessment of the hospital's compliance with the staffing plan's required contents, the accuracy of reports submitted to DPH, and the hospital staffing committee's membership.

In determining whether to order an audit, the DPH commissioner must consider (1) whether the hospital has been consistently noncompliant with the nurse staffing plan, (2) fear of false reporting by the hospital, or (3) any other health care quality safety concerns.

Under the act, the audit must be paid for by the hospital and does not affect the work of a medical review committee conducting a peer review of hospital activity.

EFFECTIVE DATE: October 1, 2023

§ 54 — HOSPITAL STAFFING COMMITTEES

Modifies the composition, leadership, and selection of hospital staffing committee membership; establishes criteria the committees must consider when developing hospital nurse staffing plans; sets related notification, recordkeeping, and compensation requirements

By law, hospitals must establish a dedicated hospital staffing committee to help

prepare its annual nurse staffing plan, and at least 50% of its members must be direct care RNs the hospital employs. The act further requires (1) direct care RNs to be an odd number and one more than the total number of non-direct care RNs on the committee membership and (2) that each committee include broad-based representation across hospital services.

Under the act, when RNs are members of a collective bargaining unit, the collective bargaining unit must select the direct care RNs who will account for at least 50% of the committee membership. It expressly provides that doing so cannot be construed to allow conduct prohibited under the National Labor Relations Act or the State Employee Relations Act. A collective bargaining unit representative must also provide the hospital with a list of multiple names of direct care RNs from which hospital management must select the one additional member beyond the 50%.

Direct care RNs who are not members of a collective bargaining unit must be selected for the committee through a process the hospital's direct care RNs determine. The act requires the hospital staffing committee that existed before October 1, 2023, to seek feedback from all direct care RNs the hospital employs on what the process should entail. The direct care RNs who are members of this committee must decide, by majority vote, the parameters of the process. Hospital management must select the remaining committee members.

The act requires the hospital staffing committee, when developing the nurse staffing plan, to (1) evaluate the most recent patient outcomes research, (2) share with hospital staff the procedures for communicating concerns about the plan and staffing assignments, and (3) review all reports communicated to the committee on these concerns or any RN's objection or refusal to participate in a staffing assignment.

EFFECTIVE DATE: October 1, 2023

Compensation

The act requires hospitals to pay its employees who serve on the committee their regular pay rate, including differentials, for doing so and consider, to the extent possible, the time the employees serve on the committee as part of their regularly scheduled workweek. It also requires hospitals to ensure that direct care RNs have coverage to attend committee meetings.

Leadership and Meetings

The act requires each hospital staffing committee to have two co-chairpersons with direct patient care experience, as follows: (1) one elected by committee members who are not direct care RNs and (2) one direct care RN elected by the committee's direct care RNs.

It also requires the committee to take minutes of every meeting and, upon request, (1) make them available to any hospital staff member and (2) submit them to DPH.

Under the act, a majority of members constitutes a quorum for conducting committee business. The committee must make decisions by a majority vote of its members at the meeting. If a quorum is an equal number of members who are and who are not direct care RNs, a sufficient number of non-direct care RNs must

abstain from voting to allow direct care RNs to be a majority of the voting members.

Notification

The act requires hospitals to notify nurses, on their hire date and annually after that, about the hospital staffing committee, including (1) its purpose; (2) the criteria and process for becoming a member; (3) the hospital's internal review process for the nurse staffing plan; and (4) the hospital's mechanism for obtaining input from direct care staff, including direct care RNs and other members of patient care teams, in developing the plan.

Records

The act requires hospitals to maintain accurate records for at least the prior three years on the ratios of patients to (1) direct care RNs per patient care unit per shift and (2) assistive personnel providing patient care per patient care unit per shift. The records must also include the number of:

1. patients in each unit on each shift,
2. direct care RNs assigned to each patient in each unit on each shift, and
3. assistive personnel providing patient care assigned to each patient in each unit on each shift.

Hospitals must also make the records available, upon request, to DPH, hospital staff and patients, collective bargaining units representing staff, and the public.

Under the act, "assistive personnel" are non-licensed personnel who provide specific delegated patient care activities.

§ 54 — HOSPITAL NURSE STAFFING PLANS

Requires hospitals to report biannually, instead of annually, on their prospective nurse staffing plans and expands the plan's required contents

By law, hospitals must report on their prospective nurse staffing plans to the Department of Public Health (DPH), along with a written certification that the plan is sufficient to provide adequate and appropriate patient health care services in the ensuing hospital licensure period.

The act modifies requirements for these plans by (1) requiring hospitals to report to DPH biannually, by each January 1 and July 1, instead of annually, as under prior law; (2) requiring hospitals to post their plans on each patient care unit in a conspicuous location visible and accessible to staff, patients, and the public; and (3) expanding their required contents.

EFFECTIVE DATE: October 1, 2023

Plan Contents

In addition to the information the law already requires (e.g., nurse and administrative staffing levels and minimum professional skill mix for patient care units), starting January 1, 2024, the act requires plans to include the following:

1. information on hospital staff objections or refusals to comply with the nurse staffing plan that were communicated to the hospital staffing committee (see below);
2. measurements of and evidence to support the plan's successful implementation;
3. direct care registered nurse (RN) staff retention, turnover, and recruitment metrics, including the (a) turnover rate per hospital unit during the prior 12 months and (b) average years of experience of permanent direct care RN

staff per unit;
4. the number of times since the last plan submission that the hospital was non-compliant with the plan, including the plan's nurse staffing ratios and a description of how and why the hospital was non-compliant and the hospital's plans to avoid future noncompliance; and
5. certification that the hospital and its hospital staffing committee are meeting the act's requirements and a description of how each requirement is being met.

§ 55 — MANDATORY NURSE OVERTIME IN HOSPITALS

Similar to prior law, prohibits hospitals from requiring nurses to work overtime and from discriminating or retaliating against them for refusing to do so, with limited exceptions

Similar to prior law, the act prohibits hospitals from requiring nurses to work overtime and from discriminating or retaliating against them (e.g., threatened or actual discipline or discharge) for refusing to do so.

Under existing law, the prohibition does not apply in the following situations:
1. nurses participating in an ongoing surgical procedure, until it is completed;
2. nurses working in critical care units, until they are relieved by another nurse starting a scheduled work shift;
3. public health emergencies;
4. institutional emergencies, such as adverse weather conditions or widespread illness, that the hospital administrator determines will significantly reduce the number of nurses available to work; and
5. nurses covered by a collective bargaining agreement that addresses mandatory overtime.

The act (1) specifies that these exemptions apply only when patient safety requires it and there is no reasonable alternative and (2) limits the last exemption to only nurses employed by a state-operated behavioral health facility covered by a collective bargaining agreement that addresses mandatory overtime.

The act requires hospitals, under these limited exemptions, to make a good faith effort to cover overtime hours voluntarily before mandating nurses to work them. It also prohibits them, as a regular practice, from mandating overtime in order to provide necessary staffing levels for patient care or address situations resulting from routine staffing needs (e.g., absenteeism or vacation, personal, or sick leave).

Under the act, "overtime" means working:
1. in excess of a set scheduled work shift, regardless of the shift's length, if the shift is determined and communicated at least 48 hours before it starts;
2. more than 12 hours in a 24-hour period; or
3. more than 48 hours in any hospital-defined work week.

Collective Bargaining Units

The act provides that its provisions cannot (1) be construed to alter or impair a collective bargaining agreement's terms that place additional mandatory overtime restrictions or limitations or (2) prohibit mandatory overtime for nurses covered by collective bargaining agreements that address mandatory overtime that are in effect prior to October 1, 2023, or for state employees, in effect prior to June 1, 2027.

EFFECTIVE DATE: October 1, 2023

§ 56 — PROJECT LONGEVITY INITIATIVE EXPANSION

Expands the Project Longevity Initiative by (1) making its goal to reduce gun violence in all the state's municipalities, not only its cities, and (2) requiring its implementation in Norwich and New London in addition to Bridgeport, Hartford, New Haven, and Waterbury

By law, the "Project Longevity Initiative" is a comprehensive, community-based initiative to reduce gun violence. The act expands this initiative by (1) making its goal to reduce gun violence in all state municipalities, not only its cities, and (2) requiring its implementation in Norwich and New London in addition to Bridgeport, Hartford, New Haven, and Waterbury as under prior law.

Existing law requires the chief court administrator to consult with various state officials (e.g., chief state's attorney) and local stakeholders (e.g., clergy members, nonprofits, and community leaders) in implementing the initiative in Bridgeport, Hartford, and Waterbury. The act expands this to include Norwich and New London.

As required under existing law for the original four cities included in the initiative, the administrator in her duties and responsibilities must also do the following for Norwich and New London:

1. provide planning and management assistance to municipal officials and
2. do anything necessary to apply for and accept federal funds allotted or available to the state under any federal act or program.

The act also deletes obsolete language resulting from the transfer of responsibility for the initiative from the Office of Policy and Management secretary to the chief court administrator.

EFFECTIVE DATE: July 1, 2023

§ 57 — PROBATE COURT JUDGES' AND EMPLOYEES' INSURANCE COVERAGE

Increases the share of certain costs for the state group hospitalization and medical and surgical insurance plan that must be paid from the Probate Court Administration Fund for probate judges and employees

Existing law requires that the Probate Court Administration Fund pay (1) up to 100% of the state group health insurance premium charged for a probate judge's or employee's individual coverage and (2) a portion of any additional cost for the judge's or employee's form of coverage (e.g., premiums for spouses and dependents). The act increases, from up to 50% to up to 70%, the share of these additional costs that the fund must cover, making it equal to the share paid by the state comptroller for active state employees (CGS § 5-259(a)).

EFFECTIVE DATE: July 1, 2023

§ 58 — POLICE RECORDING EQUIPMENT REPORTING

Requires (1) POST to create a form for law enforcement units to use to report on their compliance with state law's body and dashboard camera requirements, (2) the units to annually submit a report on the form, and (3) UConn's Institute for Municipal and Regional Policy to review the submissions and report findings and recommendations to specified entities

Under existing law, police officers must generally use body-worn recording equipment (i.e., body cameras) while interacting with the public, and law enforcement units must require the use of dashboard cameras with a remote recorder in each police patrol vehicle used by any of the police officers it employs.

The act requires the Police Officer Standards and Training Council (POST) to create a form for law enforcement units to use to report their compliance with the body and dashboard camera laws. POST must do this by October 1, 2023, and in consultation with UConn's Institute for Municipal and Regional Policy. The form must require the following:

1. a unit's number of operating body and dashboard cameras,
2. a unit's number of police patrol vehicles unequipped with a dashboard camera and the reasons for this,
3. information on any incidents in which a unit's internal investigation found a police officer violated the unit's policy on the use of body cameras or dashboard cameras, and
4. any other information deemed necessary.

Under the act, beginning by January 1, 2024, each law enforcement unit must submit a report annually using POST's form to UConn's Institute for Municipal and Regional Policy, which must then post the units' reports on its website. Starting by July 1, 2024, the institute, annually and within available appropriations, must review the units' reports and submit a report of its own with its findings and any recommendations to the governor, POST, the Office of Policy and Management's Criminal Justice Policy and Planning Division, and the Judiciary and Public Safety and Security committees.

EFFECTIVE DATE: July 1, 2023

Definitions

By law, a "police officer" is a sworn member of a law enforcement unit or any member of that unit who performs police duties. A "law enforcement unit" is any state or municipal agency or department (or tribal agency or department created and governed under a memorandum of agreement) whose primary functions include enforcing criminal or traffic laws; preserving public order; protecting life and property; or preventing, detecting, or investigating crime.

A "police patrol vehicle" is any state or local police vehicle besides an administrative vehicle with a body-camera-wearing occupant, a bicycle, a motor scooter, an all-terrain vehicle, an electric personal assistive mobility device, or an animal control vehicle. A "dashboard camera with a remote recorder" is a camera that (1) attaches to a dashboard or windshield of a police vehicle, (2) electronically records video of the view through the vehicle's windshield, and (3) has an electronic audio recorder that may be operated remotely.

§ 59 — DECD STATEWIDE TOURISM MARKETING

Prohibits funds appropriated for statewide tourism marketing from being used to market DECD

The act specifies that the funding it appropriates to the Department of Economic and Community Development (DECD) for statewide marketing ($4.5 million in both FYs 24 and 25) must be used to support tourism programs throughout the state and not for marketing the department.

EFFECTIVE DATE: Upon passage

§ 60 — MEDICAID WAIVER APPENDIX K REPORT

Requires the DSS commissioner to report to the Appropriations and Human Services committees by January 1, 2024, on the implementation of emergency amendments to home- and community-based Medicaid waivers

Under federal law, Appendix K emergency preparedness and response amendments generally allow the state to make temporary changes to home- and community-based Medicaid waivers during emergency situations (e.g., the COVID-19 public health emergency). The act requires the DSS commissioner to report to the Appropriations and Human Services committees by January 1, 2024, on how the department implemented Appendix K amendments for the applicable Medicaid home- and community-based services waivers.

EFFECTIVE DATE: Upon passage

§ 61 — RESERVE FOR SALARY ADJUSTMENTS ACCOUNT REPORTS

Starting by January 1, 2024, requires the OPM secretary to give the Appropriations Committee quarterly reports on the status of the reserve for salary adjustments account

The act requires the Office of Policy and Management (OPM) secretary, starting by January 1, 2024, to submit quarterly reports to the Appropriations Committee on the status of the reserve for salary adjustments account. The report must at least include the (1) total amount of appropriated and carryforward funds available in the account and (2) amount distributed to each agency during the previous calendar quarter. The first quarterly report submitted each year must also include a year-end reconciliation for the previous calendar year.

By law, the legislature, upon the Department of Administrative Services (DAS) commissioner's request and OPM secretary's approval, must appropriate sufficient funds to the reserve for salary adjustments account to be used for modifying the state employee compensation plan, as identified by (1) the objective job evaluation process the DAS commissioner must conduct at least every five years and (2) other studies negotiated under collective bargaining agreements.

EFFECTIVE DATE: Upon passage

§ 62 — DPH PANDEMIC PREPAREDNESS REPORT

Requires the public health commissioner to annually report to the Appropriations Committee on the state's pandemic preparedness starting by January 1, 2024

The act requires the public health commissioner, by January 1, 2024, and annually after that, to report to the Appropriations Committee on the state's pandemic preparedness.

EFFECTIVE DATE: July 1, 2023

§ 63 — BEVERAGE CONTAINER RECYCLING GRANT PROGRAM

Within available appropriations, makes organizations that serve people with intellectual and developmental disabilities eligible for a grant under the beverage container recycling grant program

The act requires, within available appropriations, any organization that serves people with intellectual and developmental disabilities to be eligible to participate in the state's beverage container recycling grant program. It does this regardless of the law's parameters for awarding grants.

By law, this Department of Energy and Environmental Protection (DEEP) grant program provides forgivable grants for new and proposed expansions of beverage

container redemption centers in urban areas and environmental justice communities lacking access to redemption centers. Grant funds are prioritized to first-time redemption center owners and those that are locally owned, minority-owned, and women-owned businesses. The law also specifies certain factors to be considered when awarding grants, such as walking distance to the location, population density, and current access to beverage container redemption locations. The funds may be used for things like infrastructure, technology, and initial operating expenses.

EFFECTIVE DATE: July 1, 2023

§ 64 — PLANNING COMMISSION FOR HIGHER EDUCATION

Changes the membership and appointing authorities of the Planning Commission for Higher Education; requires the commission to update the strategic master plan for higher education

By law, the Planning Commission for Higher Education develops and ensures implementation of a strategic master plan for higher education that must address degree attainment, the number of people entering the workforce, and the achievement gap.

The act modifies certain duties of the commission, makes changes to its membership and appointing authorities, and requires it to update the strategic master plan.

EFFECTIVE DATE: July 1, 2023

Commission Members and Appointing Authorities

By law, the commission includes 19 voting members. The act changes the appointing authority for four members, as shown in the table below.

Table: Changes to Appointing Authorities

Member	***Appointing Authority***	
	Prior Law	***The Act***
Large independent higher education institution representative	President of the Connecticut Conference of Independent Colleges (CCIC)	Senate president pro tempore
Small independent higher education institution representative	CCIC president	House speaker
Private career school representative	Education commissioner	Office of Higher Education (OHE) executive director
Teaching faculty representative from a private career school	Education commissioner	OHE executive director

The act replaces the vice president with the provost, in the list of officials

who may represent independent higher education institutions, along with the president or chair of the institution's board.

Under prior law, there were 13 ex-officio, nonvoting commission members, which included the CCIC president or president's designee. The act replaces the president or president's designee with a representative of one of the state's independent higher education institution associations, appointed by the governor. The act also adds the Chief Workforce Officer to the commission, increasing the total number of ex-officio, nonvoting members from 13 to 14.

By law, the chairperson, who must be a voting member, is appointed by the governor from among the commission's members.

Strategic Master Plan Update

The act requires the commission to revise and update the strategic master plan adopted in 2015. Prior law required the plan to establish numerical goals on degree attainment, workforce, and the achievement gap for 2020 and 2025. The act instead requires the updated plan to (1) assess progress toward these goals established under the 2015 plan and (2) revise or establish these goals for the years 2025 and 2030.

By law, the commission must recommend changes to funding policies, practices, and accountability to improve coordination of appropriation, tuition, and financial aid and seek ways to maximize funding through federal and private grants. The act specifies that this funding's purpose is to accomplish state goals.

Prior law allowed the commission to consider various actions in developing the plan. Under the act, in updating the plan, the commission may also consider:

1. increasing financial aid in workforce shortage areas for first-generation students, in addition to minority students as required under prior law;
2. expanding dual credit and career pathway opportunities in high schools and aligning them with higher education institutions, rather than implementing mandatory college preparatory curricula as prior law required;
3. assessing and promoting, rather than implementing, high school programs to assist students seeking higher education or an alternative path to post-secondary education;
4. addressing the educational needs and increasing the retention rates of underserved and first-generations students, in addition to minority students and nontraditional students as required under prior law;
5. developing policies to promote the Connecticut Automatic Admissions program, rather than the Guaranteed Admission Program; and
6. developing policies to award credits for prior learning and experience.

In developing the plan, prior law allowed the commission to consider seeking partnerships between public higher education institutions and the business community to move students into workforce shortage areas. The act instead allows the commission to consider promoting partnerships between higher education institutions and the business community to expand work-based learning opportunities for students and retraining and development opportunities for

employees.

Existing law requires the commission, in developing the plan, to consider establishing partnerships between public high schools and higher education students. Under the act, these partnerships may also include community organizations. The act specifies that the purpose of these partnerships is to expand college access for underserved and first-generation students.

Reporting Requirements

The act requires the commission to submit the following information, by September 1, 2024, to the Appropriations, Commerce, Education, Higher Education and Employment Advancement, and Labor and Public Employees committees and the governor:

1. a preliminary report on the development of the updated strategic master plan, including specific goals and benchmarks for 2025 and 2030; and
2. recommendations for appropriate legislation and funding.

Prior law required the commission to annually report to these committees and the governor on the plan's implementation and progress towards the goals specified in the plan. The act delays this reporting requirement by making the next report due January 1, 2026.

§ 65 — COMPETITIVE BIDDING FOR SHORE LINE EAST

Directs the DOT commissioner to select and contract with a Shore Line East operator through a competitive process

The act authorizes and directs the Department of Transportation commissioner to select one or more operators for Shore Line East rail service through a competitive process and enter into a contract with the ones selected.

EFFECTIVE DATE: Upon passage

§ 66 — TECHNICAL CORRECTIONS DURING CODIFICATION

Requires the Legislative Commissioners' Office to make necessary technical, grammatical, and punctuation changes when codifying the act

The act requires the Legislative Commissioners' Office to make technical, grammatical, and punctuation changes as necessary to codify the act, including internal reference corrections.

EFFECTIVE DATE: Upon passage

§ 67 — STIPENDS AND TUITION REFUNDS FOR CERTAIN STONE ACADEMY STUDENTS

Requires the Office of Higher Education to pay, from the private career schools student protection account, stipends and tuition refunds to certain Stone Academy practical nurse education program students

The act requires the Office of Higher Education (OHE) to make two sets of payments from the private career school student protection account (see Background). First, OHE must pay a stipend to each person who:

1. graduated from Stone Academy's practical nurse education program (i.e., Career Training Specialists, LLC) between November 1, 2021, and February 28, 2023;

2. has taken or passed the licensure exam to be a licensed practical nurse; and
3. meets any requirements established by the OHE executive director.

Under the act, the OHE executive director determines the stipend amounts for each qualifying person but total payments cannot exceed $150,000.

Second, the act specifically requires OHE to pay a tuition refund to each applicant who:

1. was enrolled in, but did not graduate from, Stone Academy's practical nurse education program between November 1, 2021, and February 1, 2023, and
2. completed a course or unit of instruction at Stone Academy that was not in compliance with applicable statutes and regulations.

The refund must be based on applications received through existing law's process for private career school tuition refunds (see Background). If the executive director determines that an applicant is entitled to a tuition refund, he must determine the appropriate amount, which must not exceed the tuition paid for the course or unit of instruction. The refund must be paid in the manner and subject to the terms specified under existing law.

The act also allows the state to take appropriate action, including an action in Superior Court, against Stone Academy or its owner or owners to reimburse the (1) private career student protection account for the above stipends, refunds, and administrative costs paid from the account and (2) state for the reasonable and necessary expenses for taking these actions. The state must reimburse the account up to an amount equal to the stipends, refunds, and administrative cost from any proceeds collected through any action taken.

The act specifies that its provisions must not be interpreted to limit any right or remedy available to the state arising from Stone Academy's operations.

EFFECTIVE DATE: Upon passage

Background — Private Career School Student Protection Account

This General Fund account is generally used to refund tuition to students unable to complete a course at a private career school because the school becomes insolvent or ceases operation. It is funded by quarterly assessments on private career schools and certain other fees (CGS § 10a-22u).

Background — Application for Private Career School Tuition Refund

When a private career school becomes insolvent or closes abruptly, preventing a student from finishing a course or unit of instruction, state law allows the student to apply to the OHE executive director for a tuition refund. A student has two years from the date when the school became insolvent or ceased operating to apply for the refund. The executive director reviews the applications and determines the validity of the student's claim and the amount of the refund. Tuition refunds are financed by the private career school student protection account. The student or any person or organization who paid tuition on the student's behalf receives a refund from the state to the extent the account has the necessary funds (CGS § 10a-22v).

§ 68 — SET-ASIDE PROGRAM GOAL REPORT

Requires DAS to give awarding agencies a preliminary set-aside goal report for the upcoming fiscal year and delays the deadline by which agencies must submit their goals to DAS

The act delays, from August 30 to September 30, the annual deadline by which state agencies and political subdivisions, other than municipalities, must submit

their small contractor and minority business enterprise contracting set-aside goals for the current fiscal year to the Department of Administrative Services (DAS) and other parties. (The law exempts municipalities from this reporting requirement.)

The act also requires DAS to annually give awarding agencies a preliminary set-aside goal report for the upcoming fiscal year by June 30.

EFFECTIVE DATE: July 1, 2024

§ 69 — HISTORIC PRESERVATION REVIEW PROCESS WORKING GROUP

Establishes a working group to study and make recommendations on the historic preservation review process under the Connecticut Environmental Policy Act

The act establishes a working group to (1) study the State Historic Preservation Officer's (SHPO) role in administering the historic preservation review process related to the Connecticut Environmental Policy Act (CEPA) and (2) recommend changes to the act and its related regulations. Specifically, it requires the study to make recommendations on:

1. the historic preservation consultation process,
2. historic preservation review timelines,
3. outlining steps in the review process and defining the roles of those involved with it,
4. specific goals and outcomes of the review process, and
5. a process for municipalities to appeal SHPO's determinations made under CEPA on the renovation or rehabilitation of historic buildings or properties.

The act requires the working group to submit its findings and recommendations to the Commerce Committee by February 1, 2024. The working group terminates on the date it does so or February 1, 2024, whichever is later.

EFFECTIVE DATE: Upon passage

Working Group Membership and Staff

The working group consists of (1) the Commerce Committee's chairpersons (who serve as the working group's chairs); (2) the Commerce Committee's ranking members, SHPO, DECD commissioner, and OPM secretary, or their designees; and (3) 16 appointed members, as described below.

The governor appoints two members: one from his office with expertise in overseeing CEPA administration and one representing the Council on Environmental Quality. Additionally, the following five tribes appoint one member each: Schaghticoke, Paucatuck Eastern Pequot, Mashantucket Pequot, Mohegan, and Golden Hill Paugussett.

The working group chairs appoint nine members:

1. one from an organization that advocates on behalf of Connecticut municipalities,
2. one from an organization that advocates on behalf of Connecticut's small towns and communities,
3. one from an organization that advocates for revitalizing historic commercial districts and downtowns in the state,
4. one from a municipal historic preservation commission,
5. one from an association representing businesses and industries in the state,
6. two municipal economic development officers,
7. one from a property development organization who has expertise in

construction and renovations, and

8. one from the brownfields working group established under state law.

Legislative appointees or designees can be members of the General Assembly, except the representative of the brownfields working group. The act requires appointing authorities to make initial appointments by July 12, 2023, and to fill any vacancies.

The working group's chairs must schedule and hold the first meeting by September 10, 2023, and the Commerce Committee's administrative staff serve as the working group's administrative staff.

Background — Related Act

SA 23-15 contains substantially similar provisions.

§ 70 — OFFICE OF WORKFORCE STRATEGY LOCATION

Moves OWS from the Office of the Governor to DECD for administrative purposes only

For administrative purposes only, the act moves the Office of Workforce Strategy (OWS) from the Office of the Governor to the Department of Economic and Community Development (DECD).

EFFECTIVE DATE: Upon passage

§ 71 — OPM HOUSING PROGRAMS REPORT

Ends a reporting requirement for OPM on housing programs by making the final report due by January 1, 2024

Prior law required OPM, within available appropriations, to (1) aggregate certain data on federal and state housing programs in the state; (2) analyze the programs' impact on economic and racial segregation; and (3) report its related findings and recommendations to the Housing Committee biennially. The act ends the reporting requirement by making OPM's final report due by January 1, 2024.

EFFECTIVE DATE: Upon passage

§ 72 — COMMUNITY INVESTMENT FUND 2030 ADMINISTRATIVE COSTS

Prohibits Community Investment Fund 2030 bond proceeds from paying for related administrative costs; requires DECD to pay for the administrative costs within available appropriations

By law, the Community Investment Fund 2030 is a five-year bonding program running through FY 27 to fund qualifying projects and grants in eligible municipalities (i.e., those designated as public investment communities or alliance districts). The Community Investment Fund 2030 board, located within DECD, directs these investments.

Under prior law, funds from the bond proceeds could be used to pay or reimburse the program administrator (i.e., DECD or its designee) for administrative costs to run the program, among other things. The act explicitly prohibits using these funds for administrative costs and correspondingly requires DECD to pay for those within available appropriations.

EFFECTIVE DATE: July 1, 2023

§§ 73 – 80 — TRANSFER OF MUNICIPAL GRANT FUNDING FROM MRSA TO MRSF

Principally makes certain municipal grants, including PILOT and motor vehicle property tax grants, payable from MRSF rather than MRSA and correspondingly diverts certain tax revenue to that fund, rather than MRSA, to cover the grants; specifies supplemental revenue sharing grant amounts for certain municipalities and districts; changes the date by which OPM must make PILOT grants to municipalities

Prior law required that 7.9% of the revenue from the state's 6.35% sales and use tax be diverted each month to the Municipal Revenue Sharing Account (MRSA) to cover certain grants. The act requires that these tax revenues that are attributable to FY 23, even if received after the end of the fiscal year, continue to be diverted to MRSA. Then, beginning FY 24, the act requires that 7.9% of the sales and tax revenues be diverted to the Municipal Revenue Sharing Fund (MRSF) instead.

Beginning FY 24, the act correspondingly requires the OPM secretary to use MSRF, rather than MRSA, to fund the following municipal grants: (1) motor vehicle property tax grants (under CGS § 4-66*l*(c)), (2) payment in lieu of taxes (PILOT) grants, including those known as tiered PILOT and additional PILOTs paid to specified municipalities (including Branford, New London, and Voluntown), and (3) municipal revenue sharing grants. He must do this by the October 1 after the end of the fiscal year, if any funds (including funds accrued during the year but received after it) are remaining in the account.

Under the act, beginning FY 24, the secretary must also annually pay from MRSF, by October 31, supplemental revenue grants to specified towns and districts, totaling approximately $74.7 million. These grants must be proportionally reduced if the funds appropriated do not cover their full amounts.

The act additionally (1) makes PILOT grants payable by September 30 each year, rather than May 30, and (2) makes conforming changes, such as eliminating deadlines for the OPM secretary to certify PILOT grant amounts to the Comptroller and make payments to the municipalities.

EFFECTIVE: July 1, 2023, except the provision changing the PILOT grant payment deadline to September 30 and making municipal-specific PILOT payments payable from MRSF (§ 76) is effective upon passage.

§§ 81-84 — COMPENSATION FOR JUDGES AND CERTAIN OTHER STATE OFFICIALS

Increases the salary and other compensation for judges and certain other judicial officials by approximately 3% starting in FY 24 and again in FY 25; correspondingly increases the salary of certain other state officials whose salary, by law, is tied to that of judges

For both FYs 24 and 25, the act increases the following by approximately 3%: (1) salaries for judges, family support magistrates, family support referees, and judge trial referees; (2) additional amounts that certain judges receive for performing administrative duties; and (3) salaries of certain officials whose compensation, by law, is determined in relation to the salary of the chief justice or a Superior Court judge or a state referee's per-diem rate (including the governor, lieutenant governor, and constitutional officers).

EFFECTIVE DATE: July 1, 2023

Judicial Salaries

The table below shows the act's changes to judicial salaries starting in FYs 24 and 25.

Table: Judicial Salaries

Position	*Prior Salary*	*Salary Starting July 1, 2023 (FY 24)*	*Salary Starting July 1, 2024 (FY 25)*
Supreme Court chief justice	$226,711	$233,512	$240,518
Chief court administrator (if a judge)	217,854	224,390	231,121
Supreme Court associate judge	209,770	216,063	222,545
Appellate Court chief judge	207,450	213,674	220,084
Appellate Court judge	197,046	202,957	209,046
Deputy chief court administrator (if a Superior Court judge)	193,420	199,223	205,199
Superior Court judge	189,483	195,167	201,023
Chief family support magistrate	164,932	169,880	174,976
Family support magistrate	156,973	161,682	166,533
Family support referee	245/day*	252/day*	260/day*
Judge trial referee	285/day*	294/day*	302/day*

*Plus expenses, mileage, and retirement pay

As under existing law, judges with at least 10 years of judicial or other state service also receive semi-annual longevity payments equal to a specified percentage of their annual salary.

Administrative Judges

The law provides judges with extra compensation for taking on certain administrative duties. The act increases these annual payments, which are in addition to the judges' annual salaries, from $1,292 to $1,331 starting in FY 24 and then to $1,371 starting in FY 25.

The judges who receive this additional amount are (1) the appellate system's administrative judge; (2) each judicial district's administrative judge; and (3) each chief administrative judge for (a) facilities, administrative appeals, the judicial marshal service, or judge trial referees, and (b) the Superior Court's family, juvenile, criminal, or civil divisions.

Related Increases

The act's provisions result in salary, rate, or maximum compensation increases for other officials or judges whose compensation is tied to those of judges or judge trial referees. Specifically:

1. the salaries of workers' compensation administrative law judges vary depending on service time and are tied to those of Superior Court judges (CGS § 31-277),
2. the salaries of probate court judges vary depending on probate district classification and range from 45% to 75% of a Superior Court judge's salary (CGS § 45a-95a),
3. senior judges receive the same per-diem rates as state referees (CGS §§ 51-47b(a) & 52-434b),
4. the probate court administrator's salary is the same as that of a Superior Court judge (CGS § 45a-75), and
5. the maximum compensation a retired judge may receive is equal to the highest annual salary during the fiscal year for the judicial office the judge

held at retirement (CGS § 51-47b(b)).

Additionally, existing law generally makes the (1) governor's salary equal to the salary for the Supreme Court chief justice and (2) lieutenant governor's, secretary of the state's, state treasurer's, state comptroller's, and state attorney general's equal to those for Superior Court judges (CGS §§ 3-2, -11, -77, -111 & -124).

§§ 85 & 86 — HIGHER EDUCATION ETHNIC AND RACIAL DIVERSITY PLAN

Eliminates a requirement that OHE maintain a racial and ethnic diversity plan for the state's higher education institutions, but adds similar provisions into the existing OHE minority advancement program

Prior law specifically required the Office of Higher Education (OHE), in consultation with the constituent units, to develop and maintain an affirmative action plan that ensured that an institution's students, faculty, administrators, and staff represented the state's racial and ethnic diversity. The act incorporates the plan into the existing minority advancement program, which supports higher education institutions in meeting their ethnic and racial diversity goals.

It eliminates corresponding requirements that (1) OHE annually report on the affirmative action plan to the governor and General Assembly, (2) institutions develop corrective procedures if plan goals are not met, and (3) the Planning Commission for Higher Education review the plan when developing the higher education strategic master plan.

In practice, state higher education institutions already prepare affirmative action plans and the Commission on Human Rights and Opportunities annually reports to the governor and General Assembly on the plans' results (CGS § 46a-68).

EFFECTIVE DATE: July 1, 2023

§ 87 — BOR DISPOSING OF SURPLUS REAL PROPERTY

Authorizes BOR, with the OPM secretary's review and approval, to sell surplus CSCU property outside of the current disposition process for surplus state property

The act authorizes the Board of Regents (BOR), regardless of existing law on the disposition of surplus state property (see *Background*), to sell, exchange, lease, convey, or transfer surplus property that (1) a CSCU institution controls and has custody over, and (2) BOR determines is no longer needed to discharge any of the institution's functions.

Under the act, the Office of Policy and Management (OPM) secretary must review and approve these transactions, which must be to a bona fide purchaser at a price and on terms BOR determines are:

1. reflective of fair market value, based on at least two appraisals done within three months before the transaction;
2. in the state's and the owning institution's best interest; and
3. consistent with the owning institution's objectives and purposes.

The act requires BOR to use the proceeds from any of these transactions as follows: first, to pay outstanding bonds or other debt associated with the property or improvements to it; second, for any costs associated with the transaction; and, finally, for any capital expenditure consistent with BOR's campus improvement plan.

EFFECTIVE DATE: July 1, 2023

Background — Surplus Property

Existing law has numerous requirements for the disposition of surplus state property. Among other things, it requires the Department of Administrative Services (DAS) to first offer the property to the municipality in which the property is located if no state agencies express interest in it. If the municipality declines to acquire the property, DAS may offer it to other parties through a sale, lease, exchange, or other agreement. DAS must also consider offering surplus property to abutting landowners before offering it for general sale. By law, UConn is exempt from this process (CGS § 4b-21).

§ 88 — SOCIAL EQUITY AND INNOVATION ACCOUNT

For FY 24, allows the money in the Social Equity and Innovation Account to be allocated for purposes the Social Equity Council solely determines, and delays the transfer of remaining money into the Social Equity and Innovation Fund from the end of FY 23 until the end of FY 24

Account Purposes

Under prior law and under the act until the end of FY 23, the Office of Policy and Management (OPM) secretary must allocate money from the Social Equity and Innovation Account, in consultation with the Social Equity Council, to state agencies for the following purposes:

1. paying costs the council incurs;
2. administering programs under the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) for the purposes of (a) paying the council's costs and (b) administering programs under RERACA to provide access to capital for businesses, technical assistance for starting and operating a business, and funds for workforce education and community investments; and
3. paying costs incurred to implement activities RERACA authorizes.

For FY 24, the act instead requires the OPM secretary to allocate the money in the account for purposes the Social Equity Council solely determines to further the principles of equity. These purposes may include providing (1) access to capital for businesses, (2) technical assistance for business start-ups and operations, and (3) funds for workforce education, community investments, and investments in disproportionately impacted areas. By law, the Social Equity Council is charged with, among other duties, promoting and encouraging full participation in the cannabis industry by people from communities disproportionately harmed by cannabis prohibition (CGS § 21a-420d).

Existing law defines "equity" and "equitable" as efforts, regulations, policies, programs, standards, processes, and any other government functions or principles of law and governance intended to: (1) identify and remedy past and present patterns of discrimination and disparities of race, ethnicity, gender, and sexual orientation; (2) ensure that these intentional or unintentional patterns are not reinforced or perpetuated; and (3) prevent the emergence and persistence of foreseeable future patterns of discrimination or disparities on these bases (CGS § 21a-420(21)).

Account Transfer Delay

Under existing law, at the end of FY 23, $5 million must be transferred from

the account to the General Fund, or if the account contains less than this amount, the remaining amount must be transferred. Prior law then required all the money that was left in the account to be transferred to the Social Equity and Innovation Fund. The act delays the transfer to the fund until the end of FY 24.

By law, money from the Social Equity and Innovation Fund must be appropriated to provide (1) access to business capital, (2) technical assistance for business start-ups and operations, (3) workforce education, (4) community investments, and (5) paying costs incurred to implement activities authorized under RERACA.

EFFECTIVE DATE: Upon passage

§§ 89 & 445 — HIGHER EDUCATION CONSTITUENT UNIT EMPLOYEE RETIREMENT COSTS

Beginning FY 24, requires the (1) comptroller to pay the retirement-related fringe benefit costs for all employees of the constituent units of the state higher education system, rather than only for General Fund-supported employees and (2) constituent units to fund their employee health and life insurance, unemployment compensation, and employers' social security tax

Beginning in FY 24, the act requires constituent units to pay the non-retirement employee fringe costs beginning FY 24 (i.e., health and life insurance, unemployment compensation, and social security tax). Constituent units are UConn and the Connecticut State Colleges and Universities (CSCUs), which includes the regional community technical colleges (i.e., CT State) and Charter Oak State College.

The act also requires the Office of the State Comptroller to pay the retirement-related fringe costs for all higher education constituent unit employees. This includes retirement for hazardous duty employees and employees enrolled in the State Employee Retirement System, an alternative retirement program, or the teachers' retirement system, as applicable.

Under prior law, the comptroller paid the fringe benefit costs, using the resources appropriated for the State Comptroller-Fringe Benefits, for constituent unit employees paid out of the General Fund, while the constituent units paid these costs for employees compensated from other sources (e.g., tuition revenue).

The act makes conforming changes by repealing requirements that the comptroller fund certain fringe benefit costs for (1) non-General Fund supported community college employees and (2) UConn Health Center employees.

EFFECTIVE DATE: July 1, 2023

§§ 90-92, 94 & 445 — ONLINE LOTTERY SALES

Eliminates the diversion of online lottery sales revenue to fund the state's debt-free community college program

"Pledge to Advance CT," or PACT, is the state's debt-free community college program. Prior law generally dedicated future online lottery sales revenue to fund it. The act eliminates this revenue diversion. (Section 1 of this act instead appropriates funds in FYs 24 and 25 for this program.)

The Connecticut Lottery Corporation (CLC) has not yet implemented online lottery ticket sales. But beginning in FY 24, prior law required the first $14 million

in net proceeds for each fiscal year to be transferred to the debt-free community college account. The act eliminates the (1) debt-free community college account (CGS § 10a-174a), (2) dedicated account for online lottery proceeds (CGS § 12-853a), and (3) required fund transfers (CGS § 12-812(d)).

The act instead directs the revenue back into CLC's lottery and gaming fund (i.e., the fund used to pay prizes and operating expenses). By law, CLC must transfer to the General Fund on a weekly basis any balance of this fund that exceeds the corporation's needs for paying lottery prizes and meeting operating expenses and reserves, with an exception for payments directed to the Connecticut Teachers' Retirement Fund Bonds Special Capital Reserve Fund in certain circumstances.

The act also makes several conforming changes.

EFFECTIVE DATE: July 1, 2023

§§ 93 & 445 — REGIONALIZATION TASK FORCE AND SUBACCOUNT REPEALED

Repeals the regionalization task force and a related subaccount to fund its recommendations

The act repeals a task force established in 2019 to study ways to encourage greater and improved collaboration between the state and municipal governments and regional bodies (CGS § 4-66s). The task force submitted its recommendations and terminated according to law. The act also eliminates a regionalization subaccount in the General Fund's regional planning incentive account that funds the task force's recommendations.

The act also repeals related provisions:

1. requiring the OPM secretary to establish requirements, procedures, and guidelines for offering regional functions, activities, or services the task force identified that municipalities perform, but might be more efficiently performed by OPM and
2. authorizing OPM and specified regional entities to charge fees to municipalities that opt to participate in these regional functions, activities, or services.

EFFECTIVE DATE: July 1, 2023

§ 93 — COG FUNDING

Distributes $7 million from the regional planning incentive account to the regional councils of governments (COGs) each year beginning in FY 24

Beginning FY 24, the act requires $7 million to be annually distributed to the regional councils of governments (COGs) from the regional planning incentive account. The funds must be distributed according to a formula the OPM secretary determines in consultation with the COGs.

Under the act, the formula must include for each COG a (1) base amount and (2) per capita amount, based on population data outlined in the most recent decennial census. The formula must be reviewed and updated every five years after its initial adoption. (Unchanged by the act, existing law set the formula at $185,500 plus 68 cents per capita to each COG but a separate, subsequent provision removed

this requirement (see *Related Act* below).)

EFFECTIVE DATE: July 1, 2023

BACKGROUND

Related Act

Beginning with FY 24, PA 23-205, § 155, eliminates the prior law's COG grant funding formula ($185,500 plus a per capita amount).

§ 95 — OPEN EDUCATIONAL RESOURCE COUNCIL

Transfers the Connecticut Open Educational Resource (OER) Coordinating Council from OHE to CSCU and makes conforming changes; expands restrictions on council grant award recipients; adds to council duties; requires it to report biennially rather than annually to the legislature, and to include additional information in its report; allows the OER state-wide coordinator to hire a part-time employee

By law, the Connecticut Open Educational Resource (OER) Coordinating Council must establish an OER program to lower the cost of textbooks and course materials for high-impact courses at state higher education institutions. This act makes various changes to the council and modifies the definition and use of OER.

EFFECTIVE DATE: July 1, 2023

Open Educational Resources

Prior law defined "OER" as a college-level resource available on a website for students, faculty, and the public to use on an unlimited basis at a lower cost than the marketing value of the printed textbook or other educational resource. It included full courses, course materials, modules, textbooks, streaming videos, tests, software, and other similar teaching, learning, and research resources residing in the public domain or released under a creative commons attribution license that permits the free use and repurposing of the resources.

The act redefines OER as a teaching, learning, or research resource that is (1) offered freely to users in at least one form and (2) either in the public domain or released under a creative commons attribution license or other open copyright license.

Council Structure and Staffing

Under prior law, the OER council was part of the executive branch and the Office of Higher Education (OHE) executive director appointed council members, including the statewide OER coordinator. OHE administrative staff served as the council's administrative staff.

The act moves the council from the executive branch to the Connecticut State Colleges and Universities (CSCU) and gives the CSCU president the same duties that the OHE executive director had under prior law (i.e., appointing the state-wide coordinator and council members). The act also makes the CSCU administrative staff serve as the council's administrative staff and authorizes the coordinator to hire a part-time employee to assist and support the council.

Council Duties

The act requires the council to develop a model OER policy for higher education institutions to adopt. The policy must establish (1) definitions for OER terms, (2) methods to collect data on OER use and availability, and (3) ways to

present online course catalogs to students to clearly identify courses using OER.

Licensing Options

By law, the council can accept, review, and approve grant applications for converting or adopting these resources. Under prior law, grant recipients could only license their OERs through a creative common attribution license. The act expands this limitation to also allow licensing through other open copyright licenses (i.e., ones that are not a creative commons attribution license, but allow for the free use, reuse, modification, and distribution of a work product if the original author is credited).

Reporting Requirements

Prior law required the council to annually report to the Higher Education and Employment Advancement Committee on the use of OERs, including the number and percentage of high-impact courses for which OERs have been developed. Beginning February 1, 2024, the act makes this a biennial, rather than annual, reporting requirement and changes the report's contents to instead include the number of courses using OER for all required materials. By law, unchanged by the act, the report must also include information about (1) the degree to which higher education institutions promote OER use and access, (2) grants the council awards, and (3) any legislative recommendations.

Background — Related Act

PA 23-151 contains identical provisions.

§ 96 — INDEPENDENT COLLEGE AND UNIVERSITY PROGRAM APPROVAL EXEMPTIONS

Makes permanent the law exempting qualifying independent colleges and universities from OHE's program approval process for an unlimited number of higher education programs per academic year; requires independent higher education institutions to update the credentials database at least annually with any new, modified, or discontinued programs

Prior law exempted qualifying independent colleges and universities from OHE's approval process for an unlimited number of new or modified programs until June 30, 2023, and beginning July 1, 2023, the law would have limited the exemptions to 15 new or modified programs in any academic year.

The act removes the restrictions set to begin on July 1, 2023, which makes permanent the law exempting qualifying independent colleges and universities from OHE's program approval process for an unlimited number of programs per academic year. Under existing law and the act, institutions qualify for these exemptions if they:

1. are eligible to participate in specified federal financial aid programs;
2. have a financial responsibility score of at least 1.5, as determined by the U.S. Department of Education (this score reflects the overall relative financial health of institutions); and
3. have been located in Connecticut and accredited as a degree granting institution in good standing for at least 10 years by a federally recognized

regional accrediting association.

The act also makes a corresponding change to a reporting requirement. Prior law required exempt institutions to file certain information with OHE about new programs and related topics. The act instead requires these institutions to update OHE's credentials database by the last day of each semester, but at least annually, with any new, modified, or terminated higher learning programs.

As under existing law, these institutions also must file with OHE annually the institution's (1) current program approval process and all governing board actions concerning approval of any new higher learning program and (2) financial responsibility composite score.

The act also makes conforming changes.

EFFECTIVE DATE: July 1, 2023

§ 97 — CONTRACT ASSIGNMENTS BY STATE AGENCIES

Allows the OPM secretary to execute an MOU with a department head to assign the department head the authority to enter into a contract or written agreement using funds appropriated to the secretary for the contract or agreement; allows budgeted agencies' department heads to similarly assign this authority upon the secretary's approval

The act allows the OPM secretary to execute a memorandum of understanding (MOU) with a budgeted agency's department head for certain contract assignments. It also allows a budgeted agency's department head, with the secretary's approval, to similarly execute an MOU with a different budgeted agency's department head for these assignments.

In both cases, the MOU may give the assignee department head the authority to enter into a contract or written agreement using funds appropriated to the secretary or the original department (as applicable) by the General Statutes or a public or special act, or authorized by the State Bond Commission, for the contract or agreement. The assignee department head must also otherwise have the authority to contract for the specific purpose for which the funds must be used.

The act requires the OPM secretary to submit a report to the Appropriations Committee annually beginning by January 1, 2024, with a summary of all assignments in the prior year by the secretary and budgeted agencies.

By law, budgeted agencies are executive branch departments, boards, councils, commissions, institutions, or other agencies (CGS § 4-69(11)(A)). A department head generally means state agency commissioners and certain executive directors (i.e., not every budgeted agency has a department head) (CGS § 4-5).

EFFECTIVE DATE: July 1, 2023

§ 98 — FEES FOR STATE AGENCY ELECTRIC VEHICLE STATIONS

Changes the fund into which fees collected for using state agency EV charging stations are deposited

By law, state agencies must assess and collect fees for using electric vehicle (EV) charging stations purchased and installed on state agency property on or after October 1, 2022. The fees must recover, at the maximum extent practicable, the operational, maintenance, and electric costs for the stations. The act requires that

the collected fees be deposited in the state fund that pays the hosting state agency's electricity costs, rather than the fund that paid for the station as prior law required.
EFFECTIVE DATE: July 1, 2023

§ 99 — GRANT PROGRAM FOR PURCHASING BODY AND DASHBOARD CAMERAS AND RELATED EQUIPMENT AND SERVICES

Extends by two years, through FY 25, the municipal grant program for purchasing eligible body and dashboard cameras and related equipment and services

The act extends by two years, through FY 25, the OPM-administered municipal grant program for purchasing eligible police body cameras, digital data storage devices or services, and certain dashboard cameras. By law, the grants are for up to 50% of the associated costs for distressed municipalities and up to 30% for all other municipalities. In both cases, funding for digital data storage services is limited to the cost for up to one year.

EFFECTIVE DATE: Upon passage

§§ 100-106 — BACKGROUND CHECKS BY THE DEPARTMENT OF ADMINISTRATIVE SERVICES

Requires DAS to conduct background checks for certain agencies and positions in addition to the existing requirement for the employing state agencies

The act requires the Department of Administrative Services (DAS) commissioner to conduct criminal background checks for specified positions at other state agencies. Under a 2019 executive order that centralized human resources for most state agencies (Executive Order No. 2), DAS currently performs these functions on these agencies' behalf. The table below lists the positions affected by the act and the agencies currently required to conduct background checks.

Under existing law, these agencies generally must require prospective (or in some cases current or transferring) employees to (1) state whether they have ever been convicted of a crime or are facing pending criminal charges when they apply and (2) submit to state and national criminal history checks. Under the act, the DAS commissioner must also do so for these positions.

The act also increases the frequency of periodic criminal background checks, from every 10 years to every five years, for existing Department of Revenue Services (DRS) employees and any other state employees or applicants exposed to federal tax information and allows these checks more frequently if the U.S. Treasury Department requires it.

Finally, the act adds a requirement that the DAS commissioner conduct background checks on all state agency contractors and subcontractors (including applicable employees) with access to certain federal tax information.

EFFECTIVE DATE: Upon passage

Covered Agencies and Positions

The act extends to the DAS commissioner the requirement to conduct criminal background checks and other listed verifications for the positions and agencies listed in the table below.

Table: Covered Positions and Agencies

Covered Positions	*Agency Required to Conduct the Checks Under Existing Law**
Applicants, including transfers, to the vital records unit of the Department of Public Health (DPH)	DPH
Applicants for any position with direct contact with inmates	Department of Correction
External applicants to the Department of Motor Vehicles (DMV)	DMV
Applicants to DRS, including transfers, and current DRS employees (the act additionally adds contractors and subcontractors, including applicable employees, with access to federal tax information, returns, or return information)	DRS
Applicants to the Department of Children and Families (DCF)	DCF
Applicants offered conditional employment by the Department of Developmental Services (DDS)	DDS
Any agency applicants or transfers that have exposure to federal tax information, if DAS provides HR services for the employing agency (the act additionally expands this requirement to all agency contractors and subcontractors, including applicable employees)	Employing Agency

*Now in combination with DAS

§§ 107-111 & 447 — PERSONAL SERVICES AGREEMENT PROCUREMENT THRESHOLDS

Increases, from $20,000 to $50,000, the cost threshold at which agencies must use competitive solicitation methods to enter into a PSA; eliminates a PSA's duration as a criterion for determining whether a competitive solicitation is required; these changes also apply to POS contracts

The act (1) increases, from $20,000 to $50,000, the cost threshold at which executive branch agencies must use competitive negotiation or competitive quotations when entering into a personal services agreement (PSA) and (2) eliminates a PSA's duration as a criterion for determining whether a competitive solicitation is required. These changes also generally apply to purchase-of-service (POS) contracts as, by law, these contracts are subject to the same requirements as PSAs (see *Background — POS Contracts*).

The act also (1) requires the purchasing agency, rather than the OPM secretary, to notify the state auditors about certain PSAs for audit services and (2) eliminates a provision in prior law that deemed PSA applications requiring the OPM secretary's approval as being approved if he did not act on them within a set period. Lastly, it makes technical and conforming changes.

EFFECTIVE DATE: January 1, 2024

Cost Thresholds

Prior law (1) prohibited state agencies from executing a PSA costing more than $50,000 or lasting longer than one year without the OPM secretary's approval and (2) required the purchasing agency to use competitive negotiation or competitive

quotations for these procurements unless it received a waiver from the OPM secretary to allow a sole source purchase.

The act eliminates a PSA's duration as a factor for determining whether these requirements apply, thereby applying them to PSAs only when their cost exceeds $50,000.

For PSAs with a term of one year or less, prior law required agencies to use competitive negotiation or competitive quotations (1) when possible, for PSAs costing up to $20,000, and (2) for each PSA that costs more than $20,000 and up to $50,000, unless the purchasing agency received a waiver from the OPM secretary to allow a sole source purchase.

The act makes a conforming change by increasing, from $20,000 to $50,000, the maximum cost of a PSA for which agencies must use competitive negotiation or quotations when possible.

For PSAs requiring the OPM secretary's approval for the PSA or a sole source purchase waiver, the act eliminates provisions in prior law that (1) required him to act on the application within 15 business days after receiving it and (2) deemed the application approved if he did not act within this time.

Audit Services

Existing law requires that the state auditors be given an opportunity to review certain PSA applications for audit services and advise whether they are necessary and, if so, could be provided by the auditors. The requirement applies to audit services PSAs that are subject to the OPM secretary's approval (e.g., those costing more than $50,000).

Prior law required the secretary to immediately notify the auditors of these applications upon receipt. The act instead requires the (1) purchasing agency to notify the auditors and (2) auditors to advise the purchasing agency, rather than the secretary as under prior law, of the need for the services and whether the auditors could provide them.

Background — POS Contracts

By law, a POS contract is one between a state agency and a private provider organization or municipality to obtain direct health and human services for agency clients and generally not for administrative or clerical services, material goods, training, or consulting service. The definition does not include a contract with an individual. The law subjects POS contract requirements to the same procurement requirements as PSAs (CGS § 4-70b(a) & (e)).

§ 112 — RETIREMENT SECURITY PROGRAM REIMBURSEMENT

Eliminates a deadline for the state's retirement security program to reimburse the General Fund for certain expenses and instead requires it to follow a plan the OPM secretary and state comptroller establish

The act eliminates (1) an October 1, 2023, deadline for the Connecticut Retirement Security Program to reimburse the General Fund for any money spent from it to administer the program and (2) a requirement that the reimbursement also cover any costs paid from the General Fund to compensate covered employees. The act instead requires that the reimbursement follow a plan established and agreed upon by the OPM secretary and state comptroller.

The plan must (1) include a schedule for reimbursing any money spent from the General Fund on the program and (2) incorporate any terms that the comptroller and state treasurer agreed upon to repay the General Fund for any funding advance made under a repealed law that authorized advances. The act requires the reimbursement payments to continue under the plan's terms until all money spent from the General Fund for the program is repaid. It also allows the program to pay any unpaid amounts earlier than the plan requires.

The law generally requires the program, which the comptroller administers, to promote and enhance retirement savings by establishing employee-funded Roth individual retirement accounts for eligible private-sector employees.

EFFECTIVE DATE: Upon passage

§ 113 — CONNECTICUT PORT AUTHORITY BUILDING PERMITTING PROCESS

Extends an existing building permitting process, which applies to state agencies and the Connecticut Airport Authority, to the Connecticut Port Authority

Existing law exempts state agencies and the Connecticut Airport Authority (CAA) from laws that generally require obtaining the following from a local building official: (1) a building permit before constructing or altering a building or structure and (2) a certificate of occupancy before occupying or using a building or structure. However, this law separately requires them to obtain other building permits and certificates of occupancy under specified circumstances.

The act applies this law to the Connecticut Port Authority (CPA). It also makes related and conforming changes and a technical change to remove an obsolete provision.

EFFECTIVE DATE: Upon passage

Separate Building Permitting Process

Among other things, under existing law and the act, state agencies and the authorities (hereafter, collectively, "the entities") are responsible for substantial compliance with the State Building Code and the Fire Safety Code when constructing new buildings and altering their existing buildings. The entities must apply for and receive a building permit from the state building inspector before constructing certain buildings, structures, and additions. Specifically, they must do so for ones that (1) include residential occupancies for at least 25 people or (2) exceed certain statutory threshold limits (see *Background*). Under existing law and the act, the state building inspector may inspect all their constructions and alterations and order them to comply with the State Building Code.

For each construction that must have the required building permit, the entities must apply to the state building inspector for a certificate of occupancy before occupying or using it. Additionally, for state and CAA buildings and structures constructed or altered on and after July 1, 1989, with the building permit, the law further prohibits the state agencies and CAA from occupying or using their respective building or structure until the state building inspector has issued a certificate of occupancy for it. For all other state and CAA buildings and structures constructed or altered on and after July 1, 1989 (i.e., those without the building permit), the law further prohibits the state agencies and CAA from occupying or

using their respective building or structure until the agency or CAA certifies to the state building inspector that it substantially complies with the State Building Code and Fire Safety Code. The act applies these two prohibitions to CPA buildings and structures constructed or altered on and after July 1, 2023.

Background — Threshold Limits

By law, the threshold limits generally are (1) four stories; (2) 60 feet high; (3) a clear span of 150 feet wide; (4) 150,000 square feet of floor space; or (5) occupancy by 1,000 or more people (CGS § 29-276b).

§ 114 — BUDGET RESERVE FUND SURPLUS

Prescribes, through FY 24, the order in which the state treasurer must transfer excess BRF funds to reduce the state's unfunded pension liability

Existing law caps the Budget Reserve Fund's (BRF) balance at 15% of net General Fund appropriations for the current fiscal year, through FY 24. (Starting in FY 25, PA 23-1 increases the maximum balance to 18%.)

Once the BRF reaches its maximum balance, the law requires the state treasurer to transfer any remaining General Fund surplus, as he determines to be in the state's best interests, for reducing either the State Employees Retirement Fund's or Teachers' Retirement Fund's unfunded liability by up to 5%. Any amounts that remain after this transfer may be used to make additional payments to either retirement system, as the treasurer determines is in the state's best interests, or to pay off other forms of state debt (CGS § 4-30a(c)).

The act requires the treasurer, from June 12, 2023, through the end of FY 24, to determine that it is in the state's best interest to appropriate the excess funds as follows:

1. first to reduce the State Employees Retirement Fund's unfunded liability by up to 5%,
2. second to reduce the Teachers' Retirement Fund's unfunded liability by up to 5%, and
3. third to make additional payments toward the State Employees Retirement System's unfunded liability.

The same provision applies under existing law through the end of FY 23 (PA 22-118, § 229).

EFFECTIVE DATE: Upon passage

§ 115 — PA 23-102 CHANGES TO CONTESTED PURA PROCEEDINGS

Narrows the scope of a provision in PA 23-102 that prohibits utility company rate recovery for certain expenses incurred for PURA rate-making hearings

Prior law prohibited electric distribution companies (EDCs, i.e., Eversource and United Illuminating) from recovering their costs for attending or participating in the Public Utilities Regulatory Authority's (PURA) rate-making hearings. PA 23-102, § 2, broadens this prohibition to cover any PURA-regulated utility company with more than 75,000 customers, any rate proceeding before PURA, and the costs of preparing for or appealing them. It also specifies that these costs include fees for attorneys, expert witnesses, and consultants; the portion of employee salaries associated with attending, participating, preparing, or appealing the proceeding; and related costs PURA identifies.

This act narrows these changes in PA 23-102 so that they only apply to rate proceedings begun on or after January 1, 2024, for EDCs and PURA-regulated gas companies, pipeline companies, and water companies (not all PURA-regulated utility companies) with more than 75,000 customers.

EFFECTIVE DATE: Upon passage

§ 116 — PA 23-102 PROHIBITION ON COST RECOVERY FOR MEMBERSHIP DUES, LOBBYING COSTS, AND ADS

Narrows the scope of a provision in PA 23-102 that prohibits utility companies' rate recovery for certain expenses like trade association membership, lobbying, and advertising

PA 23-102, § 3, prohibits any PURA-regulated utility company from recovering through their rates any direct or indirect costs associated with certain activities (e.g., membership dues for an industry trade association, lobbying, certain advertising, and certain travel expenses). It also requires those companies with more than 75,000 customers to annually report to PURA an itemized list of the costs associated with those activities and bars them from recovering their costs for preparing the reports through their rates.

This act narrows these provisions in PA 23-102 so that they only apply to EDCs and PURA-regulated gas companies, pipeline companies, and water companies (not all PURA-regulated utility companies), and for the reporting requirement, to those companies with more than 75,000 customers.

EFFECTIVE DATE: Upon passage

§ 117 — PA 23-102 PROVISIONS ON ELECTRIC BILL FORMAT

Requires PURA to study the components of the delivery portion of electric bills and consider what additional information should be available to increase transparency about the costs and benefits of programs funded through certain charges on a customer's bill

PA 23-102, § 14, generally requires EDCs to use four categories for charges in their bills (generation, local distribution, transmission, and system benefits and federally mandated congestion charges approved by PURA) and allows PURA to modify these categories under certain conditions.

This act also requires PURA's chairperson to conduct a study that analyzes the components of the delivery portion of the electric bill for each EDC's customers. The study must consider what additional information should be available to customers on a state-run website, an EDC's website, or at other locations that aim to increase transparency about the costs and benefits of programs funded through certain charges on a customer's bill. It may also include recommendations for a detailed plan to educate customers on how to access programs funded through these charges. The chairperson must submit a report with the analysis and recommendations to the Energy and Technology Committee by January 15, 2025.

EFFECTIVE DATE: July 1, 2023

§§ 118 & 451 — PA 23-102 PROVISIONS ON PURA COMMISSIONERS

Repeals a provision in PA 23-102 that would have generally (1) allowed PURA's chairperson to assign any matter before PURA to one utility commissioner and (2) required that in any contested proceeding assigned to one commissioner, any proposed final decision must be voted on by all of the PURA commissioners

The act repeals CGS § 16-2, as amended by PA 23-102, § 21. Among other things, this provision (1) allowed PURA's chairperson to assign any matter before PURA to one or more utility commissioners, rather than to a panel of three or more utility commissioners as under prior law, and (2) gave the assigned commissioner

the same powers that the panels had under prior law (e.g., deciding whether to hold a public hearing). It also required that in any contested proceeding assigned to one or more PURA commissioners, any proposed final decision must be voted on by all of the PURA utility commissioners.

In repealing the provision, the act reverts to current law, which generally allows PURA's chairperson to assign any matter before PURA to a panel of at least three commissioners, and requires any decision by the panel, if it was not unanimous, to be approved by a majority vote of all PURA commissioners. (Currently, only three commissioners serve on PURA.)

The act also changes how PURA's chairperson is selected. It requires the governor, starting by June 30, 2023, and in each odd-numbered year after that, to appoint the chairperson from among the commissioners. The chairperson then serves a two-year term, starting on July 1 of that year. Prior law required the commissioners to elect the chairperson from amongst themselves for a one-year term. (The repealed section in PA 23-102, contains an identical provision; in effect, this act retains this provision from PA 23-102.)

EFFECTIVE DATE: Upon passage

§ 119 — DUI AND CRIMINAL RECORD ERASURE

Specifies that a DUI conviction is not eligible for automatic criminal record erasure until 10 years after the person's most recent conviction; makes DUI convictions ineligible for erasure if the person has a second DUI conviction within 10 years

Existing law provides a process, not yet fully operational, to erase records of most misdemeanor convictions and certain felony convictions after a specified period following the person's most recent conviction. Among other things, PA 23-134 specifies that motor vehicle violations are generally covered by the law in the same way as misdemeanors or felonies (i.e., either seven or 10 years after the person's most recent conviction).

Under PA 23-134, a first DUI conviction (which has criminal penalties equivalent to a misdemeanor) was eligible for erasure seven years after the person's most recent conviction. This act instead makes DUI ineligible for erasure until 10 years after the person's most recent conviction in all cases.

This act also makes a DUI conviction ineligible for erasure if the defendant has a second DUI within the following 10 years. It replaces a provision in PA 23-134 that instead made a DUI conviction ineligible for erasure if it occurred within 10 years before any additional DUI arrest.

Background — Related Act

PA 23-169 (§ 2) contains the same provisions on DUI record erasure.

§§ 120-123 — CANNABIS SOCIAL EQUITY AND INNOVATION AND PREVENTION AND RECOVERY SERVICES FUNDS

Renames two funds to specify they are "cannabis" funds; specifies that money may only be expended through General Assembly appropriations

The act (1) renames the Social Equity and Innovation Fund and Prevention and Recovery Services Fund to specify they are "cannabis" funds and (2) specifies that money in the funds must be appropriated by the legislature. It also specifies that

any balance remaining at the end of any fiscal year must be carried forward to the next fiscal year. It also makes various minor, technical, and conforming changes.

By law, money from the Social Equity and Innovation Fund must be appropriated to provide (1) access to business capital, (2) technical assistance for business start-ups and operations, (3) workforce education, (4) community investments, and (5) paying costs incurred to implement activities authorized under RERACA (CGS § 21a-420f(c)). The Prevention and Recovery Services Fund must be appropriated for the purposes of (1) substance abuse prevention, treatment, and recovery services and (2) collecting and analyzing data regarding substance use (CGS § 21a-420f(d)).

EFFECTIVE DATE: July 1, 2023

§ 124 — CANNABIS REGULATORY FUND

Establishes a non-lapsing fund to be appropriated to state agencies to pay for costs incurred implementing authorized activities under RERACA

Starting July 1, 2023, the act establishes the Cannabis Regulatory Fund as a separate, non-lapsing fund. The fund must contain any money required to be deposited in it and the treasurer must hold it separate and apart from all other money, funds, and accounts.

The act requires that the fund be appropriated to state agencies for paying costs incurred to implement authorized activities under RERACA.

EFFECTIVE DATE: July 1, 2023

§§ 125 & 126 — DOC PILOT PROGRAMS FOR ALCOHOL USE DISORDER TREATMENT AND MENTAL ILLNESS

Requires DOC to (1) operate two pilot programs for people in its custody: one for people with alcohol use disorder and one for people with mental illness; (2) spend at least $500,000 on each pilot program to treat participants with certain medications; and (3) report to the legislature on the programs

The act requires the Department of Correction (DOC) to operate the following two pilot programs for people in its custody:

1. one to screen, assess, and treat people with alcohol use disorder and
2. one to treat people with mental illness.

Under the act, the department must spend at least $500,000 on each pilot program to treat participants with medications that are (1) approved by the federal Food and Drug Administration, for participants with alcohol use disorder and (2) clinically appropriate, long-acting injectables, for participants with mental illness.

The act requires DOC, by December 1, 2025, to report to the Appropriations and Judiciary committees on each pilot program, including:

1. the total number of people who received the treatment;
2. the number of people who requested the treatment but were not approved, and the reasons they were denied; and
3. initiatives to expand and improve access to the medications described above for people in DOC custody.

EFFECTIVE DATE: July 1, 2024

§ 127 — DOC COMMISSARY IMPLEMENTATION PLAN

Requires DOC to (1) in consultation with JJPOC's incarceration subcommittee, develop and submit a commissary implementation plan to JJPOC and (2) fully implement the plan by November 1, 2023

By July 1, 2023, the act requires DOC, in consultation with the Juvenile Justice Policy and Oversight Committee's (JJPOC) incarceration subcommittee, to develop and submit a commissary implementation plan to JJPOC. DOC must fully implement the plan by November 1, 2023.

The act also requires DOC to immediately implement procedures for more equitable commissary options for certain incarcerated youth.

EFFECTIVE DATE: Upon passage

Commissary Implementation Plan

Under the act, the plan must provide for the following regarding youths in DOC facilities:

1. an integrated positive behavior motivation system to engage and reinforce positive youth behaviors and expectations that can be used to pay for commissary goods in place of money;
2. revised commissary policies and procedures that include developing and implementing these positive behavior motivation policies and procedures;
3. increased incentives to promote good health and recognize a diverse range of ethnic groups, races, sexes, and cultural backgrounds;
4. identification of youth within the institution who do not have equitable access to the commissary (see below) and strategies to implement equitable access;
5. provision of menstrual products as required by law;
6. transition of saved commissary allocations, including how associated saved funds can be transitioned and accessed when a youth is transferred to an adult facility;
7. ongoing training and assistance, such as that provided through the Capitol Region Education Council's Positive Behavioral Intervention and Supports;
8. a continuous quality improvement system for the plan's ongoing implementation; and
9. biannual surveys or focus groups to get feedback from youth in DOC facilities on (a) ways to improve DOC's system and (b) the plan's implementation.

Procedures for More Equitable Commissary Options

The act requires DOC to immediately implement procedures for more equitable commissary options for youth within the institution that do not have equitable access to it, including those who are indigent, without family support, or with disabilities that contribute to lack of access.

§ 128 — PASSPORT TO THE PARKS ACCOUNT REPORT

Requires the DEEP commissioner to report on the passport to the parks account and subaccounts quarterly instead of semiannually; expands the report contents and recipients

By law, when DEEP rents out a state park property for special events (e.g., weddings and receptions), the funds collected go into a subaccount in the passport to the parks account dedicated to maintaining that specific park.

Prior law required the DEEP commissioner to report semiannually to the Office of Fiscal Analysis on the (1) rental fees collected, itemized by subaccount; (2) amount DEEP spent for each park; and (3) projects for which funds were spent.

The act instead requires the commissioner to report (1) by July 1, 2023, and

quarterly thereafter and (2) additionally to the Appropriations and Environment committees. It expands the report contents to also include the (1) projected end-of-fiscal-year balance for the account and each subaccount and (2) number of positions funded through the account, and whether they are filled or unfilled or permanent or seasonal.

EFFECTIVE DATE: Upon passage

§§ 129-131 — DEPARTMENT OF HOUSING

Makes DOH a standalone executive branch agency instead of an agency within DECD for administrative purposes only

The act makes the Department of Housing (DOH) a standalone executive branch agency. Under prior law, DOH was within DECD for administrative purposes only.

EFFECTIVE DATE: October 1, 2023

§§ 132 & 133 — HEALTH CARE PROVIDERS SERVING AS ADJUNCT FACULTY

Requires public higher education institutions to consider any licensed health care provider with at least 10 years of clinical experience to be qualified for an adjunct faculty position; correspondingly requires the Office of Higher Education, within available appropriations, to establish a program providing incentive grants to these providers who become adjunct professors

Beginning January 1, 2024, the act requires public higher education institutions to consider any licensed health care provider applying for an adjunct faculty position in their field to be qualified if the provider has at least 10 years of clinical experience. Under the act, the institutions must give them the same consideration as other qualified applicants. These provisions apply to UConn, the Connecticut State Universities, the regional community-technical colleges, and Charter Oak State College.

Under the act, by January 1, 2024, and within available appropriations, the Office of Higher Education (OHE) must establish and administer a program giving $20,000 incentive grants to licensed health care providers accepting adjunct professor positions under the provisions described above if they remain in the position for at least one academic year. These providers are eligible for another $20,000 grant if they remain in the position for at least two academic years. OHE's executive director must establish the application process.

The act requires the executive director, starting by January 1, 2025, to annually report on the program to the Public Health Committee. The director must report on the following:

1. the number and demographics of the adjunct professors who applied for and received program grants,
2. which institutions employed them and the number and types of classes they taught, and
3. any other information he considers pertinent.

EFFECTIVE DATE: July 1, 2023

Background — Related Act

PA 23-97, §§ 9 & 10, contains identical provisions on health care providers serving as adjunct faculty and a related grant program.

§§ 134-136 — DEBT FREE COMMUNITY COLLEGE AND THE ROBERTA B. WILLIS SCHOLARSHIP PROGRAM

Extends eligibility for the state's debt-free community college program to returning students; makes various changes to the Roberta B. Willis Scholarship program, including requiring FY 24 awards to use ARPA funds first and excluding regional-community technical colleges from the program

The act extends eligibility for the state's debt-free community college program to returning students. It also makes changes to the Roberta B. Willis Scholarship program, including:

1. limiting eligibility for the program by excluding the regional-community technical colleges and thus making their students ineligible to receive an award;
2. changing how scholarship funds are allocated, including requiring OHE to use certain federal American Rescue Plan Act (ARPA) allocations before General Fund appropriations;
3. prohibiting any unused appropriations from automatically lapsing when the fiscal year ends, instead requiring the funds be permanently held for the program; and
4. allowing the program to use a student aid index as an alternative to family contribution when determining student eligibility.

PA 23-208, §§ 11 & 13, repeals this act's changes to the Roberta B. Willis scholarship program and replaces them with substantially similar provisions, except as described below.

The act also makes various technical and conforming changes.

EFFECTIVE DATE: July 1, 2024, except the Roberta B. Willis Scholarship program changes are effective July 1, 2023.

Debt-Free Community College Eligibility Expansion (§ 134)

Under prior law, the state's debt-free community college program allowed eligible Connecticut high school graduates who enrolled as first-time community-technical college students to receive awards on a semester basis.

The act removes requirements that (1) a qualifying student must be a first-time enrollee at a regional community-technical college, therefore extending program eligibility to returning students, and (2) awards must be applied during a student's first 48 consecutive months of community college attendance, allowing them to receive the award if they meet all other eligibility requirements. As under existing law, an award is available to a qualifying student for the first 72 credit hours they earn.

The act also makes conforming changes by eliminating separate eligibility requirements for qualifying students who take a medical or personal leave of absence or are called to active duty in the armed forces while enrolled in a community college.

Allocation of Roberta B. Willis Scholarship Program Funds (§§ 135)

FY 24 Funding Sources. The act requires OHE, for FY 24, to make awards and allocations for the Roberta B. Willis Scholarship program first from its allocation of federal ARPA funds until these funds are exhausted, before making any awards or allocating any funds from General Fund appropriations. (PA 23-208, § 11, instead requires OHE to use (1) the funds appropriated or allocated for the program for FY 24 to make its award and allocations for the 2023 and 2024 academic years and (2) all of the ARPA funds allocated for the program by December 31, 2024.)

The act makes conforming changes by requiring that the program's funding allocations across its three award types (i.e., the need and merit-based grant, need-based grant, and Charter Oak grant) be made within available funds, rather than available appropriations as prior law required.

Maximum Allocation for the Need and Merit-Based Grant. Under prior law, at least 20% but no more than 30% of the program's available appropriations were allocated to the need and merit-based grant. The act maintains the 20% minimum but caps the maximum allocation at the greater of (1) 30% of available funds or (2) $10 million. It retains the existing allocations for the need-based grant (up to 80% of available funds) and Charter Oak grant (at least $100,000 of available funds).

Administrative Allowance. Under prior law, the program received an administrative allowance for each fiscal year set at the greater of (1) 0.25% of the available appropriations or (2) $100,000. The act instead bases this allowance on available funds, subject to a $100,000 annual minimum.

Regional-Community Technical Colleges (§ 135)

The act excludes the regional-community technical colleges from the scholarship program, which makes students at these institutions ineligible to receive an award. It also makes several conforming changes.

Award Distribution and Student Eligibility (§ 135)

Prior law required OHE to make the determination of financial need for the need and merit-based grants based on the eligible student's "family contribution" (i.e., the expected family contribution for educational costs calculated from the student's Free Application for Federal Student Aid (FAFSA)). Beginning July 1, 2024, the act instead requires it do so based on the eligible student's "student aid index" to reflect changes in federal law. (The federal FAFSA Simplification Act, part of the Consolidated Appropriations Act of 2021 – P.L. 116-260, phases out the "Expected Family Contribution" and replaces it with "Student Aid Index"). Under the act, "student aid index" is the index used to determine financial aid eligibility as computed from a student's FAFSA.

Prior law required OHE to make awards on a sliding scale up to a maximum federal family contribution set annually by OHE and based on funding levels and the number of eligible applicants. Under the act, as an alternative to family contribution, OHE can also use student aid index when making need and merit-based awards. It similarly requires OHE to use student aid index as an alternative to family contribution in determining how much funding to allocate to institutions for need-based grants.

§ 137 — ENDOMETRIOSIS DATA AND BIOREPOSITORY PROGRAM

Requires UConn Health Center to develop an endometriosis data and biorepository program by January 1, 2024, and annually report on it to the Public Health Committee

The act requires UConn Health Center (UCHC), by January 1, 2024, to develop an endometriosis data and biorepository program to enable and promote research on (1) early detection of endometriosis in adolescents and adults and (2) the development of therapeutic strategies to improve clinical management of the condition. It must do this in collaboration with an independent, nonprofit biomedical research institution in Connecticut that is engaged in endometriosis research with UCHC.

Under the act, UCHC must annually report on the program's implementation to the Public Health Committee, starting by January 1, 2025.

EFFECTIVE DATE: July 1, 2023

Program Duties

Under the act, the endometriosis data and biorepository program must do the following:

1. design a comprehensive longitudinal sample and clinical data collection protocol to characterize endometriosis and cellular functions of those with endometriosis;
2. collect from patients with endometriosis and control patients without the condition and code (a) endometrial tissue specimens; (b) fluids, including blood and urine; and (c) clinical and demographic data and questionnaires on endometriosis symptoms and quality of life;
3. develop standard operating procedures for biological material samples, including for their transportation, coding, processing, and long-term retention and storage;
4. establish data transmission and onboarding operations necessary for institutions in the state to participate in banking with and accessing data from the program;
5. curate biological endometriosis samples from a diverse cross-section of communities in the state to ensure they represent all groups affected by endometriosis, including under-represented populations such as African American, black, Latino, Latina, Latinx, and Puerto Rican persons; other persons of color; transgender and gender diverse persons; and persons with disabilities;
6. raise awareness on endometriosis in these underrepresented populations and promote research on better diagnostic and therapeutic options, including through communications with health care providers and those impacted by endometriosis on information about the latest therapeutic options for people diagnosed with the condition;
7. create opportunities for collaborative research among institutions in the state focused on the pathogenesis, pathophysiology, progression, prognosis, and prevention of endometriosis and the discovery of noninvasive diagnostic biomarkers, new targeted therapeutics, and improved medical and surgical interventions;
8. serve as a centralized resource for endometriosis information and a conduit to promote endometriosis education and raise its public awareness;

9. facilitate collaboration among researchers and health care providers, educators, students, patients, and others impacted by endometriosis through conferences and continuing medical education programs on best practices for endometriosis diagnosis, care, and treatment;
10. collect information on endometriosis's impact on Connecticut residents, including health and comorbidity, health care costs, and overall quality of life; and
11. apply for and accept grants, gifts, and funds bequeathed to perform its functions.

Under the act, a "biorepository" is a facility that collects, catalogs, and stores human samples of biological material, including urine, blood, tissue, cells, DNA, RNA, and protein for laboratory research. These samples are coded without individual identifiers and linked with phenotypic data (i.e., non-individually identifiable clinical information on a person's disease history, symptoms, and demographic data, including age, sex, race, and ethnicity).

Background — Related Act

PA 23-67 contains the same provisions requiring UCHC, by January 1, 2024, to develop an endometriosis data and biorepository program.

§ 138 — ANNUAL TRIBAL GRANTS

Requires the OPM secretary to annually distribute $20,000 grants from the Mashantucket Pequot and Mohegan Fund to the Schaghticoke, Paucatuck Eastern Pequot, and Golden Hill Paugussett tribes

The act requires the OPM secretary to annually distribute a $20,000 grant to each of the Schaghticoke, Paucatuck Eastern Pequot, and Golden Hill Paugussett tribes beginning in FY 24. He must distribute the grants from the Mashantucket Pequot and Mohegan Fund in addition to any payments made to towns from the fund.

The tribes must use the grants to manage their properties. The act prohibits using the grants in connection with any legal claim against the state or federal government or to support any petition for federal recognition.

EFFECTIVE DATE: Upon passage

§ 139 — PRORATED PILOT GRANTS

Increases tiered PILOT grant rates by three percentage points, from 50%, 40%, and 30% to 53%, 43%, and 33% for tier one, two, and three municipalities, respectively

The payment in lieu of taxes (PILOT) program gives annual grants to municipalities and fire districts for (1) state-owned property, municipally owned airports, and Indian reservation land and (2) private nonprofit college and hospital property. PILOT grant amounts are generally determined by multiplying the assessed value of the PILOT-eligible property by the statutory reimbursement rate for the given property type.

By law, if the amount appropriated for PILOT grants is not enough to fully fund them according to these reimbursement rates, the grant amounts must be prorated according to a three-tiered proration method. (OPM generally determines each municipality's and district's tier designation based on its per capita property wealth,

with certain exceptions.) Under prior law, tier one, two, and three municipalities received 50%, 40%, and 30% of their PILOT grants, respectively. The act increases these rates to 53%, 43%, and 33%, respectively.

By law, unchanged by the act, if the annual appropriation is not enough to fund the grants at these percentages, then the grants to each municipality and district must be proportionately reduced, but they cannot be less than what was received in FY 21. Conversely, if the annual appropriation exceeds the amount required to fund PILOT grants at these percentages, then the grants must be proportionately increased.

EFFECTIVE DATE: July 1, 2023

§ 140 — BATTERSON PARK FEASIBILITY STUDY

Requires the DEEP commissioner to study the feasibility of, and recommend options for, public recreational access to Batterson Park, hold public meetings on park redevelopment, and report to the Environment Committee by January 15, 2024

The act requires the DEEP commissioner to study the feasibility of, and recommend options for, public recreational access to Hartford's Batterson Park property in New Britain and Farmington. In doing this, she must consult with Hartford and other interested municipalities.

Under the act, the study must evaluate various park redevelopment options, including public and public-private partnerships. It must consider each parcel of Batterson Park owned by Hartford in New Britain and Farmington and assess the following:

1. recreational uses, including passive and active uses;
2. Batterson Park Pond's water quality;
3. on- and off-site measures needed to support swimming in the pond;
4. existing and new infrastructure and capital investments needed to accommodate public recreation and park access;
5. ongoing park operation and maintenance costs;
6. public safety concerns;
7. funding needs for each redevelopment option; and
8. other matters the commissioner considers necessary for a detailed feasibility assessment of each option.

The act requires the commissioner to hold at least one meeting in each affected municipality (i.e., Hartford, New Britain, and Farmington) to take public comments on the park's redevelopment. Within 14 days before each meeting, a notice of the meeting's time and place must be posted on DEEP's and the host municipality's websites.

The commissioner must submit a report on the study to the Environment Committee by January 15, 2024.

EFFECTIVE DATE: Upon passage

§ 141 — ASSISTANCE TO MDC FOR SEWER UPGRADES AND REPAIRS

Requires DEEP to use available funds, including certain Clean Water Act funds, for a financial assistance program for MDC to make sewerage system upgrades and repairs in Hartford

The act requires DEEP to use available funding to operate a program that gives

financial assistance to the Metropolitan District Commission (MDC) for repairs and improvements to Hartford's sewerage systems. DEEP must develop the program by January 1, 2024, and it must jointly identify projects with the MDC, prioritizing those that will mitigate or prevent flooding and sewerage back-ups in residential dwellings (including repairing components on private property).

Under the act, funding must come from Clean Water Act or other funds, but it cannot be the funding MDC receives for capital costs associated with complying with certain consent agreements involving the federal Environmental Protection Agency and Connecticut. The program ends upon the exhaustion of available funding.

Any contracts entered into for the repairs or improvements must comply with the state's nondiscrimination and affirmative action contracting provisions.

EFFECTIVE DATE: Upon passage

Report to DEEP and Legislature

By February 1, 2024, and then generally monthly, the act requires MDC to submit a report to DEEP and the Environment and Planning and Development committees with (1) a description of any repairs and improvements begun or completed in the previous month under the program; (2) an itemized accounting of expenditures; and (3) a list of projects the district started but has been unable to complete due to permitting issues, including the nature of the issues. MDC's first report must also have a detailed description of the scope of all projects it anticipates undertaking, with the estimated schedule for each project. After the first report, MDC does not need to submit a report in months that it does not undertake repairs or improvements under the program.

§§ 142-144 & 146 — SEWERAGE GRANT PROGRAM FOR HARTFORD RESIDENTS

Requires the comptroller to establish the Hartford Sewerage System Repair and Improvement Fund to support a financial assistance program for Hartford residents impacted by certain flooding

The act requires the comptroller to establish the Hartford Sewerage System Repair and Improvement Fund, which may contain public or private funds, to be used to administer and operate a grant program for people impacted by certain flooding in Hartford. It explicitly allows Harford to contribute to the fund. The grant program ends upon the exhaustion of funds.

Specifically, by January 1, 2024, the comptroller must set up a grant program to (1) give financial assistance to eligible owners of real property in Hartford to pay for necessary repairs from flood damage caused on or after January 1, 2021, and (2) reimburse residents for costs associated with damage to personal property due to flooding occurring on or after that date. Program funds must also be used to compensate the program's administrator and reimburse inspection costs (see below).

The grant program must be administered by a gubernatorially appointed administrator who is a Hartford resident with experience in environmental justice issues and insurance policy claims determinations. The administrator must be appointed by August 1, 2023, employed under a personal service agreement, and paid the per diem rate for a senior judge. Hartford's state representatives and senators must submit a list of at least two candidates by July 15, 2023, but the

governor does not have to choose the administrator from that list.

EFFECTIVE DATE: Upon passage

Application and Grant Awards

The act requires the administrator to develop the application process and eligibility criteria, subject to the comptroller's approval. The eligibility criteria must require that the property owner is a Hartford resident who owned real or personal property in the city that was damaged by flooding on or after January 1, 2021. The application must include, if applicable, a copy of any determination made on a claim against any property and casualty insurance policy, including the amounts paid under the claim. The act specifies that no applicant is ineligible solely because (1) their property was uninsured when the damage occurred or (2) the applicant did not receive payment under an insurance claim. The administrator must review applications and make eligibility decisions within 30 days after receipt.

If the applicant is eligible for assistance to pay for real property repairs, an inspector must evaluate the damage to the applicant's property and give the administrator a report in the form he or she sets describing the damage and estimated repair costs. The inspector must be employed by MDC, or, if the applicant chooses to hire their own inspector, have experience in assessing flood damage and be approved by the administrator. Within 30 days after receiving the report, the administrator may award the applicant a grant using a formula the comptroller sets. The formula must reduce the grant by any amount paid out by an insurance company for the damage. Applicants who hire their own inspector can seek reimbursement for reasonable inspection costs (also as set by the administrator), and the administrator must reimburse them for it.

Within 30 days after determining an applicant is eligible for reimbursement for costs associated with personal property damage, the administrator must award it following the comptroller's formula. The formula may reduce the grant by any amount paid out by an insurance company for the damage.

The act makes the administrator's finding related to eligibility or costs inadmissible in any administrative or judicial proceeding.

Appeals

The act allows applicants to appeal the administrator's eligibility or award amount decisions to the comptroller within 30 days after a decision, using procedures he sets. The comptroller may hire an administrator to conduct these appeals and the comptroller's or the hired administrator's decision is unappealable.

Notice to Landlords

If requested by a tenant residing in a residential building that was damaged by flooding on or after January 1, 2021, the administrator must inform the building's owner about the program by mail or email, if the administrator knows the owner's mailing address or electronic mail address.

Community Outreach

The act requires the comptroller, for FY 24, to give a $75,000 grant to the Blue Hills Civic Association using funds from the Hartford Sewerage System Repair and Improvement Fund. The grant must be used for a community outreach effort to inform residents about assistance for property repair and reimbursement for flooding damage costs.

The act also requires MDC to designate an employee by January 1, 2024, to serve as a community outreach liaison, responsible for answering questions about the grant program, helping individuals apply for assistance, and promoting community awareness about the program. The awareness efforts must include contacting individuals known to have had real or personal property damage from flooding and sewerage back-ups to provide information on the grant program and the availability of licensed inspectors.

§ 145 — REPORT ON SEWERAGE AND STORMWATER PROJECTS BY HARTFORD AND MDC

Requires Hartford and MDC to report to DEEP and the legislature on sewer and stormwater projects and flooding prevention plans

The act requires Hartford and MDC to jointly submit a report by January 1, 2024, to DEEP and the Environment and Planning and Development committees that describes (1) the status of any planned or underway long-term projects in Hartford that are intended to improve the city's sewerage or stormwater infrastructure and (2) their plan to mitigate or prevent future flooding issues, including the feasibility of investing in green infrastructure. The report must be published on DEEP and MDC's websites.

EFFECTIVE DATE: Upon passage

§ 147 — LGBTQ JUSTICE AND OPPORTUNITY NETWORK

Changes the name and modifies the membership and scope of the LGBTQ Health and Human Services Network

The act renames the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Health and Human Services Network as the LGBTQ Justice and Opportunity Network and modifies its scope. It tasks the network with making recommendations to the state legislative, executive, and judicial branches about access and opportunity services to LGBTQ people in the state, instead of about delivering health and human services for these individuals. The act also requires the network to build a more just environment for LGBTQ people, in addition to its duties under existing law of building a safer and healthier environment.

By law, the network must report to the Public Health, Human Services, Appropriations, and other legislative committees as necessary. The act adds the Judiciary Committee to this list. Additionally, existing law requires the Commission on Women, Children, Seniors, Equity and Opportunity to provide administrative support to the network. The act specifies that this support must be provided within available appropriations.

EFFECTIVE DATE: July 1, 2023

Membership

The act also modifies the composition of the network by removing two members and adding five new ones. It removes the True Colors, Inc. executive director and an LGBT Veteran Care coordinator. It adds the executive directors of (1) A Place to Nourish Your Health, (2) Kamora's Cultural Corner, (3) Apex Community Care, (4) Queer Youth Program of Connecticut, and (5) an LGBTQ licensed mental health provider. Additionally, the act replaces the AIDS Connecticut executive director with the executive director of Advancing CT

Together. By law, the network includes those individuals or their designees. All appointments must be made within 60 days after the act's effective date.

Unchanged by the act, the House speaker, in consultation with the Senate president pro tempore, fills any vacancies, and either may appoint additional members.

§ 148 — TRF-SCRF AND CONNECTICUT BABY BOND TRUST PROGRAM

Requires the TRF-SCRF to contain any financial guaranty the state treasurer obtains for the fund; sets conditions under which the money in the SCRF and any amount available under the guaranty may be deposited in the Connecticut Baby Bond Trust

Financial Guaranties in the TRF-SCRF

By law, the Connecticut Teachers' Retirement Fund Bonds Special Capital Reserve Fund (TRF-SCRF) secures principal and interest payments on the pension obligation bonds (POB) issued in 2008 to fund the Teachers' Retirement System's unfunded liability. Its purpose is to provide adequate protection for these bondholders, and its funds are pledged to paying the bonds it secures.

Authority to Acquire Financial Guaranties for the Fund. Existing law requires the TRF-SCRF to contain any money the law requires to be deposited in it, including deposits from the Connecticut Lottery Corporation. The act additionally requires it to contain any financial guaranty or guaranties the treasurer acquires for the fund's purposes. This may include any letter of credit, surety bond, insurance policy, guaranty, or similar instrument issued by a financial institution (e.g., a bond or insurance company), so long as the institution is rated within the top two rating categories of at least one nationally recognized statistical rating organization when the financial guaranty is issued, as the state treasurer determines is in the state's best interest. The act makes related conforming changes to the TRF-SCRF law.

The treasurer must prescribe the financial guaranty's form. It must be at par value and payable, or available to be drawn upon, on or before any date by which debt service on the secured bonds must be paid.

Treasurer's Related Powers. The act gives the state treasurer specified powers related to this financial guaranty, including the authority to (1) enter into related agreements on the state's behalf (including intercreditor provisions if there are multiple financial guaranties) and (2) pledge the state's full faith and credit under any such agreement, including the moneys that must be deposited in the fund to meet the state's payment obligations under the agreement. As part of the contract the state enters into with the other parties to the agreement, the act (1) appropriates all amounts needed to pay the state's obligations on time and (2) requires the treasurer to pay these amounts when due. It also authorizes the fund to pay any of the agreement's costs.

Related Legal Actions. The act allows the Hartford Superior Court to enter a judgment against the state based on any agreement entered into under the act, including any claim, set-off, or demand the state has against the plaintiffs. The case must be heard without a jury. The act reserves to the state all legal defenses except governmental immunity and requires that the action have privilege in its trial assignment upon either party's motion.

Release of TRF-SCRF Funds to the Connecticut Baby Bond Trust

The act establishes conditions under which excess money in the TRF-SCRF

must be deposited in the Connecticut Baby Bond Trust. It allows the funds to be released in this way after the state treasurer acquires a financial guaranty or guaranties and if the TRF-SCRF's deposits, together with the amount available under the financial guaranty or guaranties, exceed the fund's required minimum capital reserve. In doing so, it specifies that the TRF-SCRF, if it is wholly or partly funded by a financial guaranty or guaranties, continues to provide adequate protection for the POB bondholders and any related refunding bonds.

Prior law authorized the treasurer to release funds from the TRF-SCRF to the General Fund when the amount in the fund equaled or exceeded its required minimum capital reserve. Specifically, it (1) required the state treasurer to certify to the governor, Teachers' Retirement Board (TRB), and lottery corporation president when the TRF-SCRF's deposits first reach or exceed the required minimum and (2) allowed the state treasurer to direct the trustee to remit the excess to him for deposit in the General Fund. The act instead requires him to (1) certify when the total amount in the TRF-SCRF, plus the amount available under a financial guaranty or guaranties, exceeds this required minimum and (2) direct the trustee to remit the excess to the Connecticut Baby Bond Trust.

Fund Termination

Under prior law, any money left in the TRF-SCRF when it terminates had to be transferred to the Budget Reserve Fund. The act instead requires the remaining funds to first be used to pay any obligations under any agreement entered into under the act and then be transferred to the Connecticut Baby Bond Trust. The state treasurer must direct the TRF-SCRF's trustee to enter into a contract with the Connecticut Baby Bond Trust's trustee for this transfer, as he deems necessary or appropriate, (1) in a way that protects the Baby Bond Trust's beneficiaries' interests and (2) subject to the requirement that the TRF-SCRF be used for paying the bonds it secures.

The act also eliminates an obsolete provision terminating the fund if the TRB failed to approve a specified credited interest percentage for member accounts and return assumption.

EFFECTIVE DATE: Upon passage

§§ 149-152 & 438-442 — CONNECTICUT BABY BOND TRUST PROGRAM

Eliminates the prior $600 million GO bond authorization for the Baby Bond Trust program; makes various other changes to the program

Bond Authorization (§§ 149, 151 & 442)

The act eliminates the $600 million general obligation (GO) bond authorization ($50 million per year from FYs 25-36) for the Connecticut Baby Bond Trust program. By law, the program gives designated beneficiaries (i.e., babies born on or after July 1, 2023, whose births were covered under HUSKY) up to $3,200 in a state trust. Once they reach age 18, designated beneficiaries that meet the program's eligibility requirements may receive the funds, including any investment earnings, to be used for an eligible expenditure (e.g., education, buying a home or investing in a business in Connecticut, or personal financial investments).

The act makes numerous conforming changes, including eliminating provisions giving the state treasurer specified powers relating to the bonds and allowing certain legal actions. It also eliminates provisions requiring the state treasurer, starting in 2024, to submit to the governor and OPM secretary an annual report and calculation

of the total amount required to credit $3,200 for each of these beneficiaries.

Disbursements (§§ 152 & 438)

The act exempts disbursements from the trust, rather than the trust's property and earnings, from all state and local taxes. It requires that the disbursements, rather than funds invested in the trust, be disregarded as assets or income, as applicable, when determining an individual's eligibility for (1) state-administered assistance programs, to the extent allowed by federal law, or (2) need-based, institutional aid grants offered at the state's public eligible educational institutions.

Amounts Transferred for Designated Beneficiaries (§§ 439 & 440)

Prior law required the state treasurer to establish an accounting for each designated beneficiary and allowed him to transfer up to $3,200 from the program's bond proceeds to the trust to be credited to the beneficiary's accounting at birth. It also required the transferred amount to be proportionately reduced for any year in which the amount of bond funds made available under the program was insufficient to provide the $3,200. The act eliminates the requirements that the (1) state treasurer set up these accountings and (2) transferred funds come from these bond proceeds. The act instead allows designated beneficiaries, once they reach age 18 and complete the program's financial literacy requirement, to request an amount to be used to pay an eligible expenditure, up to the total amount allocated or transferred on their behalf. This includes their pro rata share of any investment earnings at the time of the disbursement.

Under prior law, if a designated beneficiary failed to submit a valid claim before his or her 30th birthday or died before doing so, then the amount of his or her accounting was credited back to the trust's assets. The act instead requires that this amount be retained by the trust to credit to designated beneficiaries born in subsequent years.

Information Sharing Between State Treasurer and DSS (§§ 439 & 440)

Existing law requires the state treasurer and DSS to enter into a memorandum of understanding (MOU) about information sharing practices needed to carry out the program. The act requires this MOU to be done according to all applicable state or federal laws, rather than contingent on adequate consent authorizing the disclosure of designated beneficiaries' confidential information under these laws.

As under prior law, the act requires DSS, beginning by September 1, 2024, to annually inform the state treasurer of the number of designated beneficiaries born in the prior fiscal year. Under the act, the treasurer may transfer up to $3,200 in the trust for each such beneficiary after receiving this number, rather than upon the birth of a designated beneficiary.

Other Programmatic Changes (§§ 150, 439 & 441)

The act also does the following:

1. exempts the trust's property from the law for determining when property held by a fiduciary is presumed abandoned (§ 150);
2. explicitly subjects the treasurer's trust investments to the same oversight and requirements that the law establishes for other treasurer-administered funds, such as the Teachers' Pension Fund, the State Employee Retirement Fund, and the Connecticut Municipal Employees' Retirement Fund (e.g., investment review by the Investment Advisory Council) (§ 441); and

3. makes various minor, technical, and conforming changes (§§ 150 & 439).
   EFFECTIVE DATE: Upon passage

§ 153 — COMPENSATION OF INCARCERATED INDIVIDUALS

Requires a $5-$10 per week pay range for DOC inmates performing services on the state's behalf

The act sets a pay range for the compensation paid to inmates of a Department of Correction (DOC) institution or facility for services they perform on the state's behalf. By law, the DOC commissioner, after consulting with the administrative services commissioner and the OPM secretary, must set the compensation schedule for this work, recognizing degrees of merit, diligence, and skill, and encouraging inmate incentive and industry. The act requires the schedule to have a pay range of at least $5 per week, but no more than $10 per week. Prior law did not specify any minimum or maximum amounts.

EFFECTIVE DATE: October 1, 2023

§§ 154-158 — FOOD AND NUTRITION POLICY ANALYST AND TAX INCENTIVES FOR GROCERY STORES IN FOOD DESERTS

Requires CWCSEO to hire a food and nutrition policy analyst to help reduce food insecurity and food deserts; authorizes municipalities to provide property tax abatements to new grocery stores located in food deserts that meet certain requirements

The act requires the Commission on Women, Children, Seniors, Equity and Opportunity (CWCSEO) executive director, with the Joint Committee on Legislative Management's approval, to hire a food and nutrition policy analyst to coordinate state efforts to reduce food insecurity and food deserts, promote food as medicine, and provide data on access to nutritionally adequate food. The policy analyst must be qualified by training and experience to perform the office's duties.

The act also (1) authorizes municipalities to provide, for the next two assessment years, property tax abatements to new grocery stores that are established in a food desert and (2) requires larger grocery stores to meet certain labor conditions to qualify. It allows the state, within available appropriations, to give grants to municipalities for their taxes abated under the act.

Additionally, the act requires the Department of Economic and Community Development (DECD) commissioner to develop a plan to, among other things, incentivize grocery store construction in a food desert.

EFFECTIVE DATE: July 1, 2023, except the provisions on tax incentives take effect on October 1, 2023.

Food and Nutrition Policy Analyst (§ 155)

Under the act, the analyst's duties include the following:

1. creating a program that (a) lets individuals search by home address for places to buy food or receive food assistance (e.g., local food recovery organizations, food insecurity programs, farmers markets, and supermarkets) and (b) includes information on available government programs such as the supplemental nutrition assistance program (SNAP), the special supplemental nutrition program for women, infants, and children (WIC), and free or reduced cost school meal programs;
2. creating an interactive map program that provides town-, county-, or census tract-level food insecurity data, including data on the average distance to,

and cost of, nutritionally adequate food, and the number and location of food deserts;
3. creating and updating at least biennially a database listing food recovery organizations, food insecurity programs, supermarket locations, and agricultural producers who sell directly to the public;
4. producing an annual report on food insecurity in the state and submitting it to the CWCSEO director;
5. administering a community-focused work group to develop food security best practices and initiatives, which must be composed of an equal number of representatives from local food recovery organizations, local food insecurity programs, local supermarket owners, agricultural food producers, and representatives of other working groups appointed by the General Assembly or executive branch;
6. promoting public awareness about access to nutritionally adequate food and food as medicine, including by planning public events on solutions to food insecurity; and
7. working with state agencies and the CWCSEO director to promote equitable access to nutritionally adequate food.

The act requires the person serving as the food and nutrition analyst to have at least a bachelor's degree in public health or public administration or equivalent experience in food and health policy (e.g., a demonstrated knowledge of food insecurity issues, the public health impact of nutritionally adequate food's availability, and Medicaid coverage of food as medicine).

The act also requires that any programs, data, and reports that the analyst produces as part of the duties listed above be posted on the CWCSEO website. Starting by January 15, 2024, the analyst must annually compile this data into a report, and the CWCSEO director must submit the report and recommendations to reduce food insecurity to the Aging, Environment, Human Services, Planning and Development, and Public Health committees.

Property Tax Abatement for Grocery Stores in Food Deserts (§§ 156 & 157)

The act authorizes municipalities, by ordinance, to partially or fully abate property taxes on any new grocery store established in a food desert for the assessment years beginning on October 1, 2023, and October 1, 2024. It requires the ordinance to include any additional abatement requirements and an application process. Under the act, a "grocery store" is a retail facility (1) at which at least 90% of its square footage is used to display and sell food products, of which at least 20% is used to display and sell fresh produce, dairy, and meat products, and (2) that is constructed, rehabilitated, remodeled, or refurbished following the prevailing wage standard for the same work in the same trade or occupation in the town in which the project is undertaken.

The act allows the state, at the DECD commissioner's discretion and within available appropriations, to enter into a contract with a municipality to provide a state grant for taxes the municipality abated for qualifying grocery stores in these assessment years. The grant may be for up to the amount of taxes the municipality abated each year.

Labor Peace Agreements. Under the act, to qualify for the abatement, any

grocery store larger than 20,000 square feet must enter into a labor peace agreement with a bona fide labor organization (i.e., a labor union representing or seeking to represent grocery store workers; see below).

The act requires that the grocery store's business owner or operator agree to do the following under the labor peace agreement:

1. maintain a neutral position on the labor organization's efforts to represent store employees,
2. allow the labor organization to have access to store employees, and
3. guarantee the labor organization the right to be recognized as the exclusive collective bargaining representative of the store's employees by showing that a majority of store workers have signed authorization cards indicating their preference for representation.

In return, the bona fide labor organization must agree that its members will, for the duration of the agreement, refrain from picketing, work stoppages, boycotts, or other economic interference against the business.

Bona Fide Labor Organizations. The act specifies that certain factors are indicative, but not determinative, of a whether a labor organization is a bona fide labor organization. These factors include whether the organization:

1. represents employees in the state over wages, hours, and working conditions;
2. has officers elected by secret ballot or another way consistent with federal law;
3. is free of domination or interference by any employer and has received no improper assistance or support from any employer;
4. has been recognized or certified as the bargaining representative for grocery store employees in the state;
5. has executed a current collective bargaining agreement or agreements with grocery store employers in the state;
6. has spent resources as part of a current and active attempt to organize and represent grocery store workers in the state;
7. has, for the three years immediately before any labor peace agreement with a grocery store seeking a tax abatement, (a) filed its annual financial report with the U.S. Secretary of Labor as required by federal law, (b) audited financial reports, and (c) written bylaws or a constitution; and
8. is affiliated with a regional or national association of unions, including central labor councils.

Strategic Plan on Food Deserts (§ 158)

The act also requires the DECD commissioner, in consultation with the agriculture commissioner, to develop a strategic plan to (1) provide incentives for grocery store construction in a food desert and (2) expand opportunities for food desert residents to access nutritionally adequate food. By January 1, 2024, the DECD commissioner must file a report on the strategic plan with the Commerce; Environment; Finance, Revenue and Bonding; Human Services; and Planning and Development committees.

§§ 159-162 — FIREFIGHTERS CANCER RELIEF BENEFITS

Generally requires that firefighters who have certain cancers and meet other criteria receive workers' compensation-like benefits and disability retirement benefits that are paid by a municipality and then reimbursed from a state account; creates the Firefighters Cancer Relief Fund Advisory Committee to annually evaluate the account; and requires the treasurer to annually report on the account's status and the existing Firefighters Cancer Relief Program

The act generally requires that firefighters who have certain cancers and meet other criteria receive workers' compensation-like benefits and disability retirement benefits. The benefits must be paid by the municipality where the firefighter is employed and then reimbursed to the municipality from the state's firefighters cancer relief account. Under existing law, unchanged by the act, firefighters who meet substantially similar criteria may also qualify for wage replacement benefits from the Firefighters Cancer Relief Program, which is funded by the same account and administered by the Connecticut State Firefighters Association's Firefighters Cancer Relief Subcommittee.

The act also (1) creates the Firefighters Cancer Relief Fund Advisory Committee to annually evaluate the firefighters cancer relief account's financial solvency, (2) requires the state treasurer to annually give the advisory committee a report on the status of the account and the existing Firefighters Cancer Relief Program, and (3) makes a conforming change to allow the account to also fund the act's new cancer relief benefits.

EFFECTIVE DATE: October 1, 2023, except the provisions on the advisory committee and treasurer's report are effective upon passage.

Cancer Relief Compensation and Benefits (§ 159)

Regardless of the state's workers' compensation laws, the act requires firefighters who meet certain criteria related to having cancer to receive compensation and benefits from the firefighters cancer relief account in the same amount and in the same way that they would be provided under the workers' compensation law if the firefighter's death or disability qualified for workers' compensation benefits. More specifically, the compensation and benefits must be as if their death or disability was caused by a personal injury that arose out of and in the course of the firefighter's employment and was suffered in the line of duty and within the scope of his or her employment. In the case of death, the firefighter's dependents would receive the compensation and benefits.

Under the act a "firefighter" includes any (1) uniformed member of a paid municipal, state, or volunteer fire department and (2) local fire marshal, deputy fire marshal, fire investigator, fire inspector, and other classes of inspectors and investigators for whom the State Fire Marshal and the Codes and Standards Committee have jointly adopted minimum qualification standards. "Compensation" is benefits or payments required under the workers' compensation law (e.g., indemnity (i.e., lost wages), medical costs, disability payments, death benefits, and funeral expenses).

The act also requires that the eligible firefighters receive (1) the same retirement or survivor benefits from the municipal or state retirement system that covers them or (2) disability benefits available from the Connecticut State Firefighters Association, that would have been paid if the firefighter's death or disability was caused by a personal injury that arose out of and in the course of their employment and was suffered in the line of duty and within the firefighter's scope of

employment. (To the extent that this requirement conflicts with the provisions of collectively bargained retirement systems, it could be subject to claims that it violates the Contracts Clause of the U.S. Constitution, which generally bars states from passing any law that impairs the obligation of existing contracts.)

Qualifying Criteria. To qualify for the act's compensation and benefits a firefighter must meet the following criteria:

1. be diagnosed with any condition of cancer affecting the brain or the skeletal, digestive, endocrine, respiratory, lymphatic, reproductive, urinary, or hematological systems that results in death or temporary or permanent total or partial disability;
2. had a physical examination after entering the service that failed to reveal any evidence of or a propensity for the cancer;
3. not used cigarettes during the 15 years before the diagnosis;
4. worked for at least five years as (a) an interior structural firefighter at a paid municipal, state, or volunteer fire department or (2) a local fire marshal, deputy fire marshal, fire investigator, fire inspector, or another class of inspectors or investigators for whom the state fire marshal and Codes and Standards Committee have jointly adopted minimum qualification standards; and
5. submitted to annual medical health screenings as recommended by the firefighter's medical provider.

Under the act, an "interior structural firefighter" is someone who performs fire suppression, fire rescue, or both, either inside buildings or in closed structures that are involved in a fire station beyond the incident stage.

Applications and Reimbursements. To apply for compensation or benefits under the act, a firefighter must notify the Workers' Compensation Commission and the municipality where he or she is employed in the same way required for workers' compensation claims. Former firefighters who would otherwise be eligible for benefits may also apply within five years after they last served as a firefighter. If an employer required a physical exam as a condition for employment when the firefighter was hired, or annually for continued employment, the act exempts the firefighter from having to show proof of the exam to maintain a claim for benefits.

The act requires the municipality where the firefighter is employed to administer these claims in the same way as required under the workers' compensation law.

(Because the act requires the municipality where the firefighter is employed to administer the claim as a workers' compensation claim, it is unclear how volunteer or state-employed firefighters who are not employed by the municipality where they serve as a firefighter would receive benefits since they are not employed by the administering municipality and the workers' compensation law generally does not include a process for administering claims from non-employees. In addition, it is similarly unclear how the act's application process would apply to claims for disability and disability retirement benefits.)

The municipality must (1) pay the firefighter the compensation or benefits he or she is entitled to and then (2) apply for reimbursement from the firefighters cancer relief account in a form and way set by the state treasurer. Reimbursement

payments must be processed within 45 days after the application was received.

The act also requires that any costs associated with the firefighter's cancer treatment be reimbursed by the account if the firefighter's personal or group health insurance does not cover them. (The act does not specify a process for firefighters to apply or qualify for this reimbursement, or what happens if the account becomes insolvent.) Presumably, a firefighter seeking this reimbursement would need to meet the same criteria required for the act's other cancer relief compensation and benefits.

Audits and Authority to Reimburse Municipalities. The act authorizes the state treasurer to audit reimbursements from the account. It also makes a conforming change to allow the treasurer to spend money from the account to reimburse the municipalities for paying the required compensation and benefits (§ 162).

Account Insolvency. Under the act, if the account becomes insolvent, the municipality has no obligation to continue providing the workers' compensation-like compensation and benefits funded by it (it is unclear how the disability retirement benefits required by the act would be affected in these circumstances, as it appears that the act also requires municipalities to be reimbursed for these benefits). (See below, § 161, regarding treasurer's duty to notify towns of approaching insolvency.)

Benefit Denial. The act allows a firefighter to request that a municipality's denial of compensation or benefits be reconsidered in the same way as for workers' compensation claims (it is unclear if this would require a workers' compensation administrative law judge to adjudicate the claim; neither existing law nor the act gives them jurisdiction over these claims).

Benefit Offset. The act requires that any benefits provided under it be offset (i.e., reduced) by any other benefits a firefighter (or his or her dependents) may be entitled to receive from the firefighter's municipal employer under the workers' compensation law, or the municipal or state retirement system that covers them, due to any health condition or impairment caused by occupational cancer resulting in the firefighter's death or permanent total or partial disability.

Related Workers' Compensation Claims. The act prohibits any firefighter that receives compensation under its provisions from filing a workers' compensation claim for a cancer diagnosis unless (1) the firefighters cancer relief account becomes insolvent or (2) the firefighter dies from cancer. If the account becomes insolvent, a firefighter who was receiving compensation may file a workers' compensation claim for continuation of compensation within one year after receiving notice about the insolvency from the municipality.

If a firefighter who was receiving compensation under the act dies from cancer, the act allows any survivors to file a workers' compensation claim within one year after the firefighter's death. Until the claim is approved, the survivors must continue receiving benefits from the firefighters cancer relief account. If they do not file a workers' compensation claim before the one-year deadline they may continue to receive benefits from the account.

The act specifies that compensation payments made under the act cannot be used as evidence to support any future workers' compensation claim.

Firefighters Cancer Relief Fund Advisory Committee (§ 160)

The act creates the Firefighters Cancer Relief Fund Advisory Committee to annually evaluate the firefighters cancer relief account's financial solvency. The evaluation must at least (1) analyze the fund balance, claims data, and quarterly report from the state treasurer (see below); (2) identify the need for a new funding mechanism for the account; and (3) determine the need to buy insurance to help maintain the account's solvency.

Under the act, the committee consists of (1) two Connecticut Conference of Municipalities representatives, (2) a Uniformed Professional Fire Fighters Association of Connecticut representative, (3) a Connecticut State Firefighters Association representative, (4) the state treasurer or his designee, (5) the state comptroller or his designee, and (6) a representative from the governor's office. The committee also has six appointed members (who may be state legislators) as shown in the table below.

Table: Appointed Members of the Firefighters Cancer Relief Fund Advisory Committee

Appointing Authority	*Appointee's Required Qualifications*
House speaker	Experience in investment fund management
Senate president pro tempore	Expertise in the state's workers' compensation program
House majority leader	Expertise in maintaining solvency
Senate majority leader	Expertise in making investments
House minority leader	None specified
Senate minority leader	None specified

The act requires all initial appointments to the committee to be made within 30 days after the act passes (July 12, 2023), and the appointing authority must fill any vacancy. The House speaker and Senate president pro tempore must select the committee's chairpersons from among its members, and the chairpersons must schedule and hold the committee's first meeting within 60 days after the act passes (August 11, 2023). The Labor and Public Employees Committee's administrative staff must serve as the advisory committee's administrative staff.

The act requires the advisory committee, starting by January 1, 2024, to annually submit a report on its findings and recommendations to the Labor and Public Employees Committee.

Treasurer's Report on Firefighters Cancer Relief Program and Account (§ 161)

The act requires the state treasurer, starting by July 1, 2023, to annually submit a report to the Firefighters Cancer Relief Fund Advisory Committee. The report, which must be prepared in consultation with the Connecticut State Firefighters Association, must be on the status of the firefighters cancer relief account and the existing Firefighters Cancer Relief Program. It must include (1) the account's balance; (2) the program's projected and actual participation; and (3) demographic information of each firefighter who receives program benefits, including gender, age, town of residence, and income level.

Under the act, if the treasurer determines that the account is approaching insolvency, he must notify (1) all municipalities currently providing cancer relief compensation and benefits (see above), (2) the Office of the Governor, (3) the Workers' Compensation Commission, and (4) the Labor and Public Employees Committee.

§ 163 — APPRENTICESHIP REPORTING DATA

Requires apprenticeship program sponsors to annually give DOL certain information about the extent to which apprentices are successfully completing their program

The act requires each person sponsoring a Department of Labor (DOL)-registered apprenticeship program as of, or on or after July 1, 2024, to annually submit certain information about their program to DOL. Specifically, when it submits its annual registration fee, each sponsor must give DOL its current minimum apprentice completion rate and the number of each of the following:

1. registered apprentices currently participating in its program, and those who have advanced a year since the sponsor's previous registration date, or year to date for new sponsors;
2. licensed journeypersons the sponsor currently employs;
3. apprentices who separated from its program since the sponsor's previous registration date, or year to date for new sponsors;
4. apprentices who completed its program since the previous registration, or year to date for new sponsors; and
5. apprentices who completed its program, received a Department of Consumer Protection occupational license, and the sponsor currently employs.

The act requires that all information be submitted in a form and way the labor commissioner sets, disaggregated by gender identity, race, and ethnicity.

Under the act, the information the sponsor provides is considered a public record and thus publicly available for inspection and copying under the state's Freedom of Information Act.

EFFECTIVE DATE: January 1, 2024

§ 164 — LUNG CANCER EARLY DETECTION AND TREATMENT REFERRAL PROGRAM

Establishes, within available appropriations, a DPH Lung Cancer Early Detection and Treatment Referral Program to (1) promote screening, detection, and treatment to people ages 50 to 80, prioritizing high-risk populations, and (2) provide public education, counseling, and treatment referrals

The act establishes, within available appropriations, a Department of Public Health (DPH) Lung Cancer Early Detection and Treatment Referral Program to do the following:

1. promote lung cancer screening, detection, and treatment for people ages 50 to 80, prioritizing populations who have higher lung cancer rates than the general population;
2. educate the public on lung cancer and the benefits of early detection; and
3. provide counseling and referrals for treatment.

The program must at least include:

1. a public education and outreach initiative to publicize (a) early detection services and the extent health insurance covers them, (b) the benefits of early detection and the recommended frequency of screening services, and (c) Medicaid and other public and private programs that may help with the cost of screenings and referral services;

2. development of professional education programs, including the benefits of early detection and the recommended frequency of screenings;
3. a system to track and follow up on all people the program screens for lung cancer, including follow-up on abnormal screening tests and treatment referrals and tracking people to be screened at recommended intervals; and
4. assurance that participating providers of screening and referral services comply with national and state quality assurance legislative mandates.

The act also requires DPH, within existing appropriations and through contracts with health care providers, to provide lung cancer screening and referral services to people ages 50 to 80, giving priority to populations who exhibit higher lung cancer rates than the general population.

EFFECTIVE DATE: October 1, 2023

§§ 165 & 446 — PROGRAM OF ALL-INCLUSIVE CARE FOR ELDERLY

Allows the DSS commissioner to submit a Medicaid state plan amendment to cover Program of All-Inclusive Care for Elderly services under Medicaid, within available appropriations

The act allows the Department of Social Services (DSS) commissioner to submit a Medicaid state plan amendment to the federal Centers for Medicaid Services (CMS) to cover Program of All-Inclusive Care for Elderly (PACE) services under Medicaid, within available appropriations.

Generally, PACE programs deliver medical and social services through providers that service eligible individuals in a defined service area. Under federal law and the act, PACE programs are operated by PACE providers that deliver comprehensive health care services to eligible individuals in keeping with federal regulations and a PACE program agreement (i.e., an agreement between the federal Department of Health and Human Services or the state administering agency and a provider to operate a PACE program). For-profit and nonprofit providers may operate the programs.

Under the act and federal law, "eligible individuals" are people who:

1. are age 55 or older,
2. require a nursing home level of care,
3. live in a PACE program's service area, and
4. meet any other eligibility requirements included in the PACE program agreement (42 U.S.C. § 1395eee).

The act makes DSS the state administering agency responsible for administering PACE program agreement services. If CMS approves the Medicaid state plan amendment, the act requires DSS to establish participation criteria for eligible individuals and PACE providers and make payments for PACE program services from funds appropriated to the Medicaid account.

By law, for certain programs including Medicaid, DSS may implement policies and procedures while in the process of adopting them as regulations (CGS § 17b-10(b)). The act explicitly allows the DSS commissioner to implement policies and procedures this way if she posts notice of her intent to adopt regulations on the eRegulations System within 20 days of implementing the policies and procedures, which are valid until final regulations are adopted.

Lastly, the act repeals an obsolete provision authorizing the DSS commissioner to seek a federal waiver for a PACE pilot program.

Background — Related Act

PA 23-30 contains the same provisions allowing the DSS commissioner o submit a Medicaid state plan amendment to the federal government to cover PACE services under Medicaid.

Background — PACE Services and Centers

PACE organizations provide services primarily in an adult day health center ("PACE center"). Each PACE organization must operate at least one PACE center in, or contiguous to, its designated service area with enough capacity to allow routine attendance by participants. The PACE center must provide at least primary care, social services, restorative therapies (physical and occupational therapies), personal care and supportive services, nutritional counseling, recreational therapy, and meals (42 C.F.R. § 460.98).

§ 166 — PRIVATE EDUCATION LENDER AND CREDITOR DISCLOSURES

Requires private education lenders and creditors to register with DOB and provide it with certain information about their loans and borrowers; requires DOB to publish a summary of the information it receives; allows DOB to bar certain violators for up to 10 years

The act requires private education lenders and creditors to register with the Department of Banking (DOB) and annually submit certain loan information, beginning with when they register. The information the lenders and creditors must provide includes things such as the schools their borrowers attend, amount of loans provided, and default rates. The DOB commissioner must publish on a public website a summary of the information he receives, registrant contact information, and copies of lenders' model loan documents.

The act authorizes the DOB commissioner to (1) enforce its requirements under his existing authority for banking law violations and (2) bar someone from acting as a private education lender or a private education loan creditor for up to 10 years if they violate the act's provisions and cause a consumer financial harm because of it.

EFFECTIVE DATE: October 1, 2023

Registration

The act generally requires "private education lenders" and "private education loan creditors" to register with the DOB commissioner and pay a fee, in a way he prescribes, before making or purchasing or assuming, as applicable, private education loans owed by Connecticut residents. These lenders and creditors must annually renew their registration. The act allows (1) for registration and payment through the National Multistate Licensing System and Registry and (2) the commissioner to require nonprofit postsecondary educational institutions to register through an alternate registration process and fee structure he sets.

The act applies to any person (1) engaged in the business of making or extending private education loans (a "private education lender") or (2) to whom a private education loan is sold or assigned or who otherwise acquires one (a "private education loan creditor"). Under the act, lenders do not include banks or out-of-state banks; Connecticut, federal, or out-of-state credit unions; the banks' or credit unions' wholly owned subsidiaries; operating subsidiaries with an owner that is wholly owned by the same bank or credit union; or the Connecticut Higher

Education Supplemental Loan Authority. Banks and these credit unions are similarly exempt as creditors, as are consumer collection agencies; private student loan servicers; and local, state, and federal departments and agencies.

Under the act, a "private education loan" is credit (1) extended expressly, in whole or part, for a borrower's postsecondary educational expenses, regardless of whether it is provided by the educational institution a student attends, and (2) not made, insured, or guaranteed under certain federal laws (i.e., not a federally issued education loan). It excludes loans secured by real property.

Submitted Information

The act requires each registrant to annually give the commissioner certain documents and information, starting when it registers, and upon the commissioner's request. The information must be in a form and manner the commissioner sets.

Under the act, both lenders and creditors must provide their name and address and the name and address of each of their officers, directors, partners, and owners of a controlling interest.

The other private education loan information that each lender must provide under the act includes the following:

1. a list of all the schools their borrowers attend and, for each school, the number and dollar amount of all loans made to borrowers attending the school during the prior year and all outstanding loans;
2. the number and dollar amount of (a) all outstanding loans made to borrowers and (b) the loans made during the prior year;
3. the number of loans made with a cosigner during the prior year;
4. the interest rates spread for loans made during the prior year and the percentage of borrowers that received each rate within the spread;
5. the default rate for borrowers, including the rate per school;
6. the number of borrowers the lender brought legal action against in the prior year to collect a loan debt and the amount sought in each action; and
7. a copy of each model promissory note, agreement, contract, or other instrument the lender used the previous year to substantiate debt (i.e., confirm that a loan was extended or that the borrower owes a debt to the lender).

Similarly, the act requires the creditors to provide the following:

1. a list of all schools that have borrowers with outstanding loans the creditor assumed or acquired and, for each school, the number and dollar amount of all loans assumed or acquired during the previous year and all outstanding loans owed to the creditor;
2. the number and dollar amount of all (a) outstanding loans owed by borrowers to the creditor and (b) loans the creditor assumed or acquired during the prior year;
3. the number of loans with a cosigner the creditor assumed or acquired during the prior year;
4. the default rate for borrowers whose loans the creditor assumed or acquired, including the rate per school; and
5. the number of borrowers the creditor brought legal action against in the prior year to collect a loan debt and the amount sought in each action.

Public Online Resource

The act requires the DOB commissioner to create and periodically update a publicly available website that includes the following information:

1. each registered lender's and creditor's name, address, telephone number, and website;
2. a summary of the information creditors and lenders must annually provide to the commissioner (e.g., list of schools borrowers attend; number of loans made or owed to, as applicable; and interest rates spread, as described above); and
3. copies of the model promissory notes, agreements, contracts, and other proof-of-debt documents registered lenders provide to the commissioner.

Enforcement and Penalties

The act authorizes the DOB commissioner to enforce its requirements under his existing authority for banking law violations (CGS § 36a-50). By law, the commissioner may, after an investigation finding that a person committed a violation, (1) conduct an administrative hearing proceeding on the violation, (2) impose a fine of up to $100,000 per violation, and (3) order restitution or disgorgement. He may also take court action if it appears to him that the person committed a violation, is doing so, or is about to do so. He may also seek an injunction or direct compliance, a court order imposing a penalty of up to $100,000 per violation, or an order of restitution.

The act also allows the commissioner to bar someone from acting as a private education lender or a private education loan creditor or as a stockholder, officer, director, partner, or other owner or employee of a lender or creditor for up to 10 years if they violate the act's provisions and cause a consumer financial harm because of it.

§ 167 — OFFICE OF THE STUDENT LOAN OMBUDSMAN

Establishes an Office of the Student Loan Ombudsman and requires the DOB commissioner to appoint a student loan ombudsman to head the office

The act establishes an Office of the Student Loan Ombudsman and requires the DOB commissioner to appoint a student loan ombudsman to head the office. The appointee must have expertise and experience in a student loan-related field. Prior law required the commissioner to appoint such an ombudsman within the department but only within available appropriations. (In practice, he did not make an appointment.) The act puts the office within DOB for administrative purposes only.

The act generally assigns to the office the responsibilities previously assigned to the student loan ombudsman. Prior law required the ombudsman to provide timely assistance to student loan borrowers and meet its responsibilities in consultation with the DOB commissioner. The act assigns these responsibilities solely to the new office, including (1) reviewing and attempting to resolve student loan borrower complaints; (2) helping student loan borrowers understand their rights and responsibilities; (3) compiling and analyzing student loan borrower complaint data; and (4) providing information to the public, agencies, legislators, and others about these borrowers' problems and concerns.

The act requires the office to begin maintaining DOB's existing student loan

borrower education course on October 1, 2024. It also requires the ombudsman, beginning January 1, 2024, to annually submit a report to the Banking and Higher Education and Employment Advancement committees on the office's implementation and effectiveness and the added steps DOB must take to gain regulatory control over student loan servicer licensing and enforcement. (DOB had to report to these committees through January 1, 2023, on these same topics but with respect to the ombudsman position.)

EFFECTIVE DATE: October 1, 2023

§§ 168 & 169 — FEDERAL STUDENT LOAN SUBSERVICER REGISTRATION

Extends existing law's registration requirement for federal student loan servicers to also cover subservicers of these loans

The act extends existing law's registration requirement for federal student loan servicers to also cover subservicers of these loans. It does so by eliminating the definitional requirement that a "federal student loan servicer" be the entity awarded a contract by the U.S. Department of Education (USDE). Instead, under the act, these loan servicers include those who service an USDE loan on behalf of another. The act also requires subservicers to notify the DOB commissioner in writing within seven days after a contract awarded by USDE expires or is revoked or terminated, which under prior law was only required of servicers.

EFFECTIVE DATE: October 1, 2023

§ 170 — LOCAL VOLUNTARY PUBLIC SAFETY REGISTRATION SYSTEM FOR PEOPLE WITH IDD

Amends a provision in PA 23-137 that creates a local voluntary public safety registration system for people with IDD, limiting initial registration to children with IDD and setting up a notification and opt-in procedure municipal police departments must follow to allow registrants to remain in the system after they turn 18

PA 23-137, §§ 7 & 8, created a voluntary public safety registration system that municipal police departments may implement for (1) parents and guardians of children and adults with intellectual and developmental disabilities (IDD), including autism spectrum disorder, cognitive impairments, and nonverbal learning disorders, and (2) adults with these disabilities who are not represented by a parent, guardian, or other representative. The system is designed to collect specified information that can help emergency services personnel interact with these children and adults. This act limits initial registration to children with IDD and makes numerous minor and conforming changes.

The act also establishes a notification and opt-in procedure municipal police departments must follow to allow registrants to remain in the system after they turn 18. Under the act, within 30 days after a registrant turns 18, the municipal police department that recorded the person's information in the system must send a written notice to the person's last known address. The notice must inform the person of the following:

1. that information about him or her is included in the database;
2. the nature of this information;

3. the database's purpose;
4. that his or her information will be removed from the database 95 days after his or her 18th birthday unless they return a signed, opt-in authorization to the department within 90 days after this birthday; and
5. that if they return the signed opt-in authorization, they may subsequently ask at any time, in writing, for their information to be removed from the database.

Municipal police departments must create the opt-in authorization form and include a copy of it with the notice they provide to registrants.

Under the act, if a department receives a timely, signed form, it must keep information about the person in the database until he or she asks in writing for it to be removed. If it does not receive a timely, signed form, it must remove the person's information from the database 95 days after he or she turns 18. If it receives a written request from the person to remove his or her information from the database, it must do so within two weeks after receiving the request. The department must ensure that the removed information is not accessible to the municipality's public safety answering point.

EFFECTIVE DATE: Upon passage

§ 171 — COMPENSATION FOR FAMILY CAREGIVERS UNDER PA 23-137

Requires DSS to amend current Medicaid waivers, rather than apply for new ones, to authorize compensation for family caregivers in DDS-administered waiver programs

PA 23-137 (§ 60) requires the DSS commissioner, in consultation with the Department of Developmental Services (DDS) commissioner, to apply for a Medicaid waiver by November 1, 2023, to authorize compensation for family caregivers who provide care to DDS-administered Medicaid waiver participants. This act instead requires the commissioners to amend the current Medicaid waivers for these programs to authorize the compensation and implement the waiver amendment when the federal Centers for Medicare and Medicaid Services approves it.

EFFECTIVE DATE: Upon passage

§ 172 — COMMUNITY RESIDENCES EXEMPTED FROM A PROXIMITY AND DISPERSION REQUIREMENT

Amends PA 23-137, § 68, to narrow the community residences that are exempted from a public health law's proximity and dispersion limitation, aligning the exemption with the definition of "community residences"

This act narrows the types of community residences that are exempted from a public health law's proximity and dispersion restriction under PA 23-137, § 68. In narrowing this exemption, the act aligns the remaining exemption with the definition of "community residence" that applies to the proximity and dispersion restriction under PA 23-137, §§ 67-68. Under that act, a "community residence" is, broadly, a Department of Public Health (DPH)-licensed facility for eight or fewer adults with mental health disorders who were discharged from a state-operated or licensed facility or referred by a psychologist or psychiatrist. The exemption this act retains is for community residences for people receiving Department of Mental Health and Addiction Services (DMHAS) services.

Under current law and the acts, the proximity and dispersion limitation prohibits (1) a community residence from locating within 1,000 feet of an existing community residence or (2) the cumulative capacity of multiple community residences from exceeding 0.1% of the municipality's population.

EFFECTIVE DATE: Upon passage

.

§ 173 — SITING WAREHOUSES AND DISTRIBUTION FACILITIES

For certain smaller towns, prohibits allowing a warehouse or distribution facility on a parcel of land that meets specified conditions

The act prohibits any municipality with more than 6,000 but fewer than 8,000 people (based on the last Census), or any of its land use boards or commissions, from approving the siting, construction, permitting, operation, or use of a warehouse or distribution facility on certain parcels. The prohibition applies to warehouses or facilities that exceed 100,000 square feet and (1) are located on a parcel or parcels that are less than 150 acres total, (2) contain more than five acres of wetlands in total, and (3) are located within two miles of a public school.

This prohibition applies regardless of conflicting municipal charters, ordinances, regulations, or resolutions; special acts; or municipal zoning statutes (i.e., Title 8).

EFFECTIVE DATE: Upon passage

§§ 174 & 175 — STUDENT LOAN REIMBURSEMENT PILOT PROGRAM

Requires OHE, within available appropriations, to establish a pilot program to reimburse eligible people for up to $5,000 a year (for a total of up to $20,000) for their student loan payments; makes payments deductible from a person's state adjusted gross income

The act requires the Office of Higher Education (OHE) executive director, by January 1, 2025, to establish a program to annually reimburse eligible people for up to $5,000 of their student loan payments, within available appropriations. Under the act, payments made to an individual through the program are deductible from their Connecticut adjusted gross income (AGI) to the extent the payments are included in their federal gross income for income tax purposes. Eligible individuals may be reimbursed for up to four years (i.e., up to $20,000 total). For each year they participate in the program, the act requires an individual to volunteer for a nonprofit for at least 50 unpaid hours. These volunteer hours may include military service or serving on a nonprofit's board of directors.

EFFECTIVE DATE: July 1, 2024, except the tax deduction provisions are effective January 1, 2024 for applicable tax years starting on or after that date.

Eligibility

OHE may allow anyone to participate in the program who has a student loan and who:

1. (a) attended, graduated with a bachelor's degree from, or left in good standing an in-state college or university (public or private) or (b) holds a Connecticut occupational or professional license or certification issued by the Public Health or Consumer Protection commissioner (i.e., licenses or certifications issued under Title 20 of the General Statutes);
2. is a Connecticut resident for the purposes of the state income tax, and has

been for the previous five years; and

3. has a state AGI of $125,000 or less (for taxpayers filing as unmarried or married filing separately) or $175,000 or less (for those who are married filing jointly, head of household, or surviving spouses).

Eligible individuals may apply to OHE in a time and manner the executive director sets. The executive director must award grants to eligible applicants on a first come, first served basis. Participating individuals must annually submit their student loan receipts and proof of volunteer hours to OHE as the executive director determines.

OHE may annually retain up to 2.5% of funds appropriated to the pilot program for program administration, promotion, and recruitment.

Reporting

The act requires the OHE executive director to report to the Higher Education and Appropriations committees each January and July, beginning by July 1, 2026, on the program's operation and effectiveness, including any recommendations on expansion.

§§ 176-183, 420 & 453 — EARLY VOTING IMPLEMENTATION

Delays implementation of early voting from January 1, 2024, to April 1, 2024, and correspondingly modifies several effective dates in PA 23-5; makes the statewide early voting awareness campaign discretionary for the secretary of the state

Early Voting Implementation Date (§§ 176-181)

PA 23-5 establishes in-person, early voting and requires that it be available for elections and primaries held on or after January 1, 2024. This act instead authorizes it for elections and primaries held on or after April 1, 2024. It also makes conforming changes to PA 23-5's provision regarding judicial orders to remove candidates improperly on the ballot by delaying the provision's effective date until January 1, 2024.

Early Voting Provisions Effective Dates (§§ 182 & 183)

The act correspondingly delays the effective dates for many early voting provisions in PA 23-5 to January 1, 2024. Generally under this act, all provisions in PA 23-5 are effective on January 1, 2024, including provisions related to voting hours, emergency contingency plans, and ballot designation and certification, except for provisions on the following:

1. an early voting awareness campaign (which remains effective upon passage, with changes effective July 1, 2023; see sections 420 & 453 below);
2. registrar training and municipalities reporting on budget referenda to the Government Administration and Elections Committee (which remain effective July 1, 2023); and
3. creating the early voting framework and extending the State Elections Enforcement Commission's authority to impose civil penalties for certain violations of the act's provisions (delayed by this act from July 1, 2023, to December 1, 2023).

Early Voting Awareness Campaign (§§ 420 & 453)

PA 23-5 (§ 19) requires the secretary of the state to develop and conduct a state-wide public awareness campaign on early voting. This act makes the campaign discretionary for the secretary and specifies that, if conducted, it must be within

available appropriations. Under PA 23-5, unchanged by this act, she must also develop an early voting procedure manual.

EFFECTIVE DATE: January 1, 2024, except that the (1) conforming change regarding the early voting awareness campaign is effective July 1, 2023; (2) general early voting framework provisions and civil penalties are effective December 1, 2023; (3) provision regarding judicial orders is effective August 1, 2023; and (4) changes to PA 23-5 effective dates are effective upon passage.

§ 184 — USE OF OPIOID SETTLEMENT FUNDS TO EQUIP POLICE WITH OPIOID ANTAGONISTS

Expands the purposes for which the Opioid Settlement Fund may be used to include providing funds to municipal police departments to equip officers with opioid antagonists

The act expands the purposes for which the Opioid Settlement Fund may be used to include providing funds to municipal police departments to equip officers with opioid antagonists. Under the act, priority for these funds must be given to departments without a current supply of them.

EFFECTIVE DATE: July 1, 2023

§ 185 — CLASS I RUN-OF-THE-RIVER HYDROPOWER

Reverses a change in the definition of Class I renewable energy sources made by PA 23-102

PA 23-102, § 36, makes several changes in the definition of Class I run-of-the-river hydropower. This act reverses one of those changes.

Under prior law, a run-of-the-river hydropower facility was considered a Class I renewable energy source if it met certain requirements and (1) began operating after July 1, 2003, with a generating capacity of no more than 30 megawatts (MW) or (2) received a new license after January 1, 2018, under the Federal Energy Regulatory Commission's (FERC) rules for the takeover and relicensing of licensed water power projects (18 C.F.R. § 16).

For this second option, PA 23-102 instead classified a run-of-the-river hydropower facility as Class I if it received a new license under the same FERC rules after the PA 23-102's passage, rather than after January 1, 2018.

This act reverts this second option to how it was under prior law: a run-of-the-river hydropower facility may qualify as Class I if it received a new license after January 1, 2018, under FERC's rules for the takeover and relicensing of licensed water power projects.

As under prior law and PA 23-102, these facilities must also (1) not be based on a new dam or a dam identified by the DEEP commissioner as a candidate for removal and (2) meet applicable state and federal requirements, including applicable site-specific standards for water quality and fish passage.

EFFECTIVE DATE: Upon passage

§ 186 — RPS CAP ON CLASS I RUN-OF-THE-RIVER HYDROPOWER

Increases the RPS cap on certain Class I run-of-the-river hydropower from one to 2.5 percentage points of the Class I requirement

The state's renewable portfolio standard (RPS) law generally requires electric distribution companies and retail electric suppliers to obtain specific percentages of their power from Class I energy resources (e.g., wind and solar). They generally

meet their obligations by buying renewable energy credits (RECs) on the regional market, which can be sold separately from the power these resources generate.

Prior law prohibited these companies and suppliers from meeting more than one percentage point of their Class I RPS requirement with energy or RECs generated by run-of-the-river hydropower facilities that received a new license after January 1, 2018, under certain FERC rules (see § 185). The act increases this cap from one to 2.5 percentage points.

EFFECTIVE DATE: October 1, 2023

§ 187 — LICENSING EXEMPTION FOR CHILD CARE SERVICES

Exempts the Police Athletic League of Stamford, Inc., from the OEC licensure requirements for child care service providers

Existing law exempts certain child care service providers from the Office of Early Childhood's (OEC) licensure requirements, including public school systems, municipalities, and a number of organizations or arrangements specified in statute. The act adds the Police Athletic League of Stamford, Inc., a Stamford-based nonprofit youth activities organization, to the list of exempted service providers.

By law, all license-exempt entities and organizations must notify participating children's parents or guardians that they are not licensed by OEC to provide child care services (CGS § 19a-77(c)).

EFFECTIVE DATE: Upon passage

§§ 188-190 — COMMISSION ON RACIAL EQUITY IN PUBLIC HEALTH

Redesignates the Commission on Racial Equity in Public Health's membership as an advisory body to the commission and reduces its membership from 28 to 15

Prior law established, within the Legislative Department, a 28-member Commission on Racial Equity in Public Health to document and make recommendations to decrease racism's effect on public health.

The act redesignates the commission's membership as an advisory body to the commission and reduces its membership from 28 to 15. It removes as members the Public Health Committee chairpersons and the following officials or their designees:

1. the commissioners of public health, children and families, early childhood, social services, economic and community development, education, housing, energy and environmental protection, and correction;
2. the Connecticut Health Insurance Exchange chief executive officer;
3. the Commission on Women, Children, Seniors, Equity and Opportunity (CWCSEO) executive director;
4. the Office of Health Strategy (OHS) executive director; and
5. the Office of Policy and Management (OPM) secretary.

It also adds four members, one appointed by each of the four top legislative leaders, and modifies the qualifications of certain existing appointees as shown in the table below.

Table: Advisors to Commission on Racial Equity in Public Health, Appointed Members

1. Appointing Authority	*2. Appointee Qualifications*	
	3. Under Prior Law	*4. Under the Act*
5. House speaker	• Representative of a nonprofit organization that focuses on racial equity • Health Equity Solutions representative	• Representative of a nonprofit organization that focuses on health policy and racial equity • Representative of a nonprofit that focuses on racial equity and community engagement • Expert in immigration policy and law
6. Senate president pro tempore	• Representative of a violence intervention program using a health-based approach to examine individuals post-incarceration and policies for integration • Connecticut Health Foundation representative	• Representative of a violence intervention program using a health-based approach to examine individuals post-incarceration and policies for integration • Expert in health disparities affiliated with an academic research institution • Representative of a philanthropic entity that focuses on racial equity
7. House majority leader	• Representative of the Katal Center for Equity, Health, and Justice	• Biostatistician or epidemiologist with knowledge of the effects of social-structural factors on health • Representative of a nonpartisan criminal justice policy and research entity
8. Senate majority leader	• Representative of the Connecticut Children's Office for Community Child Health	• Representative of a nonprofit that focuses on equitable housing policy • Medical professional with expertise in diversity, equity, and inclusion policy
9. House minority leader	• UConn-associated physician educator with experience and expertise in infant and maternal care and who has worked on diversity and inclusion policy • Partnership for Strong Communities representative	• Expert in environmental impacts on human health affiliated with an academic institution • Representative of a nonprofit that focuses on economic research and policy 10.
11. Senate minority leader	• Medical professional with expertise in mental health • Open Communities Alliance representative	• Public health educator or researcher affiliated with an academic institution • Current or former educator, school counselor, or school nurse with public policy

1. Appointing Authority	*2. Appointee Qualifications*	
	3. Under Prior Law	*4. Under the Act*
		experience
12. Black and Puerto Rican Caucus chairperson	• Two members of the Black and Puerto Rican Caucus	• An education policy researcher affiliated with an academic research institution
13. Governor	• Representative of the Connecticut Bar Association's Diversity, Equity, and Inclusion Committee	• No appointee

As under prior law, any legislative appointees may be legislators. Appointed members (1) serve terms that coincide with the terms of their appointing authority and (2) may serve for multiple terms.

Under prior law, the OPM secretary, or his designee, and the Health Equity Solutions representative (appointed by the House speaker) served as the commission's chairpersons. The act instead requires the following members to serve as the advisory body's chairpersons:

1. the representative of a nonprofit organization focusing on health policy and racial equity, appointed by the House speaker, and
2. the expert in health disparities affiliated with an academic research institution, appointed by the Senate president pro tempore.

They must schedule the advisory body's first meeting, which must be held by August 11, 2023.

Additionally, the act eliminates prior law's requirement that the commission, by majority vote, hire an executive director to serve as its administrative staff. It instead requires the advisory body, by majority vote, to confirm the executive director's hire. It also eliminates the provisions in prior law that the executive director (1) serves at the pleasure of the commission and (2) may hire up to two executive assistants to help carry out the commission's duties.

The act also makes minor, technical, and conforming changes (e.g., delaying certain reporting due dates to January 1, 2024).

EFFECTIVE DATE: Upon passage

§§ 191 & 192 — NEWBORN SCREENING FOR CYTOMEGALOVIRUS

Starting July 1, 2025, requires all newborns to be tested for CMV, instead of only those who fail a newborn hearing screening; requires the public health commissioner to convene a CMV working group and report to the Public Health Committee by January 1, 2025

Prior law required all health care institutions caring for newborn infants to test each newborn who failed a newborn hearing screening for cytomegalovirus (CMV). The act eliminates this requirement and a related reporting requirement. But starting July 1, 2025, the act instead requires CMV testing as part of the existing newborn screening program, requiring all newborns to be tested for the condition.

Under existing law, the newborn screening program generally requires health care institutions, licensed nurse-midwives, and midwives to perform newborn

screenings using blood spot specimens between 24 and 48 hours after the infant's birth.

Additionally, the act requires the public health commissioner to convene a CMV working group to study the condition, including (1) screening in other states; (2) treatment for newborns with positive, asymptomatic screening results; (3) best practices for universal screening; (4) planning for implementing universal screening; and (5) education for health care providers and vulnerable populations.

Under the act, the commissioner or her designee must serve as the working group's chairperson. The commissioner must report the working group's findings to the Public Health Committee by January 1, 2025. The act also makes technical changes.

EFFECTIVE DATE: Upon passage

Background — Cytomegalovirus

CMV is a type of herpesvirus, which places it in a group with chickenpox, shingles, and mononucleosis. Although usually harmless in healthy adults and children, CMV in newborns can lead to hearing loss or developmental disabilities. Transmission from mother to fetus occurs during pregnancy.

§ 193 — CWCSEO TWO-GENERATIONAL STRATEGIC PLAN

Requires CWCSEO to (1) review the two-generational initiative's membership; (2) develop an advisory strategic plan and submit it to specified legislative committees by September 1, 2024; and (3) develop a dashboard to track two-generational outcomes of families in the state

Existing law requires the two-generational initiative to collaborate across public and private sectors to support early childhood care and education, health and workforce readiness, and economic self-sufficiency across two generations in the same household. The law established the Two-Generational Advisory Board as part of the initiative to advise the state on these topics (CGS § 17b-112*l*).

The act requires the Commission on Women, Children, Seniors, Equity and Opportunity (CWCSEO), in collaboration with the advisory board, to review and make recommendations on the initiative's participating and appointed membership, including specific recommendations on family engagement strategies and advisory board composition, by September 1, 2023.

The act also requires CWCSEO, in collaboration with the advisory board, to develop a two-generational advisory strategic plan that outlines the board's role in identifying short-, medium-, and long-term strategies to maximize state investments in family-driven multigenerational success. The act requires the plan to include recommendations on:

1. aligning the initiative with regional and national initiatives that use private sector collaboration, national research, and data from other states;
2. a short-, medium-, and long-term resourcing strategy with recommendations to leverage existing public, private, and philanthropic resources from state and local partners;
3. expanding the initiative's focus to more robustly support family well-being, economic engagement, and mobility through expanded partnerships, targeted investment, and leveraging new and existing resources;
4. increasing public understanding of, and engagement with, the initiative;
5. tracking two-generational outcomes for families in the state, including

parents involved with the initiative as advisory board members; and

6. developing a constituency for the initiative across the state's public and private sectors.

The act also requires CWCSEO, within available appropriations, to develop a data-driven, two-generational policy and outcomes dashboard that tracks (1) two-generational outcomes of families in the state, as required by the strategic plan described above and in accordance with the existing interagency data sharing protocol and (2) other data related to the initiative.

The act requires the CWCSEO executive director to present the strategic plan to the advisory board and submit it to the Appropriations, Children, Housing, Human Services, and Labor and Public Employees committees by September 1, 2024.

EFFECTIVE DATE: Upon passage

§§ 194-198 — CONNECTICUT MUNICIPAL REDEVELOPMENT AUTHORITY (MRDA) AND AFFORDABLE HOUSING DEVELOPMENT

Requires municipalities that opt to collaborate with MRDA to adopt a housing growth zone near existing infrastructure; adds three members to MRDA's board; changes requirements for member municipalities

The act increases the number of members on MRDA's board. It also changes requirements for municipalities that work with MRDA by (1) making collaboration with MRDA optional and (2) requiring those that work with MRDA to adopt zoning regulations that facilitate housing development in "development districts," which under existing law are areas encompassing transit stations or downtowns.

In 2019, the legislature created MRDA as a quasi-public agency authorized to stimulate economic development and transit-oriented development in development districts by, among other things, developing property and managing facilities (see *Background*). Under prior law, fiscally distressed municipalities had to collaborate with MRDA as "member municipalities" to create a development district. The act eliminates the provision in prior law creating mandatory member municipalities and limiting membership to larger municipalities. In doing so, the act allows any municipality outside the Capital Region Development Authority's (CRDA) jurisdiction to become a member.

The act requires municipalities that opt to collaborate with MRDA to adopt a "housing growth zone" (HGZ) before moving forward with a development district's creation. An HGZ is the area of a development district (or a larger area) in which local zoning regulations facilitate substantial new housing development. MRDA is responsible for approving proposed HGZ regulations and the act specifies factors that must be considered. Municipalities cannot receive financial assistance from MRDA for a development district project until they enact the approved HGZ regulations. The act also makes a conforming change to specify that one of MRDA's purposes is to provide financial support and technical assistance to municipalities to develop HGZs.

EFFECTIVE DATE: July 1, 2023, for the revised definitions and HGZ provisions and October 1, 2023, for the other changes.

MRDA's Board

Under prior law, MRDA's 13-member board consisted of eight appointed

directors and five ex officio, voting directors: the Office of Policy and Management (OPM) secretary and the economic and community development, labor, housing, and transportation commissioners, or their designees. The act adds the energy and environmental protection and public health commissioners, or their designees, to the board in this same capacity. It also changes the required qualifications of legislative appointees, gives each of the six legislative leaders an appointment rather than requiring certain joint appointments, and increases the number of gubernatorial appointments by one, as shown in the below table, which lists the appointed directors under prior law and the act and their appointing authority. Under the act, all appointments must be made by November 30, 2023.

Table: Appointed MRDA Board Directors

Appointing Authority	***Appointments Under Prior Law***	***Appointments Under the Act***
Governor	Two	Three
House speaker and Senate president pro tempore (jointly)	Two, one of whom is the chief executive officer of a member municipality in New Haven County	None
House and Senate majority leader (jointly)	Two, one of whom is the chief executive officer of a member municipality in Hartford County	None
House and Senate minority leader (jointly)	Two, one of whom is the chief executive officer of a member municipality in Fairfield County	None
House speaker	None	One with expertise in housing development
Senate president pro tempore	None	One with expertise in planning and zoning
House majority leader	None	One who is a certified planner
Senate majority leader	None	One with expertise in transit-oriented development
House minority leader	None	One with expertise in regional planning
Senate minority leader	None	One with expertise in economic development

Member Municipalities

The act eliminates prior law's requirement that certain municipalities be deemed member municipalities and work with MRDA to create a development district. Specifically, the act eliminates the requirement that municipalities classified by OPM as a designated Tier III or IV municipality (i.e., fiscally distressed municipalities subject to the Municipal Accountability Review Board's oversight) automatically be deemed member municipalities.

Under prior law, optional membership was limited to the following

municipalities outside CRDA's jurisdiction:

1. municipalities with a population of at least 70,000 (as of the last decennial census), if their legislative bodies opt to become members, and
2. two or more municipalities with a combined population of at least 70,000 (as of the last decennial census), if their legislative bodies opt to jointly become members ("joint members").

The act eliminates the population thresholds for membership.

As under existing law, municipalities in the CRDA "capital region" are not eligible to become member municipalities (i.e., Bloomfield, East Hartford, Hartford, Newington, South Windsor, Wethersfield, West Hartford, and Windsor).

Submission of Proposed HGZ

By law, member municipalities must enter into a memorandum of agreement (MOA) with MRDA to establish and delineate at least one development district near a downtown (generally a central business district) or passenger transit station (railroad or bus rapid transit station). Under existing law, before entering into an MOA to establish a development district, MRDA must review and approve the member's economic development master plan. The act additionally requires the member's chief executive officer (or a joint member's chief executive officers) to make an HGZ proposal, including proposed zoning regulations, and submit it for MRDA's approval. The member municipality must also enact the approved HGZ regulations before MRDA can give it financial assistance for development projects.

The HGZ must (1) encompass the development district but may extend beyond it and (2) be designed to facilitate substantial development of new dwelling units. The act specifies that HGZs are areas designated in local zoning regulations adopted by municipalities exercising zoning powers under the Zoning Enabling Act (CGS § 8-2).

MRDA's Review of HGZ Proposal

Under the act, MRDA must approve an HGZ proposal if it determines the proposal will likely substantially increase the production of dwelling units that meet regional housing demand. MRDA must consider several factors when reviewing HGZ proposals to determine if they will increase housing stock, including whether proposals:

1. allow new dwelling units to be developed without correspondingly requiring new off-street parking spaces;
2. generally promote residential diversity; and
3. for applications that will create a net increase of at least 10 dwelling units, require 10% of these units to be sold or rented at or below prices preserving them as affordable housing for households whose income is up to 80% of the median income (i.e., units for which these households would pay no more than 30% of their annual income).

If a proposal includes the following components, MRDA must presume it will substantially increase dwelling unit production:

1. permits middle housing (i.e., duplexes, triplexes, quadplexes, cottage clusters, and townhouses) as of right (i.e., subject only to an administrative review) and
2. generally requires only approval by the zoning board of appeals (ZBA),

planning commission, zoning commission, or combined planning and zoning commission for applicable permits to engage in an activity creating a net increase in dwelling units other than middle housing units.

The act further requires that for the latter criterion on board or commissions' approval authority, the board or commission must:

1. have the same power to issue a permit or approval as any other municipal body or official that would otherwise act on the application;
2. hold one public hearing within 30 days after receiving an application; and
3. decide whether to approve or deny the application, by majority vote, within 30 days after the hearing.

Additionally, if the board or commission recommends it, the sewer commission, water commission, wetlands commission, conservation commission or board, or historic preservation commission must engage in a joint review of the application and provide concurrent approval within 30 days after receiving the application. The board or commission with overall approval authority must share the application with the board or commission engaging in a concurrent review.

Background — MRDA's Role in Development Districts

By law, member municipalities must enter into an MOA with MRDA to establish at least one development district near existing infrastructure. MRDA can engage in development and redevelopment activities, including designing and constructing transit-oriented development; rehabilitating structures to create housing; and demolishing vacant buildings ("development projects"). To do so, it can acquire, finance, operate, and market facilities, as well as borrow money and issue bonds. MRDA must coordinate all state, municipal, and quasi-public agency planning and financial resources that are allocated for a development district project in which it is involved (CGS §§ 8-169hh to 8-169ss).

Background— Related Acts

PA 23-204, §§ 1, 31 & 194-198, appropriates $600,000 in both FYs 24 and 25 from the General Fund to DECD for MRDA's expenses. Additionally, PA 23-205, § 92, authorizes $60 million in bonding to capitalize MRDA.

§ 199 — MUNICIPAL REPORTS TO DECD ON HOUSING PERMITTING AND DEMOLITION

Requires municipalities to annually report statistics on housing permits issued and dwellings demolished

The act requires every municipality to report to DECD in a manner it specifies on the annual number of (1) new dwelling units permitted, including whether they are in single family, two-to-four family, or larger multifamily properties, and (2) dwelling units demolished. The first report, covering each year from 2018-2022, is due December 31, 2023, with annual reports subsequently due by March 31 each year (covering the prior year), beginning in 2024. DECD must publish the reports on its website.

The act requires DECD to notify in writing any municipality that misses an annual filing deadline. A municipality that remains noncompliant more than 60 days after DECD issues this notice will be deemed ineligible for department-administered discretionary state funding until the next filing deadline. The DECD commissioner may waive this penalty if she finds good cause for failing to file.

EFFECTIVE DATE: October 1, 2023

§ 200 — STUDY OF STATE PROPERTY THAT COULD BE DEVELOPED AS HOUSING

Requires OPM to study whether any state-owned real property is available and suitable to develop as housing

The act requires the OPM secretary, in consultation with the administrative services and transportation commissioners, to study whether any state-owned real property (excluding conserved lands) is available and suitable for developing as housing. The study must focus on properties surplus to state needs and suited to transit-oriented and affordable housing development. The OPM secretary must report on the study to the governor and Housing and Planning and Development committees by January 1, 2024.

EFFECTIVE DATE: October 1, 2023

§ 201 — ACCESS TO PUBLIC DEFENDER SERVICES

Requires the Public Defender Services Commission to (1) annually establish guidelines for determining a person's eligibility for free representation and (2) publish the guidelines online

The act requires the Public Defender Services Commission to annually establish guidelines that public defenders, assistant public defenders, and deputy assistant public defenders must use when determining whether a person (1) has the financial ability to secure competent legal representation and meet other necessary related expenses or (2) qualifies for representation as an indigent defendant.

Under the act, the guidelines must provide that a person may qualify as an indigent defendant if his or her income, when calculated per the guidelines, is 250% or less of the federal poverty level. The commission must publish the guidelines on the Division of Public Defender Services' public website.

EFFECTIVE DATE: January 1, 2025

§ 202 — ATTORNEY GENERAL QUALIFICATIONS

Modifies the qualifications to serve as attorney general

The act modifies the qualifications to serve as attorney general by requiring that the candidate be in good standing with the state bar and have engaged in the practice of law in the state for at least 10 years, whether consecutively or nonconsecutively.

To be eligible under prior law, a person had to be an attorney with at least 10 years of "active practice at the bar of this state." Under case law, this meant that the person had to have some litigation experience and regularly engage in the practice of law as a primary means of earning a livelihood for at least 10 years (*Bysiewicz* v. *DiNardo*, 298 Conn. 748 (2010)). By law and unchanged by the act, the attorney general must also be an elector of the state.

EFFECTIVE DATE: Upon passage

§§ 203-206 & 421 — HEALTH INSURANCE PROGRAMS FOR PARAEDUCATORS

Establishes a subsidy program in FY 24 and a stipend program in FY 25 for paraeducators' health insurance costs; requires the Office of Health Strategy to help paraeducators enroll in certain health insurance programs; establishes a paraeducator healthcare working group

The act requires the comptroller to establish two programs to assist

paraeducators with certain health insurance and health care related costs. The first program provides a subsidy for paraeducators' costs to initially fund a health savings account (HSA), which is a tax advantaged account available to people with high deductible health plans. The second provides a stipend to certain paraeducators that do not have access to health insurance with a minimum actuarial value (AV, which represents the total average costs for benefits that the plan covers). The act also establishes a paraeducator healthcare working group to study health care access, equity, and affordability for paraeducators working at local or regional boards of education.

EFFECTIVE DATE: July 1, 2023

HSA Subsidies

The act requires the comptroller to establish a program for FY 24 to provide a subsidy to paraeducators who (1) open an HSA, (2) are employed by a local or regional board of education, and (3) apply to the comptroller in a way he prescribes. The subsidy must be (1) within available appropriations and (2) a percentage of the initial investment made to open the account, as the comptroller determines. Under the act, no paraeducator may receive more than one subsidy.

Health Insurance Stipends for Certain Paraeducators

Beginning in FY 25, the act requires the comptroller to give stipends to eligible paraeducators to buy silver-level health insurance plans through Access Health CT. The stipends must be available to paraeducators who:

1. are employed by a local or regional board of education,
2. are ineligible for Medicaid or Covered Connecticut, and
3. do not have access to a health plan with an AV (a) of at least 75% through their spouse's employer or (b) equivalent to that of silver level coverage offered on Access Health CT coverage (generally 70%) through their own employer.

Under the act, stipends must be available to eligible paraeducators employed by a board of education that provides them with a health benefit plan with an AV of less than 60%. However, the comptroller may increase this 60% limit if it results in less than half of otherwise eligible paraeducators qualifying for a stipend. No paraeducator can receive more than the cost of their purchased plan, after applying any federal or state tax credits. The comptroller must set application forms and procedures.

The act also requires the Office of Health Strategy (OHS) to help local and regional boards of educations enroll paraeducators in (1) health insurance plans that are eligible for the stipend program; (2) the Covered Connecticut program, which provides eligible individuals with health insurance for no out-of-pocket cost; or (3) Medicaid.

Paraeducator Health Care Working Group

Under the act, the working group consists of the comptroller (or his designee), at least one representative each from Access Health CT and OHS, and at least one member appointed by the two organizations representing Connecticut paraeducators.

The working group's study must at least:

1. analyze the cost to boards of education to offer health benefit plans with an

AV of at least 75%;
2. consider any fees or taxes assessed on the boards for not providing health insurance plans that meet the federal minimum essential benefits coverage requirements;
3. compare the costs to offer health benefit plans (by AV) and the costs of a qualified silver-level plan;
4. examine the feasibility of expanding the Covered Connecticut program, or any other premium subsidy program available through Access Health CT, to provide affordable coverage for paraeducators and other similarly situated occupations; and
5. assess the average out-of-pocket costs for paraeducators under existing cost-sharing subsidy programs.

The act requires Access Health CT's representative to convene the group's first meeting by October 1, 2023. And Access Health CT must report the study's findings, including any legislative recommendations, to the Appropriations, Education, Insurance and Real Estate, and Labor and Public Employees committees by July 1, 2024.

§§ 207-208 & 450 — DELAYED EFFECTIVE DATE FOR CONSUMER HEALTH DATA PRIVACY PROVISIONS

Delays, by three months, the effective date of PA 23-56's provisions on consumer health data privacy and consumer health data controllers; makes corresponding changes to provisions on the attorney general's enforcement authority

PA 23-56 (§§ 1-5) sets standards for accessing and sharing consumer health data by certain private entities that do business in Connecticut. Among other things, it (1) places various specific limitations on "consumer health data controllers," (2) incorporates various provisions on these controllers into the existing law on consumer data privacy and online monitoring, and (3) makes minor changes to the existing data privacy law. This act delays the effective date of these provisions from July 1, 2023, to October 1, 2023.

PA 23-56 (§ 6) also extends the existing data privacy law's enforcement provisions to its new provisions on consumer health data controllers. This act replaces these enforcement provisions to correspond to the new effective date for the other sections described above and makes conforming changes. Under these provisions, among other things, (1) the attorney general has exclusive authority to enforce violations and (2) there is a grace period through December 31, 2024, during which the attorney general must give violators an opportunity to cure any violations if he determines that a cure is possible. This act starts the grace period on October 1, 2023, rather than July 1, 2023, to align with the effective date change noted above.

EFFECTIVE DATE: Upon passage, except for the replacement provisions on the attorney general's enforcement authority, which are effective October 1, 2023.

§§ 209-219 — DELAYING CHANGES TO MOTOR VEHICLE ASSESSMENT LAWS

Delays, by one year, provisions in a 2022 law that made various changes to motor vehicle taxation and assessment procedures

The act delays, by one year, provisions in a 2022 law that made various changes to motor vehicle taxation and assessment procedures (PA 22-118, §§ 497-509). Under prior law, these changes were set to take effect for assessment years beginning on and after October 1, 2023. The act delays the changes' effective date by one year, to assessment years beginning on and after October 1, 2024. The changes primarily do the following:

1. exempt from property tax snowmobiles, all-terrain vehicles, and utility trailers used exclusively for personal purposes;
2. require municipalities to value motor vehicles based on the manufacturer's suggested retail price (MSRP) and a 20-year depreciation schedule, rather than the schedule of values annually recommended by the Office of Policy and Management (OPM);
3. move up (from December 1 to November 1) the deadline for the Department of Motor Vehicles (DMV) to give municipalities annual reports on motor vehicles registered in the municipality and increase the frequency with which DMV must give them supplemental reports updating this information;
4. modify the timeline for supplemental property taxes due on motor vehicles registered after each assessment year starts and extend the supplemental tax bill requirement to vehicles registered in August and September of each assessment year;
5. extend the period during which taxpayers may claim a property tax credit for motor vehicles that were stolen, sold, totaled, or moved out of state;
6. require taxpayers to include on personal property declarations motor vehicles that are included in a schedule of motor vehicle plate classes established by OPM;
7. prohibit DMV from issuing a vehicle registration or renewal to anyone who owes property taxes on any taxable motor vehicle, rather than only registered vehicles; and
8. eliminate a requirement that municipalities issue a validation sticker showing property taxes have been paid on certain commercial motor vehicles used for construction, paving, or other similar purpose.

EFFECTIVE DATE: July 1, 2023, and applicable to assessment years starting on or after October 1, 2024.

§§ 220 & 221 — PROHIBITION ON REVIEWS OF RECURRING PRESCRIPTION DRUGS TO TREAT AUTOIMMUNE DISORDERS, MULTIPLE SCLEROSIS, OR CANCER

Prohibits health carriers (e.g., insurers and HMOs) from requiring a prospective or concurrent review of a recurring prescription drug used to directly treat an autoimmune disorder, multiple sclerosis, or cancer that they already approved through utilization review

The act prohibits certain health carriers (e.g., insurers and HMOs) from requiring a prospective or concurrent review of a recurring prescription drug used to directly treat any autoimmune disorder, multiple sclerosis, or cancer after they have certified it through utilization review. The act extends existing statutory definitions that apply to certain insurance utilization review laws to this prohibition and specifies that it does not require a health carrier to cover the following:

1. a prescription drug to treat these conditions if a policy's coverage terms completely exclude the drug from the policy's covered benefits,
2. a brand name drug if an equivalent generic drug is available, or
3. a prescription drug that was certified through prospective or concurrent review by a covered person's previous health carrier or under a previous employer's fully insured health plan administered by a third-party administrator.

EFFECTIVE DATE: January 1, 2025, except the provision extending definitions is effective October 1, 2023.

Definitions

By law and under the act, "utilization review" is generally the use of a set of formal techniques designed to monitor the use of, or evaluate the medical necessity, appropriateness, efficacy, or efficiency of, health care services, procedures, or settings. "Prospective review" is utilization review done before an admission or the provision of a health care service or a course of treatment under a health carrier's requirement that the service or treatment be approved, in whole or in part, before being provided. "Concurrent review" is utilization review done during a patient's stay or course of treatment in a facility, the office of a health care professional, or other inpatient or outpatient health care setting, including home care.

Under the act, a "generic drug" is a (1) prescription drug product that is marketed or distributed under an abbreviated new drug application approved under federal law, (2) generic drug defined under federal regulations, or (3) drug that entered the market before 1962 that was not originally marketed under a new prescription drug product application. A "brand name drug" is a drug that is produced or distributed under an original new drug application approved under federal law, excluding generic drugs defined under federal regulations.

§ 222 — UTILIZATION REVIEW REQUEST TIME FRAMES

Shortens the maximum timeframes for health carriers to notify an insured or his or her authorized representative about certain utilization review decisions

Existing law establishes a structure and timeframe for health carriers, and any designee or utilization review company that performs utilization reviews on their behalf, to conduct benefit reviews and notify a covered individual whether a specific medical service is reimbursable by his or her health insurance plan. The act shortens several of the maximum timeframes for these entities, after receiving all the required information, to notify an insured or the insured's authorized representative about decisions.

The act also prohibits health carriers from requiring health care professionals or hospitals to submit additional information with a prospective or concurrent review that is not reasonably available to the provider or hospital at the time the request is submitted.

EFFECTIVE DATE: January 1, 2024

Utilization Review Response Timeframes

The act shortens the maximum response time allowed for decisions about the following requests:

1. a non-urgent prospective or concurrent review request, from 15 to 7 calendar days after the date the health carrier receives the request, but the

act allows the health carrier to extend this once for up to 15 days if the insured's provider notifies the carrier that the service will not be performed for at least three months from the date the request was received;

2. a one-time extension of non-urgent prospective or concurrent review request due to circumstances beyond the carrier's control and following proper notice, from 15 to 5 calendar days (for retrospective reviews, the act maintains the law's one-time extension of 15 calendar days); and
3. urgent care requests, from 48 hours (or 72 hours if the request or response time falls on a weekend) to 24 hours after the health carrier receives it (by law, urgent review requests must be done as soon as possible, considering the insured's medical condition).

The act also requires a carrier to acknowledge receipt of non-urgent prospective and concurrent review requests as soon as practicable, but within 24 hours after receiving it, unless federal law requires a faster response.

Prior law allowed health carriers to notify patients orally if they provided written confirmation within five calendar days of the oral notice. The act shortens this period to three calendar days.

§§ 223 & 224 — NEWBORN HEALTH INSURANCE COVERAGE

Extends, from 61 days to 91 days after birth, the time period within which an insured person must (1) notify the health carrier about a newborn's birth and (2) pay any required premium or subscription fee to continue the newborn's coverage beyond that period

By law, certain health insurance policies that cover family members must cover newborns from birth. The coverage must include injury and sickness benefits, including the care and treatment of congenital defects and birth abnormalities.

The act extends, from 61 days after birth to 91 days after the birth, the time period within which the insured person must (1) notify the health carrier about the birth and (2) pay any required premium or subscription fee to continue the newborn's coverage beyond that period. As under prior law, if notification and payment is not provided within the specified period, claims originating during that period are not prejudiced.

The act also makes a generally technical change. Under prior law, the above provisions apply to individual health insurance policies that cover limited benefits and individual and group health insurance policies delivered, issued, renewed, amended, or continued in Connecticut that cover (1) basic hospital expenses; (2) basic medical-surgical expenses; (3) major medical expenses; (4) accidents; or (5) hospital or medical services, including those provided under an HMO plan. The act removes individual and group accident only policies from these provisions. (In practice, these policies are unlikely to cover birth-related services.)

EFFECTIVE DATE: January 1, 2024

§§ 225 & 226 — STEP THERAPY PROHIBITIONS

Reduces how long an insurer can require an insured to use step therapy for prescription drugs from 60 to 30 days and prohibits step therapy from January 1, 2024, to January 1, 2027, for drugs used to treat schizophrenia, major depressive disorder, or bipolar disorder

Step therapy is a prescription drug protocol that generally requires patients to try less expensive drugs before higher cost drugs. The act lowers the maximum

amount of time an insurer can require an insured to use step therapy from 60 to 30 days. Under existing law, the treating healthcare provider can deem step therapy clinically ineffective after this period. At that point, the insurer must authorize dispensation of and coverage for the drug prescribed by the provider, if it is covered under the insurance policy or contract. If the provider does not consider the step therapy regimen to be ineffective or does not request an override as the law allows, the drug regimen may be continued.

Existing law prohibits using step therapy with drugs used to treat stage IV metastatic cancer, as long as the drugs comply with approved federal Food and Drug Administration indications. A provider can deem these drugs clinically ineffective without waiting the prescribed amount of time. For a three-year period beginning January 1, 2024, the act also prohibits step therapy with drugs used to treat schizophrenia, major depressive disorder, or bipolar disorder, as defined in the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders" most recent edition. As with drugs used to treat stage IV metastatic cancer, a provider can deem drugs used to treat these conditions as clinically ineffective without waiting the prescribed time period.

EFFECTIVE DATE: January 1, 2024

§ 227 — STEP THERAPY TASK FORCE

Establishes a 23-member task force to study step therapy data collection

The act creates a 23-member task force to study step therapy data collection, including step therapy edits, rejections, and appeals for behavioral health drugs, and the best ways to collect the data. The task force must report its findings and recommendations to the Insurance and Real Estate and Public Health committees by February 1, 2024. The task force terminates on the earlier of when it submits its report or February 1, 2024.

EFFECTIVE DATE: Upon passage

Membership

Under the act, the task force includes the chairpersons and ranking members of the Insurance and Real Estate and Public Health committees, Office of Health Strategy executive director, and insurance and consumer protection commissioners, or their designees, and the following appointed members:

1. two health care providers with mental health expertise, one each appointed by the House speaker and the Senate president pro tempore;
2. one licensed pharmacist, appointed by the House minority leader;
3. one pharmaceutical manufacturing industry representative, appointed by the Senate minority leader;
4. two insurance industry representatives, one each appointed by the Insurance and Real Estate Committee chairpersons;
5. two pharmaceutical industry representatives, one each appointed by the Insurance and Real Estate Committee's ranking members;
6. two mental health care providers, one each appointed by the Public Health Committee's chairpersons; and
7. two mental health advocacy group representatives, who must be impacted individuals, one each appointed by the Public Health Committee's ranking members.

Under the act, appointing authorities must make their initial appointments by July 12, 2023, and fill vacancies as they occur. The House speaker and Senate president pro tempore must select the task force's chairpersons from among its members. The chairpersons must schedule the task force's first meeting, which must be held by August 11, 2023. The Public Health Committee's administrative staff serve as that for the task force.

§§ 228 & 229 — MANAGED CARE ORGANIZATIONS REPORTS AND CONSUMER REPORT CARD

Requires managed care organizations (MCOs) to annually report certain prior authorization and utilization review data, actuarial analyses, and estimated premium savings to the insurance commissioner; requires the commissioner to include some of this information in his annual consumer report card

Annual Quality Assurance Plan

Existing law requires managed care organizations (MCOs) to submit an annual quality assurance plan to the insurance commissioner by May 1 that includes certain statistical information allowing the commissioner to compare plans. The act (1) requires the plan include a list of health care services that required prior authorization in the previous calendar year and the ratio of these services to the total number of services covered that year, and (2) specifies that all the plan's information be provided in a format the commissioner prescribes, and allows him to revise the filing requirements to implement the new requirements. By law, the plan must also include several other comparable criteria, such as the number of utilization review determinations and the percent of employers that renew their MCO contracts.

New Prior Authorization and Utilization Review Report

Annually, also by May 1, the act requires MCOs to submit to the commissioner a report that summarizes (1) the actuarial analysis used in setting standards for any procedures subject to prior authorization in the previous calendar year and (2) any estimated premium savings resulting from prior authorization and other utilization review protocols. The commissioner must prescribe the report's format.

By law, the consumer report card is an annual report issued by the insurance commissioner that contains certain comparative information on health care centers (i.e., HMOs) and the 15 largest health insurers that use provider networks in the state. The report card includes, for MCOs, which include HMOs and insurers, a report on claims denials. Under the act, the report card must also include the new actuarial analysis and estimated premium savings information described above.

EFFECTIVE DATE: October 1, 2023

§ 230 — ELECTRONIC UTILIZATION REVIEW PROCESSING

Requires health care providers participating in a health carrier's network to use the carrier's secure electronic system to process utilization reviews

The act requires participating providers (i.e., health care providers who contract with a health carrier to provide services) to use a carrier's secure electronic program to process utilization review requests. However, a participating provider's failure to use the program cannot contribute to an adverse determination (e.g., a benefit

denial).

EFFECTIVE DATE: January 1, 2024

§§ 231-246, 444, 452 & 454 — BOARDS AND COMMISSIONS REPEAL

Repeals more than 20 boards, commissions, working groups, panels, and task forces

Repealed Boards and Commissions

The act repeals more than 20 boards, commissions, working groups, panels, and task forces. Generally, these entities were inactive or obsolete.

The table below lists and briefly describes most of the repealed entities. The remaining entities (generally those for which the act makes other changes besides repealing the entity) are described after the table. Additionally, the act repeals obsolete language, including provisions concerning DOH's establishment in 2013 (CGS § 8-37sss).

Table: Repealed Boards and Commissions

§ in Act & CGS (or PA/SA) Citation	*Entity*	*Purpose*
444 CGS §§ 2-85 to -88	Connecticut Law Revision Commission	Receive and evaluate proposed changes to the General Statutes from specified entities (e.g., the National Conference of Commissioners on Uniform State Laws)
232, 246 & 444 CGS § 2-111	Results First Policy Oversight Committee	Submit an annual report recommending measures to implement the Pew-MacArthur Results First cost-benefit analysis model (Also repeals a related obsolete reporting requirement for the OPM secretary)
444 CGS § 2-123	Connecticut Competitiveness Council	Advise businesses and the executive and legislative branches about Connecticut's economic performance, including how it compares with that of other jurisdictions
444 CGS §§ 2-124 & 32-39p	Commission on Economic Competitiveness	Assess how the state's tax policies affect business and industry and develop policies that promote economic growth (Also repeals the Connecticut 500 Project, which the commission had to administer with a goal of creating 500,000 net new private sector jobs over 25 years and achieving other economic development goals)
444 CGS § 2-124a	Health Data Collaborative Working Group	Make recommendations relating to health data access, privacy, and security, among other things (group was appointed by the chairpersons of the Commission on Economic Competitiveness, see above)
231 CGS § 4-67f	Innovations Review Panel	Review and evaluate requests for funding for projects and awards to reduce state agencies' costs and increase their efficiencies
243-245 & 444	Minority Business Enterprise Review	Conduct an ongoing study of contract awards, loans, or bonds to determine compliance with state

§ in Act & CGS (or PA/SA) Citation	*Entity*	*Purpose*
CGS § 4a-62	Committee	laws on minority business enterprises, including the set-aside program
233 & 444 CGS § 4e-9	Vendor and Citizen Advisory Panel	Make recommendations to the State Contracting Standards Board on best practices in state procurement processes and project management
234, 235 & 444 CGS § 8-37zz	State-Assisted Housing Sustainability Advisory Committee	Advise the DOH commissioner and CHFA on the administration, management, procedures, and objectives of the financial assistance provided from the State-Assisted Housing Sustainability Fund
236 & 444 CGS § 12-217z	Business Tax Credit and Tax Policy Review Committee	Study and evaluate the existing credits against the corporation business tax, evaluate changes to it, and consider further changes in policy on business taxation
444 CGS §§ 25-138 to -142	Bi-State Long Island Sound Committee	Recommend legislation to avoid, minimize, and mitigate the impact of proposed industrialization and private use of the Sound's public trust resources
444 CGS § 25-154	Long Island Sound advisory councils (Eastern, Central, and Western)	Prepare reports on the use and preservation of the Sound (each council reported on the area within its boundaries)
239 & 444 CGS § 25-155	Long Island Sound Assembly	Review the advisory councils' reports (see above) for compatibility with the other councils' reports and for coordination with federal and state law and the Bi-State Long Island Sound Committee's activities
444 CGS §§ 32-180 to -182	Connecticut-Israel Exchange Commission	Promote and expand economic, scientific, educational, technological, commercial, industrial, and cultural cooperation and exchange between Connecticut and Israel
444 CGS § 33-2001	Commission on Connecticut's Leadership in Corporation and Business Law	Develop and submit to the legislature a 10-year plan to establish Connecticut's leadership in corporation and business organizations law
452 & 454 PA 14-205 (§ 3), as amended by SA 15-19	Task force on municipal animal shelters	Study (1) the humane treatment of animals in municipal and regional shelters and (2) other matters concerning these shelters; report to the Environment and Planning and Development committees by February 1, 2016
452 PA 18-81 (§ 58)	Panel to study Teachers' Retirement System (TRS)	Study TRS reforms proposed by the Commission on Fiscal Stability and Economic Growth; report to the Appropriations Committee by January 1, 2019

§ in Act & CGS (or PA/SA) Citation	*Entity*	*Purpose*
	reforms	

State Employee Campaign for Charitable Giving (§ 444)

The act repeals the State Employee Campaign for Charitable Giving (CSEC), which was overseen by the State Employee Campaign Committee and state comptroller. (The act correspondingly repeals the committee.) Under prior law, the CSEC collected contributions through state employee payroll deductions and was administered by a principal combined fundraising organization that the committee selected annually (CGS § 5-262).

Fuel Oil Conservation Board (§§ 237 & 444)

The act repeals the Fuel Oil Conservation Board, which under prior law had to work with the DEEP commissioner to administer the energy efficiency fuel oil furnace and boiler replacement, upgrade, and repair program (CGS § 16a-22n). It instead generally makes the DEEP commissioner solely responsible for administering the program. Relatedly, it requires the Connecticut Energy Conservation Management Board alone, rather than in conjunction with the Fuel Oil Conservation Board, to make certain determinations regarding specified boilers, furnaces, and tanks.

Connecticut Umbilical Cord Blood Collection Board (§§ 238 & 444)

The act repeals the Connecticut Umbilical Cord Blood Collection Board, which under prior law had to establish and administer a state umbilical cord blood collection program to facilitate and promote collecting units of umbilical cord blood from genetically diverse donors for public use (CGS §§ 19a-32o to -32v). The act correspondingly repeals statutes relating to the program's administration.

Regenerative Medicine Research Advisory Committee (§§ 240-242)

The act repeals the Regenerative Medicine Research Advisory Committee and generally transfers its power and duties to Connecticut Innovations, Inc. (CI). Among other things, these include (1) developing a donated funds program to encourage the development of funds other than state appropriations for regenerative medicine research in the state and (2) administering a financial assistance program for regenerative medicine research. (Under existing law, CI administers the Regenerative Medicine Research Fund.)

EFFECTIVE DATE: July 1, 2023

§§ 247-250 — FY 23 BUDGET ADJUSTMENTS

Makes deficiency appropriations and corresponding reductions for FY 23 in the General Fund and Special Transportation Fund

The act (1) appropriates a total of $71,732,000 from the General Fund and $5,100,000 from the Special Transportation Fund to cover deficiencies in various state agencies and programs for FY 23 and (2) reduces appropriations to other agencies and programs for FY 23 by the same amount, as shown in the table below.

Table: FY 23 Additional Appropriations and Reductions

Agency	*Purpose*	*Amount*
GENERAL FUND		
State Comptroller	Personal Services	$2,750,000
DOL	Other Expenses	100,000
DEEP	Emergency Spill Response	750,000
DECD	Other Expenses	247,000
	Capital Region Development Authority	2,250,000
DOH	Congregate Facilities Operation Costs	400,000
Office of the Chief Medical Examiner	Other Expenses	50,000
DSS	Other Expenses	13,000,000
	Temporary Family Assistance - TANF	1,400,000
Technical Education and Career System	Other Expenses	1,000,000
OHE	Other Expenses	225,000
DOC	Personal Services	26,100,000
Judicial Department	Other Expenses	2,000,000
State Comptroller — Fringe Benefits	Higher Education Alternative Retirement System	1,000,000
	Employers Social Security Tax	16,000,000
Workers' Compensation Claims — DAS	Workers Comp Claims – DOC	4,460,000
Judicial Department	Personal Services	(2,000,000)
Debt Service — State Treasurer	Debt Service	(300,000)
	UConn 2000 Debt Service	(2,600,000)
State Comptroller — Fringe Benefits	Retired State Employees Health Service Cost	(66,832,000)
SPECIAL TRANSPORTATION FUND		
DAS	State Insurance and Risk Management Operations	5,000,000
State Comptroller — Fringe Benefits	Employers Social Security Tax	100,000
Debt Service — State Treasurer	Debt Service	(5,100,000)

EFFECTIVE DATE: Upon passage

§§ 251-259 — PARTICIPATION BY PHARMACISTS AND INTERNS IN HAVEN'S ASSISTANCE PROGRAM

Makes pharmacists and pharmacy interns eligible for the professional assistance program for health professionals

The act makes pharmacists and pharmacy interns (hereinafter, "pharmacists and interns") eligible for the professional assistance program for health professionals (currently, the Health Assistance InterVention Education Network (HAVEN); see *Background*). By law, the program is an alternative, voluntary, and confidential rehabilitation program that provides various services to health professionals with a chemical dependency, emotional or behavioral disorder, or physical or mental

illness.

In doing so, the act makes a number of minor and conforming changes to reflect the fact that the Department of Consumer Protection (DCP) regulates pharmacists and interns; under prior law, the only professionals eligible for the program were regulated by the Department of Public Health (DPH). These corresponding changes include establishing separate but substantially similar provisions specifically for pharmacists and interns and giving DCP oversight of these professionals' participation in the program (see below). But under the act, DPH remains the lead agency responsible for the program (e.g., overseeing the program's annual audit and oversight committee).

The act also correspondingly requires the assistance program to submit certain information on participating pharmacists and interns to the General Law Committee, like it currently submits to the Public Health Committee for other health professionals.

The act also raises the renewal credentialing fees for pharmacist and intern licensees by $5, to $105 and $65, respectively. It requires the DCP commissioner to transfer $5 from each renewal fee to the pharmacy professional assistance program account, which the act creates as a separate, nonlapsing General Fund account. He must do so quarterly (i.e., by the last day of January, April, July, and October). The funds must be used by DCP for the assistance program.

EFFECTIVE DATE: October 1, 2023, except the provisions on renewal fees are effective July 1, 2025.

Access on Similar Terms

As is the case under existing law for DPH-regulated health professionals participating in the assistance program, among other things, the act:

1. requires the program to include a medical review committee that meets the act's requirements, which are substantially similar to existing law's requirements for medical review committees (e.g., the committee must determine whether the professional is an appropriate candidate, set the terms for his or her participation, and refer specified individuals to DCP);
2. makes professionals who have engaged in certain conduct ineligible to participate (e.g., conduct that has been subject to disciplinary action, actions that constitute a felony, or conduct alleged to have harmed a patient);
3. generally requires the program to keep information related to an intervention, rehabilitation, referral, or support service confidential; and
4. specifies that if pharmacists or interns fail to comply with the program, it must notify DCP and transfer related records to the department.

DCP's Authority and Oversight

To reflect DCP's credentialing role for pharmacists and interns, the act, among other things:

1. gives DCP oversight of pharmacists' and interns' participation in the assistance program, including making DCP the agency that hospitals, health care practitioners, and the public notify if they believe a pharmacist or intern is unable to practice with reasonable skill or safety;
2. requires the program to notify DCP if it determines a pharmacist or intern has engaged in conduct that makes him or her ineligible to participate or is

engaging in conduct that violates the terms of his or her participation or endangers others;

3. requires the program to annually report to DCP, if there is no other credentialing board or commission, data related to pharmacists' and interns' participation; and
4. requires DPH to notify DCP in writing if it waives the assistance program's annual audit requirement and, regardless of this waiver, allows DCP to require an audit of the program, to be submitted to the department and the General Law Committee, to examine whether it is appropriately serving pharmacists and interns.

Background — Health Professional Assistance Program

By law, before a health professional can enter the program, a medical review committee must (1) determine if he or she is an appropriate candidate for rehabilitation and participation and (2) set terms and conditions for participation. The program must include mandatory periodic evaluations of each participant's ability to practice with skill and safety and without posing a threat to the health and safety of any person or patient (CGS § 19a-12a).

§ 260 — MUNICIPAL APPROVAL OF CAA AIRPORT PURCHASE

Expands a provision in PA 23-135 that subjects any CAA purchase of a municipally owned airport to approval by the municipality in which the airport is located to include instances where the airport is leased and where the municipality controls the airport; additionally requires approval by the municipality that owns or controls the airport; specifies that approval may not be unreasonably withheld

The act expands a provision in PA 23-135 (§ 52) that subjects any CAA purchase of a municipally owned airport to approval by the legislative body of the municipality in which the airport is located. This act expands the municipal approval requirement to (1) include CAA leases and (2) apply to municipally controlled airports or airports owned or controlled by a municipality's political subdivision. It also expands the requirements for approval, making these CAA actions subject to approval by the legislative body of the municipality that owns or controls the airport in addition to the legislative body of the municipality in which the airport is located. The act prohibits municipalities from unreasonably withholding approval.

The act specifies that this provision does not displace or supersede an existing airport agreement between (1) a municipality or its political subdivision that owns or controls an airport and (2) the municipality in which the airport is located.

EFFECTIVE DATE: July 1, 2023

§§ 261-263, 278-281 & 443 — AUTISM SPECTRUM DISORDER (ASD) AND OPM

Makes OPM, rather than DSS, the lead agency to coordinate ASD services and transfers many of DSS's ASD-related duties to OPM

Under prior law, the Department of Social Services (DSS) served as the lead agency to coordinate the functions of several state agencies that provide services to people diagnosed with ASD. The act instead makes the Office of Policy and Management (OPM) the lead agency to coordinate these functions. The act requires that OPM, rather than DSS, serve as the lead state agency for (1) the federal

Combating Autism Act and (2) applying for and receiving funds, and performing related responsibilities, concerning ASD as state or federal law authorizes. The act correspondingly transfers many of DSS's ASD-related duties to OPM. Under the act, however, DSS remains the state agency for administering services for people with ASD under the Medicaid state plan and the Medicaid ASD waiver program.

Prior law allowed DSS's Division of Autism Spectrum Disorder Services to research, design, and deliver appropriate and necessary services and programs for all state residents with ASD. The act instead allows OPM to examine and make recommendations on these services and programs. Under the act, services and programs may include the following:

1. autism-spectrum early intervention services for any child under age three diagnosed with ASD;
2. education, recreation, habilitation, vocational, and transitional services for people ages three to 22 diagnosed with ASD;
3. services for adults over age 22 diagnosed with ASD;
4. housing assistance for people diagnosed with ASD;
5. services that address the way autism and the criminal justice system intersect;
6. commercial insurance coverage of autism services;
7. ASD-specific workforce training; and
8. related ASD services the OPM secretary deems necessary.

The act requires OPM to research and locate possible funding streams to continually develop and implement services for people diagnosed with ASD.

The act allows OPM, rather than DSS, to make recommendations to the governor and the Human Services Committee on legislation and funding required to provide necessary services to people diagnosed with ASD. It also allows OPM to report this information to the Appropriations and Public Health committees.

DSS's Division of Autism Spectrum Disorder Services

The act retains DSS's Division of Autism Spectrum Disorder Services but narrows its purpose to overseeing Medicaid state plan services and the Medicaid waiver program for ASD services. The act eliminates requirements that the division do the following:

1. research and locate possible funding streams to continually develop and implement services for people diagnosed with ASD but not with an intellectual disability;
2. design and implement a training initiative and develop an ASD-specific curriculum; and
3. annually report to the Human Services Committee on the (a) status of a federal Medicaid waiver or state plan amendment to provide home- and community-based services to people with ASD who do not have an intellectual disability and (b) program's establishment and implementation.

The act retains a separate requirement that DSS report annually on the division's and the ASD Advisory Council's (ASDAC) (see below) activities to the Human Services Committee.

Existing law, unchanged by the act, requires DSS, in consultation with ASDAC, to designate services and interventions that demonstrate empirical effectiveness in

treating ASD and to update the designations periodically.

ASD Advisory Council (ASDAC)

The act puts ASDAC within OPM for administrative purposes only. It requires the council to advise OPM, rather than DSS, and eliminates requirements that it advise on (1) services provided by DSS's Division of Autism Spectrum Services and (2) implementing recommendations from an autism feasibility study. The act requires the council to advise on recommendations to improve coordination and address gaps in autism services.

It also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2023, except provisions eliminating (1) DSS's designation as the lead agency for ASD and (2) the current Autism Spectrum Disorder Advisory Council are effective upon passage.

Background – Related Act

PA 23-101, § 22, authorizes ASDAC to (1) identify strategies and methods to improve outreach and service coordination for racial minority groups and (2) identify and recommend updates to existing state guidelines for early screening and intervention.

§§ 264-270 — TEMPORARY FAMILY ASSISTANCE (TFA) ELIGIBILITY AND BENEFITS

Modifies TFA requirements, including (1) extending the program's time limit from 21 to 36 months, (2) modifying the criteria for time limit extensions, (3) statutorily raising the asset limit, and (4) disregarding income for certain households

The act makes several changes to Temporary Family Assistance (TFA), the state's cash assistance program for low-income families administered by DSS. Principally, it (1) extends the program's time limit from 21 to 36 months; (2) modifies the criteria for time limit extensions; (3) statutorily raises the program's asset limit, from $3,000 to $6,000; and (4) disregards income for certain households when determining program eligibility. The act also makes related technical and conforming changes.

EFFECTIVE DATE: April 1, 2024, except the asset limit and income disregard provisions are effective upon passage.

Time Limit

The federal Temporary Assistance for Needy Families (TANF) block grant partially funds TFA. Federal law generally imposes a 60-month lifetime limit for receiving TANF-funded cash assistance, though states may establish shorter time limits. Under prior law, Connecticut generally applied a 21-month limit on receiving TFA benefits; however, families are exempt from these time limits under specified circumstances (e.g., a minor parent finishing high school). Families that are not exempt may apply for up to two six-month time-limit extensions if they meet certain criteria. The act:

1. extends the program time limit from 21 months to 36 months;
2. changes one criterion for receiving an extension under prior law by requiring families to have an income below 100% of the federal poverty level (FPL), instead of below the TFA payment standard; and
3. eliminates one criterion for receiving a second extension under prior law: that the adult is working at least 35 hours per week, is earning at least the

minimum wage, and continues to earn less than the family's TFA payment.

Asset Limit

The act increases the TFA asset limit from $3,000 to $6,000 beginning October 1, 2023. In practice, DSS sets the asset limit in the federally approved TANF state plan. The act sets the $6,000 limit in statute.

Income Disregard

By law, when calculating the TFA benefit amount for eligible families, DSS must disregard earned income up to 100% of FPL. Under the act, DSS must also disregard up to 230% of FPL in gross earnings when determining TFA eligibility.

Under the act, beginning January 1, 2024, this disregard applies in the first month that a family's total gross earnings exceed FPL and continues for up to six consecutive months (generally allowing certain households to remain eligible for TFA longer than they would under prior law when their earnings increased above FPL).

For families with total gross earnings between 171% and 230% of FPL, the act requires DSS to reduce the household's benefit amount by 20% in months when the household's income is in that range. The current TFA payment standard (i.e., maximum benefit amount) is $833 per month for a family of three. The benefit amount is typically calculated by deducting certain income from the payment standard.

§ 271 — STATE ADMINISTERED GENERAL ASSISTANCE (SAGA) ASSET LIMIT INCREASE

Expands SAGA eligibility by raising asset limits from $250 to $500 for individuals and $500 to $1,000 for married couples

The act expands eligibility for SAGA by raising the program's asset limits from $250 to $500 for individuals and $500 to $1,000 for married couples. SAGA generally provides cash assistance to single or married childless individuals who have very low incomes, do not qualify for other cash assistance programs, and are considered "transitional" or "unemployable."

EFFECTIVE DATE: October 1, 2023

§ 272 — STATE SUPPLEMENT PROGRAM (SSP) BENEFIT START DATE

Aligns the start date for SSP eligibility for a residential care home or rated housing facility resident with the date the person begins residing in the home or facility, subject to a 90-day limit based on when DSS received the application

By law, SSP gives cash assistance to people who (1) are ages 65 and older, living with a permanent disability, or blind and (2) receive federal Supplemental Security Income (SSI) benefits or would be eligible for SSI, but for excess income. For people living in residential care homes or rated housing facilities, DSS must pay SSP benefits to the home or facility at a per diem or monthly rate, minus any applied resident income.

The act aligns the start date for SSP benefit eligibility with the date the applicant became a resident in the home or facility and met all SSP eligibility criteria. It also limits the start date to no earlier than 90 days before DSS received the application.

By law, rated housing facilities are a (1) boarding facility or home, excluding community companion homes, licensed by the developmental services, mental

health and addiction services, or children and families departments or (2) facility established by New Horizons, Inc. and approved by DSS to receive SSP payments (CGS § 17b-82).

EFFECTIVE DATE: October 1, 2023

§ 273 — DSS PAYMENTS TO NON-ICF-ID BOARDING HOMES

Generally caps FYs 24 rates and FY 23 levels for room and board at private residential facilities; allows DSS to provide fair rent increases at its discretion beginning for FY 24

The act limits rates for room and board at private residential facilities and similar facilities operated by regional educational services centers that are licensed to provide residential care for people with certain disabilities but not certified as intermediate care facilities for people with intellectual disabilities (ICF-ID). It generally caps FY 24 rates at FY 23 levels but allows for higher rates, within available appropriations, for facilities that make a capital improvement for resident health or safety approved by DDS, in consultation with DSS, during FY 24.

Beginning for FY 24, the act allows the DSS commissioner to provide pro rata fair rent increases to facilities with documented fair rent additions placed in service during the corresponding cost report year that are not otherwise included in the issued rates. She may do so at her discretion and within available appropriations.

Existing law and the act require that the DSS and DDS commissioners adopt regulations to implement these provisions.

EFFECTIVE DATE: July 1, 2023

§ 274 — DSS PAYMENTS TO ICF-IDS

For ICF-IDs, establishes a methodology for inflationary adjustments, but prohibits inflationary increases for FYs 24 to 26; generally requires rates for FYs 24 to 26 to be based on corresponding cost reports; maintains per diem, per bed rates at $501 for FYs 24 and 25, but eliminates the minimum rate for FY 26, allows DSS to provide discretionary fair rent increases, and requires DSS to determine when an ownership change requires the department to rebase rates

Inflationary Adjustments

For ICF-IDs, the act prohibits DSS from increasing rates based on inflation or any inflationary factors for FYs 22 and 23, conforming to existing law that generally caps rates for those years with certain exceptions.

The act sets a methodology to calculate inflationary increases after FY 23. Specifically, it requires any increase to allowable operating costs, excluding fair rent, to be inflated by the gross domestic product (GDP) deflator when funding is specifically appropriated in the enacted budget for this purpose. Under the act, DSS must compute the inflation rate by comparing the most recent rate year to the average GDP deflator for the previous four fiscal quarters ending April 30. DSS must apply any inflation-based rate increase before applying any other budget adjustment factors that may impact rates.

Rate Methodology for FYs 24 to 26

For FY 24, the act requires DSS to determine rates based on 2022 cost report filings, adjusted to reflect any rate increase provided after the 2022 cost report year, plus a two percent adjustment factor. The act prohibits any facility's payment rate from begin lower than the FY 23 rate.

For FY 25, the act requires DSS to determine rates based on 2023 cost report filings, adjusted to reflect any rate increase provided after the 2023 cost report year.

The act allows facilities to receive a rate less than the FY 24 rate, but not less than the minimum per diem, per bed rate (see below).

For FYs 24 and 25, the act allows facilities to receive a rate increase for capital improvements DDS approves, in consultation with DSS, for resident health or safety, within available appropriations. For these years, the act extends a provision allowing DSS to provide fair rent increases to facilities with a DSS-approved certificate of need that have undergone a material change in circumstances related to fair rent.

For FY 26, the act requires DSS to determine facility rates based on 2024 cost report filings, adjusted to reflect any rate increases provided after the 2024 cost report year.

For all three fiscal years (24 to 26), the act prohibits rate increases based on any inflationary factor.

Per Diem, Per Bed Rates

The act keeps the minimum per diem, per bed rate at $501 for FYs 24 and 25 and eliminates the minimum per diem, per bed rate starting for FY 26.

Discretionary Fair Rent Increases

Beginning for FY 24, the act allows the DSS commissioner to provide pro rata fair rent increases to facilities with documented fair rent additions placed in service during the corresponding cost report years that are not otherwise included in issued rates. She may do so at her discretion and within available appropriations.

Rebasing Rates for Ownership Changes

The act requires the DSS commissioner to determine whether and to what extent a facility's change in ownership requires DSS to rebase the facility's costs for calculating rates. The act prohibits inflation adjustments to rates for a facility during a year when DSS rebases its rates.

EFFECTIVE DATE: July 1, 2023

§§ 275 & 291 — NURSING HOME MEDICAID RATES

Requires DSS to issue individualized quality metrics reports to nursing homes; requires DSS to report on rate withholds; makes conforming changes to transition to an acuity-based reimbursement methodology; sets a methodology for determining inflationary adjustments and prohibits these adjustments for FYs 24 and 25 with certain exceptions

Existing law requires DSS to implement an acuity-based Medicaid reimbursement rate for nursing homes effective July 1, 2022. Acuity-based rates generally reimburse nursing homes based on the level of care needed for patients. In practice, DSS is currently transitioning from a cost-based system to the acuity-based system over a period of years.

Individualized Quality Metrics Report and Related Payments

As part of this acuity-based system, existing law requires DSS to phase in rate adjustments based on each facility's performance on quality metrics, beginning July 1, 2022, with a period of only reporting. Starting July 1, 2023, the act requires DSS to issue individualized reports annually to each nursing home to show the quality metrics program's impact on the home's Medicaid rate. Nursing homes may use the report to evaluate this rate impact.

Rate Withholds

The act requires DSS to report to the Appropriations and Human Services

committees by June 30, 2025, on the quality metrics program, including information on the individualized quality metrics reports and the anticipated impact on nursing homes if the state were to implement a rate withhold on nursing homes that fail to meet certain quality metrics. (Presumably, "rate withholds" refers to some portion of a nursing home's Medicaid payment that DSS keeps or otherwise declines to pay a nursing home based on its performance under the quality metrics program.)

Conforming Changes

The act specifies that several provisions applicable under the cost-based methodology are also applicable under the acuity-based methodology, generally conforming to current practice. These include provisions:

1. allowing certain costs to exceed maximum amounts for beds restricted to patients with AIDS or traumatic brain injury or needing other specialized services;
2. requiring DSS to reimburse a facility as though its allowable fair rent equaled the 25th percentile of the statewide allowable fair rent if the facility's actual allowable fair rent is below that level;
3. requiring DSS to revise to 11% the allowance for a facility's rate of return on property other than land if the facility's rate of return exceeds 11%;
4. requiring facilities to receive cost efficiency adjustments for indirect costs and administrative and general costs if the facility's costs are below the statewide median costs;
5. authorizing the commissioner to allow minimum fair rent as the basis upon which reimbursement associated with improvements to real property is added;
6. requiring the commissioner to determine whether and to what extent a facility's change in ownership requires DSS to rebase the facility's costs;
7. requiring facilities or their related realty affiliates that finance or refinance debt through bonds issued by the Connecticut Health and Education Facilities Authority (CHEFA) to report to DSS;
8. allowing the DSS commissioner to revise a facility's fair rent to reflect any financial benefit the facility or its related realty affiliates received due to CHEFA financing; and
9. requiring the state and the facility to share the financial benefit from CHEFA bonds to an extent determined by the DSS commissioner on a case-by-case basis, reflected as an adjustment to the facility's allowable fair rent.

Existing law requires DSS to determine rates for new facilities using the cost-based methodology until June 30, 2022. The act requires the commissioner to determine rates for new facilities using the acuity-based methodology.

The act also makes other technical and conforming changes.

Inflationary Adjustments

For FYs 24 and 25, regardless of department regulations on nursing home reimbursement, the act prohibits any inflationary increases to the rates beyond those already factored into the model DSS is using to transition to the acuity-based methodology.

For subsequent years, the act establishes a methodology to calculate inflationary increases. Specifically, it requires any increase to allowable operating costs, excluding fair rent, to be inflated by the GDP deflator when funding is specifically appropriated in the enacted budget for this purpose. Under the act, DSS must compute the inflation rate by comparing the most recent rate year to the average GDP deflator for the previous four fiscal quarters ending April 30. DSS must apply any inflation-based rate increase before applying any other budget adjustment factors that may impact rates. The act supersedes any other state laws on long-term care to implement these provisions.

Schedule to Rebase Rates

Beginning July 1, 2025, the act requires DSS to rebase facility costs every two to four years (as existing law requires under the cost-based methodology). The act prohibits inflation adjustments in any year in which a facility's rates are rebased.

Discretionary Fair Rent Increases

For FY 22, existing law allows the DSS commissioner to give pro rata fair rent increases, in her discretion and within available appropriations, to facilities with documented fair rent additions in the 2020 cost year that are not otherwise included in the issued rates. The act extends this provision to future fiscal years based on documented fair rent additions in the most recently filed cost report.

The act also allows the DSS commissioner to provide pro rata fair rent increases, within available appropriations, which may include, at her discretion, increases for facilities that have undergone a material change in circumstances related to fair rent additions in the most recently filed cost report.

Interim Rates

The act allows the DSS commissioner to authorize an interim rate for a facility demonstrating circumstances particular to that facility that impact costs or finances not reflected in its underlying rates.

EFFECTIVE DATE: Upon passage

§ 276 — FLAT RATE FOR RESIDENTIAL SERVICES

Freezes FY 24 rates at FY 16 levels for residential care homes, community living arrangements, and community companion homes that receive a flat rate rather than a cost-based rate

The act requires that state payment rates for residential care homes, community living arrangements, and community companion homes that receive the flat rate for residential services remain at FY 16 levels through FY 24, regardless of contrary rate-setting and long-term care laws or regulations. State regulations allow these facilities to be paid a flat rate rather than a rate based on their submitted cost reports (Conn. Agencies Regs., § 17-311-54).

EFFECTIVE DATE: July 1, 2023

§ 277 — RESIDENTIAL CARE HOME RATES

Requires DSS to determine FY 24 rates for residential care homes based on 2022 cost report filings; allows rate increases, within available appropriations, for FYs 24 and 25 for certain costs, but prohibits rate increases based on any inflation factor for FY 24; establishes a method to calculate inflationary rate increases in subsequent years; and requires DSS to determine when a change in ownership requires the department to rebase rates

FYs 24 and 25 Rates

For FY 24, the act requires DSS to determine rates for residential care homes

based on their 2022 cost report filings, adjusted to reflect any rate increases provided after the 2022 cost report year.

For FYs 24 and 25, the act allows DSS to give a facility a rate increase for a DSS-approved capital improvement for its residents' health or safety to the extent these rate increases are within available appropriations. The act also allows the DSS commissioner, in her discretion and within available appropriations, to give pro rata fair rent increases to facilities for (1) FY 24, for documented fair rent additions placed in service in the 2022 cost report year and (2) FY 25, for these additions placed in service in the 2023 cost report year. For both years, these rate increases are for fair rent additions not otherwise included in issued rates.

Inflationary Adjustments and Changes in Ownership

For FY 24, the act prohibits rate increases based on any inflationary factor. For subsequent years, and regardless of any other long-term care law, the act establishes a methodology to calculate inflationary increases. Specifically, it requires any subsequent increase to allowable operating costs, excluding fair rent, to be inflated by the GDP deflator when funding is specifically appropriated for this purpose. Under the act, DSS must compute the inflation rate by comparing the most recent rate year to the average GDP deflator for the previous four fiscal quarters ending April 30. DSS must apply any inflation-based rate increase before applying any other budget adjustment factors that may impact rates.

The act requires the commissioner to determine whether and to what extent a change in a facility's ownership requires DSS to rebase the facility's costs. It also prohibits inflation adjustments for any year when DSS rebases rates.

EFFECTIVE DATE: July 1, 2023

§ 282 — RATES FOR COMPLEX CARE NURSING SERVICES

Requires DSS to raise adult rates for at-home complex care nursing services to equal the pediatric rate and prohibits age-based differentials for these services

Starting January 1, 2024, the act requires the DSS commissioner to increase the rates for certain "complex care nursing services" provided by home health care agencies or home health aide agencies. In practice, pediatric complex care nursing services currently receive a higher rate than adult complex care nursing services. The act (1) requires DSS to raise the adult rate to equal the pediatric rate and (2) prohibits age-based rate differentials for these services.

Under the act, complex care nursing services are intensive, specialized nursing services given to a patient with complex care needs who requires skilled nursing services at home.

The act also conforms to current practice by requiring DSS to post required notices of its intent to adopt regulations on the eRegulations system rather than in the Connecticut Law Journal.

EFFECTIVE DATE: January 1, 2024

§§ 283-285 — EXPANSION OF HUSKY HEALTH BENEFITS TO CHILDREN INELIGIBLE DUE TO IMMIGRATION STATUS

Extends HUSKY health benefits to children ages 15 and under, rather than ages 12 and under, who meet program income limits but are ineligible due to immigration status; requires DSS to

study extending coverage to anyone ages 25 and younger under similar conditions; applies third party state subrogation rights to medical assistance provided under these provisions

Existing law requires the DSS commissioner to provide state-funded medical assistance, within available appropriations, to certain children regardless of their immigration status. DSS must give the assistance to children who are ineligible for HUSKY A (Medicaid), HUSKY B (the Children's Health Insurance Program (CHIP)), or affordable employer-sponsored insurance, and have household incomes of (1) up to 201% of FPL without an asset limit (aligning with HUSKY A limits) or (2) over 201% and up to 323% FPL (generally aligning with HUSKY B limits).

This act expands who may qualify for this assistance by increasing, from 12 years old to 15 years old, the maximum age of eligibility, beginning July 1, 2024. The act also applies third party state subrogation rights to medical assistance provided under these provisions. This generally authorizes the state to recover claims from an insurer or other legally liable third party when the state pays for a health care service for which the third party is legally responsible.

As under prior law, children eligible for assistance must continue to receive it until they are 19 years old, so long as they continue to meet the income requirements and remain ineligible for HUSKY A, HUSKY B, or affordable employer-sponsored insurance.

The act also requires the commissioner to study the costs and benefits of extending coverage to anyone ages 25 and younger who (1) would qualify for HUSKY A, C, or D if not for their immigration status and (2) does not otherwise qualify for HUSKY B or affordable employer sponsored insurance. By January 1, 2025, she must report to the Appropriations and Human Services committees on the study and a plan to implement the extended coverage.

Lastly, the act makes technical and conforming changes.

EFFECTIVE DATE: Upon passage

§§ 286 & 287 — FUNERAL ASSISTANCE FOR PEOPLE WITH LIMITED INCOME

Increases, from $1,350 to $1,800, the maximum amount DSS must pay towards funeral and burial or cremation costs for people with limited income

By law, when an individual dies in Connecticut and does not leave a sufficient estate or have a legally liable relative able to cover funeral and burial or cremation costs, DSS must make a payment toward them. DSS must also make this payment for recipients of certain state benefit programs (i.e., SAGA, SSP, and TFA). The act increases the maximum amount of this payment from $1,350 to $1,800.

Under existing law, the payment must be reduced dollar-for-dollar by the following funds from other sources:

1. the amount in a revocable or irrevocable funeral fund or a prepaid funeral contract;
2. the face value of the decedent's life insurance policy, if any, if the policy names a funeral home, cemetery, or crematory as a beneficiary;
3. the net value of all liquid assets in the decedent's estate; and
4. contributions over $3,400 towards the funeral and burial costs from all other sources, including friends, relatives, other persons, organizations, agencies, veteran's programs, and other benefit programs.

EFFECTIVE DATE: July 1, 2024

§ 288 — STATE-CONTRACTED PROVIDERS FOR IDD SERVICES

Authorizes state-contracted providers who received rate increases in FYs 22-23 for wage and benefit increases for employees providing services to people with intellectual disability to use these funds in FY 23 for wage increases for certain intermediate care facility employees

Existing law requires OPM, for the FY 22-23 biennium, to allocate available funds to increase rates to state-contracted providers. These providers must in turn use the rate increase to increase wages and benefits for employees serving people with intellectual disability who receive supports and services through DDS. Under existing law, providers that received a rate increase but did not increase employee wages by July 31, 2021, and July 31, 2022, might be subject to a rate decrease equal to the adjustment by the DDS commissioner.

The act allows providers who received these funds to use them for FY 23 to increase wages and benefits for employees working in intermediate care facilities serving people with intellectual disability who receive supports and services through DSS. Under the act, providers who do so are not subject to the rate decrease described above. Also for FY 23, the act requires DSS to use up to $5.6 million from funds appropriated for Medicaid in the 2022 budget act for these wage enhancements and related benefits.

EFFECTIVE DATE: Upon passage

Background — Related Act

PA 23-198 contains identical provisions allowing providers to use these funds in FY 23 to increase wages for employees working in intermediate care facilities serving people with intellectual disability. However, it does not require DSS to use funds appropriated for Medicaid in the 2022 budget act for this purpose.

§ 289 — DMHAS GRANT PROGRAM FOR MENTAL HEALTH SERVICES

Allows DMHAS grant funds awarded to hospitals, municipalities, and nonprofit organizations for psychiatric and mental health services to be used for building construction or renovation

By law, the Department of Mental Health and Addiction Services (DMHAS), in collaboration with regional behavioral health action organizations, administers a grant program for hospitals, municipalities, and nonprofit organizations to expand or maintain their psychiatric or mental health services. The act allows grant funds to be used for building construction or renovation, which prior law prohibited.

EFFECTIVE DATE: Upon passage

§ 290 — CONNECTICUT PARTNERSHIP FOR LONG-TERM CARE ADMINISTRATION

Moves the Connecticut Partnership for Long-Term Care from ADS to OPM

Under prior law, the Department of Aging and Disability Services (ADS) administered the Connecticut Partnership for Long-Term Care, an outreach program to educate consumers about long-term care. It also provided public information to help people choose long-term care insurance coverage. The act moves the program and the associated responsibility for informing the public about long-term care insurance from ADS to OPM.

EFFECTIVE DATE: October 1, 2023

§§ 292 & 293 — THIRD-PARTY LIABILITY FOR MEDICAID PAYMENTS

Codifies two new federal requirements for parties with third-party liability under the state's Medicaid program

Under federal law, Medicaid is generally the "payer of last resort," which means that health insurers and other third parties legally liable for health care services received by Medicaid beneficiaries must pay for them. Federal law also requires states to have laws enhancing the states' ability to identify and get payment for Medicaid claims from legally liable third-party sources.

Under existing Connecticut law, claims for recovery or indemnification submitted by DSS, or its designee, cannot be denied solely on the lack of prior authorization, among other reasons, if (1) the claim is submitted within three years and (2) any action by the state to enforce its rights to the claim begins within six years after the claim's submission.

The act codifies two new requirements under Section 202 of the federal Consolidated Appropriations Act of 2022 (Public Law 117-103). First, when claims are submitted to a party with third-party liability (TPL) for recovery or indemnification for a service provided under the state's Medicaid plan or a Medicaid waiver, and the party requires prior authorization for that service, it must accept DSS's prior authorization as its own. This requirement does not apply to Medicare, Medicare Advantage, or Medicare Part D plans.

Second, the act shortens the required response time from parties with TPL, including health insurers. Under prior law, an insurer or other party with TPL, upon receipt of a claim submitted by DSS or the department's designee had to respond within 90 days after (1) receiving the claim or (2) the effective date of the law, whichever was later. The act instead requires that a party with TPL respond within 60 days after receiving the claim.

Under existing law, failure to pay the claim, issue a written reason for denying it, or request information needed to determine its legal obligation to pay it within 120 days after receiving the claim creates an uncontestable obligation to pay it.

The act also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2023

§§ 294, 297 & 443 — REPEALED HUMAN SERVICES PROVISIONS

Repeals a limitation on state funds for emergency housing for TFA and SAGA recipients, conforming to practice; repeals an effectively obsolete program (ConnMAP) and a requirement that DSS establish a child health quality improvement program

The act expands the situations in which DSS may use state funds to pay for certain emergency housing, conforming with current practice. Prior law limited the use of state funds to pay for emergency housing for TFA and SAGA recipients in hotels or motels to only during natural or man-made disasters or other catastrophic events (CGS § 17b-807). The act repeals this limitation.

The act eliminates the Connecticut Medicare Assignment Program (ConnMAP), a state program that limits participating providers to billing Medicare Part B enrollees only up to the 20% copayment for the services (Medicare pays the remaining 80%) (CGS §§ 17b-550 to 17b-554). This program is effectively obsolete, as federal law requires Medicare-participating providers to accept the

Medicare-determined reasonable charge as payment in full for services rendered to Medicare beneficiaries.

The act eliminates the requirement that DSS, in collaboration with DCF and DPH, (1) establish a child health quality improvement program to promote evidenced-based strategies implemented by providers participating in HUSKY to improve delivery and access to children's services and (2) annually report on the program's efficiency (CGS § 17b-306a).

The act also makes conforming changes to eliminate references to these provisions elsewhere in statute.

EFFECTIVE DATE: Upon passage

§ 295 — ENERGY ASSISTANCE VENDOR PAYMENT STANDARDS

Requires DSS to ensure an adequate supply of fuel vendors for LIHEAP by (1) setting pricing standards, (2) reimbursing providers based on the price of fuel on the delivery dates, and (3) allowing vendors to electronically submit their invoices and receive payments; requires payment to a fuel vendor within 10 business days, rather than 30 days as under prior law, after receiving an authorized fuel slip or invoice

The act requires the DSS commissioner to ensure an adequate supply of fuel vendors for the Low-Income Home Energy Assistance Program (LIHEAP) by:

1. setting county and regional pricing standards for deliverable fuel,
2. reimbursing fuel providers based on the price of the fuel on the delivery date, and
3. allowing a vendor to electronically submit an authorized fuel slip or invoice for payment.

By November 1, 2023, the commissioner must require each community action agency (CAA) administering a fuel assistance program to make payment to a fuel vendor within 10 business days, rather than 30 days as under prior law, after receiving an authorized fuel slip or invoice for payment from the vendor. She must also require these CAAs to offer vendors the options of electronic (1) payments and (2) submission of their authorized fuel slips or invoices for payment.

By law, the commissioner must submit the LIHEAP annual plan by August 1 of each year to the Appropriations, Energy and Technology, and Human Services committees. Under prior law, the plan had to include a payment plan for fuel deliveries that ensured fuel vendors who completed CAA-authorized deliveries were paid by the CAA within 30 days after receiving the vendor's fuel slip or invoice. Under the act, these payment plans must now ensure vendors are paid by the CAA within 10 business days after fuel slip or invoice receipt and are given the option to be paid electronically.

EFFECTIVE DATE: July 1, 2023

§ 296 — MEDICAID PAYMENTS FOR MATERNITY SERVICES

Authorizes the DSS commissioner to implement a bundled payment for maternity services and associated alternative payment methods; requires her to do this to the extent federal law allows, within available appropriations, and in consultation with specified stakeholders

The act authorizes the DSS commissioner, within available appropriations and to the extent federal law allows, to implement a bundled payment for maternity

services and associated alternative payment methods she determines will improve health quality, equity, member experience, cost containment, and care coordination.

Under the act, the bundled payment may include payment to physicians and other qualified licensed practitioners for services provided by doulas and other non-licensed practitioners. The bundled payments must be designed to reduce unnecessary utilization and avoidable costs, ensure access to necessary services, and improve outcomes and care coordination.

The act requires the commissioner, when designing the bundled payments and before implementing them, to consult with health care providers, consumer health care advocates, and other stakeholders. She must solicit input and advice from these parties on at least the following topics: (1) quality measures used to assess participating practices' performance, (2) reimbursement and financing methods and amounts, and (3) safeguards designed to ensure access and network adequacy. The consultation must also include at least two live, online meetings that allow for public input. The department must post a notice about the meetings on its website at least 10 days beforehand.

Additionally, the act requires the commissioner to adopt implementing regulations and allows her to adopt policies and procedures while in the process of doing so. She must publish notice of her intent to adopt the regulations on the eRegulations System within 20 days after implementing the policies and procedures, which are valid until the final regulations are adopted.

EFFECTIVE DATE: July 1, 2023

§ 298 — WORKING GROUP ON SKILLED NURSING FACILITY EXCESS LICENSED BED CAPACITY

Requires DSS to (1) appoint and convene a 10-member working group to review and evaluate excess licensed bed capacity at skilled nursing facilities; (2) report to each individual nursing home the implications of the working group's recommendations on the nursing home's Medicaid rate; and (3) recommend Medicaid rate adjustments to address excess licensed bed capacity

The act requires DSS to appoint and convene a working group to review and evaluate excess licensed bed capacity at skilled nursing facilities and any space they are presently not using.

Under the act, the working group's review and evaluation must include the following:

1. a survey that identifies (a) licensed bed capacity, occupancy percentages, and the location of beds not currently in use (including in closed facility wings); (b) beds voluntarily taken out of service; (c) spaces formerly used for nursing facility care and services that are not currently in use; and (d) beds made unavailable due to staffing shortages;
2. an evaluation of the effectiveness of Medicaid payment policies that support right-sizing and rebalancing efforts, including (a) minimum occupancy rate-setting requirements and (b) a price-based component for administrative and general reimbursement based on peer group median spending in this area;
3. an evaluation of staffing shortages as an impediment to facility admission and occupancy; and
4. considerations of the physical conditions of existing skilled nursing

facilities.

EFFECTIVE DATE: Upon passage

Membership and Appointment

Under the act, the working group consists of 10 members appointed by the DSS commissioner, including the following representatives:

1. three from DSS, with at least one from the certificate of need and rate setting division;
2. two from DPH, including one from the facilities licensing division and one from the life safety division;
3. two from organizations representing long-term care facilities, including assisted living facilities; and
4. three from organizations representing nonprofit long-term care facilities, with at least one member representing a nursing collective bargaining unit.

The working group's chairpersons must be (1) one of the DSS representatives and (2) another member the group chooses. The chairpersons may invite other people with subject matter knowledge to participate in the group's work as needed. DSS must schedule the working group's first meeting within 60 days after the act passes.

Reporting Requirements

The act requires the working group to submit an interim report by December 31, 2023, and a final report by June 30, 2024, to the Human Services Committee detailing the group's findings and recommendations.

Starting July 1, 2024, DSS must report to each nursing home the impact of implementing the working group's recommendations on their Medicaid rate. A nursing home may use this report to evaluate its Medicaid reimbursement and make changes as necessary.

By December 1, 2024, the DSS commissioner must give the Human Services Committee (1) copies of the individualized reports issued to each nursing home, or a link to these reports if they are on the agency's website, and (2) recommendations for rate adjustments related to excess licensed bed capacity at individual nursing homes.

§§ 299-301 — TAX RETURN INFORMATION FOR ACCESS HEALTH OUTREACH

Requires Access Health CT and DRS to enter into a memorandum of understanding to share information so that Access Health CT may do targeted outreach to state residents about enrollment through the exchange

The act requires Access Health CT (i.e., the Connecticut Health Insurance Exchange) and the Department of Revenue Services (DRS) to share tax return information so that Access Health CT may, beginning January 1, 2024, do targeted outreach to state residents. By law, a "return" is any tax or information return, estimated tax declaration, or refund claims, among other things. "Return information" includes a taxpayer's identity; the nature, source, or amount of a taxpayer's income, payments, receipts, deductions, exceptions, credits, assets, liabilities, or net worth; and any other data the DRS commissioner receives on a return (CGS § 12-15(h)).

Under the act, the DRS commissioner, in consultation with the DSS

commissioner, must enter into a memorandum of understanding (MOU) with the exchange stating the specific information to be disclosed and the terms and conditions for disclosure. Under the act, disclosed information may only be used by the exchange as described in the MOU. The act prohibits anyone who receives disclosed information from DRS from redisclosing it to a third party without the commissioner's permission.

The act further requires the DRS commissioner to revise the state's income tax return form to include a space for residents to authorize Access Health CT to contact them about health insurance enrollment through the exchange. It also requires the DRS commissioner, in consultation with the exchange, to write language for the tax return form (presumably related to the authorization space) and include, in the form's instructions, a description of how the authorization will be relayed to the exchange.

The act also makes a related conforming change to the DRS commissioner's duties.

EFFECTIVE DATE: January 1, 2024, except the provision directing Access Health CT to conduct targeted outreach beginning January 1, 2024, is effective upon passage.

§ 302 — HUSKY C INCOME LIMIT

Expands eligibility for HUSKY C by raising the income limit to 105% of FPL

The act expands eligibility for HUSKY C by increasing the program's income limit from 143% of the TFA cash benefit to 105% of FPL, after any authorized income disregards. Currently, 143% of the TFA monthly cash benefit amount is $700 for an individual and $946 for a two-person family. For 2023, 105% of FPL is $1,276 per month for an individual and $1,725 for a two-person family. HUSKY C provides Medicaid coverage to people who are age 65 or older, blind, or living with a disability (CGS § 17b-290(15)).

EFFECTIVE DATE: October 1, 2024

§ 303 —BIRTH CERTIFICATE AMENDMENTS

Allows people who submit certain documentation to change birth certificates to reflect changes to a parent's legal name

The act allows people who submit certain documentation to change a person's birth certificate to reflect changes to a parent's legal name. For a minor, the DPH commissioner must issue a new birth certificate when she receives a (1) written request from the parent, signed under penalty of law, for a replacement birth certificate with the parent's new legal name and (2) certified copy of a court order changing the parent's name. If the birth certificate is that of an adult, the commissioner must issue a new birth certificate if the adult submits a certified copy of a court order that legally changes his or her parent's name.

The act generally extends to these amended birth certificates existing procedures for amended birth certificates reflecting gender change (e.g., allowing only the DPH commissioner, and not local registrars, to amend the certificate, and providing that the replacement certificate is not marked "amended").

EFFECTIVE DATE: July 1, 2023

§ 304 — PRISONER OR INMATE NAME CHANGES

Requires the DOC commissioner, chief court administrator, and Board of Pardons and Paroles chairperson to determine a method for inmate name changes and requires the DOC commissioner to report on it to the Judiciary Committee by July 1, 2024

The act requires the DOC commissioner, chief court administrator, and Board of Pardons and Paroles chairperson to collaborate to determine a method for inmates or prisoners to change their names within DOC after their names have been legally changed. By law, the superior and probate courts generally have concurrent jurisdiction to grant name changes (CGS §§ 45a-99 & 52-11).

The act also requires the DOC commissioner to report to the Judiciary Committee on the determined method by July 1, 2024.

EFFECTIVE DATE: Upon passage

§ 305 — INMATES WITH GENDER INCONGRUENCE

Gives certain rights to inmates with a gender incongruence diagnosis, such as having DOC staff address them based on their gender identity

By law, DOC must adhere to certain requirements on the treatment and placement of inmates with a diagnosis of gender dysphoria and a gender identity that differs from their assigned sex at birth. The act extends the following rights to inmates with a gender incongruence diagnosis: having (1) correctional staff address them according to their gender identity; (2) access to commissary items, clothing, personal items, programming, and educational materials consistent with their gender identity; and (3) DOC staff of the same gender identity perform searches, unless under exigent circumstances.

Under the act, a gender incongruence diagnosis is characterized by a marked and persistent incongruence between someone's experienced gender and the assigned sex, as long as gender variant behavior and preferences alone are not a basis for diagnosis. (This is how the term is defined in the most recent revision of the "International Statistical Classification of Diseases and Related Health Problems.")

EFFECTIVE DATE: January 1, 2024

§§ 306 & 307 — REPRODUCTIVE AND GENDER-AFFIRMING HEALTH CARE SERVICES AND GENDER INCONGRUENCE

Expands "reproductive and gender-affirming health care services" to include gender incongruence for various purposes, such as a cause of action for recovery for persons against whom a judgment was entered in another state for their participation in providing or receiving these services that are legal in Connecticut; specifies that the term "gender dysphoria" is based on the most recent American Psychiatric Association manual

The act expands the definitions of "reproductive health care services" and "gender-affirming health care services" for various purposes to include services for the treatment of gender incongruence (the law already applies to gender dysphoria). This generally includes the following in relation to services that are legal in Connecticut:

1. providing a cause of action for persons against whom there is an out-of-state judgment, under certain conditions, based on these services;
2. limiting the compelling of witness participation in certain related out-of-state actions;
3. prohibiting Connecticut judges from issuing a summons when the other state's prosecution or investigation is for a violation on its law on providing, receiving, or assisting with these services;

4. prohibiting Connecticut public agencies, or people acting on their behalf, from providing information or using state resources to help another state's investigation or proceeding to impose civil or criminal liability on a person or entity for providing, seeking, receiving, or inquiring about these services; and
5. generally prohibiting the disclosure of certain communications or information about a patient regarding these services without the patient's consent.

Under existing law, these services include all medical care relating to gender dysphoria treatment. The act specifies that for this purpose, gender dysphoria refers to that term as set out in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders."

EFFECTIVE DATE: July 1, 2023

§ 308 — NAME CHANGE FEE ELIMINATION

Eliminates the $250 probate court filing fee to change a person's name

The act eliminates the $250 probate court filing fee for changing a person's name. By law, the superior and probate courts generally have concurrent jurisdiction to grant name changes (CGS § 45a-99). With exceptions, the Superior Court fee for a name change is $360, which remains unchanged by the act (CGS § 52-259).

EFFECTIVE DATE: July 1, 2023

§ 309 — GENDER-AFFIRMING CARE IN HUSKY HEALTH

Requires DSS to (1) consult with those with expertise on gender-affirming care in developing and updating coverage policies for gender-affirming care in the HUSKY Health program and (2) report at least annually on this coverage to the Council on Medical Assistance Program Oversight

The act requires DSS or its agent to consult with health care providers with expertise in gender-affirming care in developing and updating coverage policies for gender-affirming care in the HUSKY Health program. The DSS commissioner must submit a report at least annually on coverage for this care to the Council on Medical Assistance Program Oversight for review and comment.

Under the act, "gender-affirming care" is a medical procedure or treatment to alter the physical characteristics of a person diagnosed with gender dysphoria or gender incongruence in a manner consistent with the person's gender identity.

EFFECTIVE DATE: Upon passage

§ 310 — PRIVATE SCHOOL CURRICULUM ACCREDITATION

Narrows a requirement that SBE allow a private school's supervisory agent to accept accreditation from a specified accreditation agency by applying the requirement only to Waterbury rather than statewide; also requires the early childhood commissioner to recognize the agency for the same Waterbury school

Prior law required the State Board of Education (SBE) to allow a private school's supervisory agent to accept curriculum accreditation from Cognia, a nonprofit accreditation and certification agency, starting July 1, 2023. The act instead limits this to a private school located in Waterbury, rather than anywhere in the state. It also specifies that the early childhood commissioner, in addition to SBE, must allow the private school's supervisory agency to accept Cognia's curriculum accreditation.

EFFECTIVE DATE: Upon passage

§§ 311 & 312 — SCHOOL MEAL PROGRAMS

Extends free school meal eligibility to students with a family income below 200% of the federal poverty level who are otherwise ineligible; makes state payment of federal reimbursement grants to school operators in the federal feeding programs required rather than optional (PA 23-208, § 13, repeals these sections)

Existing law allows any local or regional board of education to establish and operate school lunch and breakfast programs for public school children under federal laws that govern the programs. (The Food and Nutrition Service (FNS) of the U.S. Department of Agriculture (USDA) administers the National School Lunch Program and the School Breakfast Program at the federal level.) The act generally expands eligibility for free lunch, breakfast, and other child feedings and requires that the state pay federal reimbursement grants to school operators. (PA 23-208, § 13, repeals these sections.)

EFFECTIVE DATE: July 1, 2023

State Payment of Federal Reimbursement Grants

Prior law authorized SBE to pay federal reimbursement grants for school lunch programs each fiscal year to boards of education, technical high schools, state charter schools, interdistrict magnet schools, and endowed academies ("school operators") that participate in the federal school lunch program. These grants consist of (1) a matching reimbursement grant under federal law's requirements for school lunch programs and (2) 10 cents per lunch served in the prior school year consistent with federal law. The act explicitly requires, rather than authorizes, SBE to provide these annual grants and expands the matching reimbursement grant's applicability to include school breakfast and other child feeding programs, in addition to school lunch programs under existing law.

By law and unchanged by the act, SBE must (1) provide these grants within available appropriations and (2) direct how boards and operators apply for these grants, determine applicants' eligibility, adopt implementing regulations, and set a procedure for monitoring grant recipients' expenditures.

Payment of Grants for Students in Non-CEP Eligible Schools

The Community Eligibility Provision (CEP), a provision in federal law governing school feeding programs, allows certain schools to serve free breakfast and lunch to all students in the entire school without collecting household applications (P.L. 111-296, § 104). Eligible schools that choose to participate are reimbursed by the state using federal funds. Reimbursement amounts are determined using a formula that is tied to the percentage of students categorically eligible for free meals based on their participation in other specific means-tested programs, such as the Supplemental Nutrition Assistance Program and Temporary Assistance for Needy Families. (Broadly speaking, the formula allows schools or districts to use CEP if these categorically eligible students comprise at least 40% of enrollment.)

Under the act, for FY 24 the State Department of Education (SDE) must give state-funded grants to school operators that allow certain students from low-income households to have free school lunches, school breakfasts, or other child feedings even if their (1) schools do not provide free meals under CEP or (2) economic needs do not require free school feedings under federal standards. To be eligible for free meals under this grant, a student's family must have an income that is at or below

200% of the federal poverty level.

Existing law and the act authorize SBE to adopt regulations to implement school feeding program laws.

Pricing and Grants for Feeding Programs

Prior law allowed boards of education to (1) set the charges for lunches, breakfasts, and other feeding programs it provides and (2) accept gifts, donations, or public or private grants to provide these programs. The act limits this price-setting and grant acceptance authority to school lunches, school breakfasts, and any other child feeding program boards may offer, excluding any lunch services for employees that boards also may choose to offer.

Technical and Conforming Changes

The act also makes various technical and conforming changes in the school feeding program laws.

§ 313 — OPEN CHOICE FUNDS GRANT FOR LEGACY FOUNDATION

Requires, for FYs 24 and 25, the education commissioner to expend $500,000 of remaining Open Choice funds for a grant to The Legacy Foundation for student wrap-around services

For FYs 24 and 25, the act requires the education commissioner to expend $500,000 of any remaining Open Choice funds for a grant to The Legacy Foundation of Hartford, Inc. The funds must be used to provide wrap-around services for students participating in Open Choice, a voluntary interdistrict public school attendance program that allows students from urban school districts to attend suburban school districts, and vice versa, on a space-available basis.

By law, if not all the appropriated Open Choice funds are used for per student grants to hosting school districts, then the remaining funds must be used in certain ways, rather than lapsing back to the General Fund at the end of the year. This includes wrap-around student services (e.g., academic tutoring, family support, and experiential learning opportunities).

EFFECTIVE DATE: July 1, 2023

Background — Related Act

PA 23-167, § 19, caps the Open Choice remaining funds for wrap-around services at $2 million a year.

§§ 314-317 — REQUIREMENT TO PROPORTIONATELY REDUCE SPECIFIED EDUCATION GRANTS

Extends the requirement that certain education grants be proportionately reduced if the amount appropriated for them does not fully fund them according to their statutory formulas

The act extends through FY 25 the requirement that four state education grants to local and regional boards of education or regional education service centers (RESCs), as applicable, be proportionately reduced if the amount appropriated for the grants does not fully fund them according to their statutory formulas.

The requirement applies to grants for (1) health services for private school students (CGS § 10-217a), (2) RESC operations (CGS § 10-66j), (3) school transportation (CGS § 10-266m), and (4) bilingual education (CGS § 10-17g). Under prior law, the same requirement applied to the health services, RESC, and bilingual education grants through FY 23, and the school transportation grant

program through FY 19.

EFFECTIVE DATE: July 1, 2023

§ 318 — TRS MEMBERSHIP CRITERIA FOR STATE BOARD OF EDUCATION STAFF

Changes the eligibility criteria for membership in the Teachers' Retirement System for certain SBE professional staff

The act changes the eligibility criteria for membership in the Teachers' Retirement System (TRS) for certain State Board of Education (SBE) professional staff. Under existing law, the TRS definition of a "teacher" eligible for membership includes professional staff employed by SBE, the Office of Early Childhood, the Board of Regents for Higher Education or any of the constituent units of higher education, and the Connecticut Technical Education and Career System (CTECS).

Under prior law, each of these professional staff had to be employed in an educational role. For SBE only, the act removes this requirement and instead defines "teacher" as a member of the professional staff who is currently a TRS member and maintains certification (presumably, certification as a teacher).

EFFECTIVE DATE: July 1, 2023

§§ 319-322 — FAFSA COMPLETION REQUIREMENT FOR HIGH SCHOOL STUDENTS

Beginning with the graduating class of 2025, institutes a FAFSA completion high school graduation requirement; allows a waiver of the requirement; and requires SDE to create the forms to implement the waiver

Beginning with the graduating class of 2025, the act prohibits local or regional boards of education from allowing any student to graduate high school, or granting a diploma to any student, who has not completed a (1) Free Application for Federal Student Aid (FAFSA) or an application for institutional financial aid for students without legal immigration status, or (2) signed waiver declining to file an application. SDE must create the waiver form, which may be signed by a minor student's parent or guardian, a student aged 18 years old or older, or a legally emancipated minor. The act prohibits the form from requiring its signatory to state any reasons for declining to complete the FAFSA or the application for institutional financial aid for students without legal immigration status.

Anytime on or after March 15 each school year, a principal, school counselor, teacher, or other certified educator may complete the waiver on a student's behalf if they affirm that they have made a good faith effort to contact the student or their parent or legal guardian.

The act also makes related technical and conforming changes.

EFFECTIVE DATE: July 1, 2023

§§ 323-325 — PRIORITY SCHOOL DISTRICT FUNDING

Ties eligibility for certain population-based supplemental PSD grants to FY 22 population; adds a fourth fiscal year of PSD phase-out grants in FY 24 for former PSDs that received their third year of phase-out grants in FY 23

By law, priority school districts (PSDs) are districts (1) in the eight towns with the largest population in the state or (2) whose students receive low standardized test scores and have high poverty levels. The State Board of Education (SBE) must

administer a grant program to help these districts improve their educational programs or early reading intervention programs. PSDs receive base grants in the amount of either $1 million (for population-based PSDs) or $500,000 (for achievement and poverty-based PSDs) per fiscal year (CGS § 10-266p(a)). They also receive various supplemental grants. The act modifies some of these supplemental grants as described below.

Select PSD Supplemental Grants (§§ 323 & 324)

Under prior law, towns that are PSDs also received the following amounts in certain supplemental grants, among others:

1. $750,000 for towns with the three highest populations in the state,
2. $334,000 for towns that rank fourth to eighth in population statewide, or
3. $180,000 for all other towns with PSD status based on academic achievement and poverty.

Beginning in FY 24, the act calculates eligibility for these population-based supplemental grants using each town's population in FY 22, thereby requiring that the towns with population-based PSD status in FY 22 continue to receive these supplemental grants, in the same amounts, in perpetuity. By tying these grants to FY 22 grantee-status, the act establishes a fixed set of future grant recipients.

Additionally, prior law required SBE to allocate another supplemental grant in the amount of $2,610,798 to the towns with the three highest populations in the state. Beginning in FY 24, the act requires that the towns with the three highest populations in FY 22 receive this grant in perpetuity, thereby establishing a fixed set of future grant recipients.

PSD Phase-Out Grants (§ 325)

By law, when a district no longer qualifies as a PSD, it receives a progressively reduced PSD grant over the following three years.

Under the act, any former PSD that received its final, third-year PSD phase-out grant during FY 23 is eligible to receive a fourth grant in FY 24 in the same amount as its third-year phase-out grant (PA 23-208, § 7 repeals this provision). By law and unchanged by the act, the third-year phase-out grant is calculated as follows: the grant amount from the district's final year of PSD status, minus 75% of the difference between that final grant amount and $250,000.

EFFECTIVE DATE: July 1, 2023

Background – Related Act

PA 23-208, § 7, requires that any school district in its first year as a former PSD in FY 24 receive the same grant amount that it did in FY 23 during its last year as a PSD, rather than a reduced "phase-out grant."

§§ 326 & 327 — STATE POLICE STING OPERATIONS UNIT REGARDING ONLINE SEXUAL ABUSE OF MINORS

For FYs 25 and 26, requires DESPP to establish an investigative unit within the Internet Crimes Against Children Task Force to conduct sting operations relating to the online sexual abuse of minors; makes related changes to the task force's staffing and duties

PA 23-56, § 17, statutorily establishes the Connecticut Internet Crimes Against Children task force and requires it to use its appropriated state and federal funding in a way that is consistent with its duties under federal law. This act additionally requires the DESPP commissioner, for FYs 25 and 26, to establish an investigative

unit within the task force to conduct sting operations relating to the online sexual abuse of minors ("the investigative unit"). The act also requires the commissioner to assign staff as needed to fulfill the task force's duties, including its investigative unit. The head of the task force must be ranked sergeant or higher. Among other things, the task force, using the investigative unit, must (1) perform undercover and investigative operations to prevent and detect these criminal, or suspected criminal, activities and (2) compile, monitor, analyze, and share related data.

By November 1, 2024, the act requires POST, in consultation with the DESPP commissioner, to develop certain standardized forms and best practices, among others.

Lastly, the act requires DESPP to report annually on the task force's activity and results, including those of the investigative unit's sting operations, and recommend whether the investigative unit should be extended. The reports must be submitted to the Children's, Judiciary, and Public Safety and Security committees, by January 1, 2026, and January 1, 2027.

Under the act, a "law enforcement unit" is any state or municipal agency or department (or tribal agency or department created and governed under a memorandum of agreement) whose primary functions include enforcing criminal or traffic laws; preserving public order; protecting life and property; or preventing, detecting, or investigating crime.

EFFECTIVE DATE: July 1, 2023, except the provisions on the investigative unit's responsibilities, best practices, information sharing, and reporting are effective July 1, 2024.

Task Force Responsibilities

The task force must use the investigative unit to:

1. perform undercover operations and investigate any criminal activity, or suspected criminal activity, that involves using the Internet to sexually abuse, exploit, or assault a minor;
2. compile, monitor, and analyze related data; and
3. share data and information with any law enforcement unit to help in the undercover operations and investigation of these types of criminal activity.

The act also allows the investigative unit to provide additional assistance to law enforcement units.

POST's Standardized Form, Best Practices, Policy, and Reporting

By November 1, 2024, the act requires POST, in consultation with the DESPP commissioner, to develop the following:

1. a standardized form or other reporting system, which must be distributed to all law enforcement units to use when making an initial notification or report to the investigative unit as the act requires (see below);
2. best practices (a) for investigating online sexual abuse of minors and (b) to facilitate the continued sharing of information among, and between, the investigative unit and law enforcement units; and
3. a model policy for investigating online sexual abuse of minors.

In the same manner, POST must also take any actions needed to inform the public (1) about its right to report criminal activity or suspected criminal activity that uses the Internet to sexually abuse minors and (2) how to make these reports,

such as considering whether to establish state and municipal telephone hotlines and Internet websites for reporting.

Law Enforcement Units' Information Sharing

Under the act, within 14 days after receiving notification, information, or a complaint about this criminal activity or suspected criminal activity, a law enforcement unit must notify the task force using the standardized form or other reporting system POST develops.

The act also requires the law enforcement unit to continue to share investigation information with the investigative unit following the best practices POST develops.

§§ 328 & 329 — HVAC AND OUTDOOR ATHLETIC FACILITY MINIMUM REIMBURSEMENT RATES FOR CERTAIN TOWNS

Creates minimum HVAC and outdoor athletic facility school construction reimbursement rates for certain towns

The act creates minimum reimbursement rates for heating, ventilation, and air conditioning (HVAC) systems and outdoor athletic facility school construction projects for towns with a population of 80,000 or more (Bridgeport, Danbury, Hartford, New Haven, Norwalk, Stamford, and Waterbury, according to 2021 Department of Public Health estimates) and the town of Cheshire. The minimum rates the act sets for these towns are the same as the guaranteed minimum grant rates they receive for standard school construction projects with applications submitted from June 1, 2022, to July 1, 2047 (PA 22-118, § 492, as amended by PA 22-146, §§ 13 & 32). However, the act's minimum reimbursement rates for HVAC and athletic facility projects apply regardless of application date.

EFFECTIVE DATE: July 1, 2023

HVAC Reimbursement Rates (§ 328)

By law, DAS must administer a reimbursement grant program for costs associated with projects to install, replace, or upgrade HVAC systems or other school building improvements. The DAS commissioner ranks each town based on its property wealth (using the adjusted equalized net grant list per capita) and uses the rankings to determine the reimbursement grant for each town. A local board of education may receive a standard HVAC reimbursement grant for 20-80% of its eligible expenses, based on its town ranking. Towns with less property wealth receive a larger reimbursement percentage, and towns with greater property wealth receive a smaller one.

The act establishes minimum HVAC school building project reimbursement grant rates of (1) 60% for towns with a population of 80,000 or more and (2) 50% for the town of Cheshire. Under the act, if any of these towns have a standard HVAC reimbursement rate that exceeds the 50% or 60% minimum described, then it receives the standard HVAC rate calculated by the DAS commissioner as explained above.

Outdoor Athletic Facility Reimbursement Rates (§ 329)

By law, the state reimbursement rate for outdoor athletic facility construction, extension, or major alteration is 50% of the school district's standard school construction project reimbursement rate. To calculate the standard rate, the administrative services commissioner follows the same ranking process described above. For renovation projects towns receive percentages between 20% and 80%,

and for new construction they receive between 10% and 80% (see *Related Act* below).

The act establishes minimum outdoor athletic facility reimbursement grant rates of (1) 60% for towns with a population of 80,000 or more and (2) 50% for the town of Cheshire. Under the act, if any of these towns' standard school construction rate exceeds the minimum, then it receives the full standard rate calculated by the DAS commissioner as explained above.

Related Act

PA 23-205, § 116, raised the ceiling on the new construction reimbursement rate from 70% to 80% for approved project applications made on or after July 1, 2024.

§ 330 — SCHOOL READINESS PROGRAM PER CHILD COST

Extends the FY 21 cap on the school readiness program's per child cost rate through FY 24 and increases it beginning in FY 25

The act extends the FY 21 cap on the per child cost (i.e., $9,027) of the Office of Early Childhood (OEC) school readiness program through FY 24. For FY 25 and subsequent fiscal years, the act increases the cap to $10,500.

By law, the school readiness program provides a developmentally appropriate learning experience for at least 450 hours and 180 days for three-, four-, and five-year-old children not eligible to enroll in school (CGS § 10-16p).

EFFECTIVE DATE: July 1, 2023

Background — Related Acts

PA 23-150, § 1, makes an identical change to the program's per child cost cap.

PA 23-160, §§ 35 & 37, makes school readiness eligibility begin at birth effective July 1, 2023.

§ 331 — CARE 4 KIDS PROGRAM

Allows the Office of Early Childhood (OEC) to establish a protective service class making certain foster care children, newly adopted children, and homeless children categorically eligible for Care 4 Kids

The Care 4 Kids program offers child care subsidies to income-eligible families with parents or caretakers working or participating in certain education or job training programs.

The act allows the OEC commissioner to institute a protective service class in which the commissioner may waive existing law's Care 4 Kids eligibility requirements for certain at-risk populations, instead applying guidelines she prescribes and that the Office of Policy and Management reviews. Specifically, the commissioner can institute this class for (1) children placed in a foster home by the Department of Children and Families and for whom the parent or legal guardian receives foster care payments; (2) adopted children for one year after the adoption; and (3) homeless children and youths, as defined under federal law. By instituting the protective class, as allowed under federal law, these at-risk populations become categorically eligible for Care 4 Kids.

EFFECTIVE DATE: July 1, 2023

Background — Related Act

PA 23-150, § 2, makes identical changes to the Care 4 Kids program.

§ 332 — SMART START COMPETITIVE GRANT PROGRAM

Removes the FY 24 sunset date (i.e., June 30, 2024) for the smart start competitive grant, making the program permanent

The act removes the FY 24 sunset date (i.e., June 30, 2024) for the smart start competitive grant to provide funds for capital and operating expenses for school districts to expand or establish preschool programs. In doing so, it makes the program permanent with no end date. (PA 23-160, § 39, makes the same change.)

The act also eliminates an option for the OEC commissioner to give funding priority to these grants for school boards that reserve spaces for children who are eligible for free and reduced price lunches. The commissioner must still prioritize school boards (1) that demonstrate the greatest need to establish or expand a preschool program and (2) whose plan allocates at least 60% of the spaces in the preschool program to children from families at or below 75% of the state median income.

EFFECTIVE DATE: July 1, 2023

§ 333 — MAGNET SCHOOL ENROLLMENT REQUIREMENTS AND REVISING REDUCED ISOLATION STANDARDS

Allows the education commissioner to revise the magnet school reduced isolation standards

The law sets minimum criteria for the education commissioner to use in setting the reduced isolation (i.e., desegregation) standards for magnet school enrollment. These include (1) at least 20% of a school's enrollment must be reduced isolation students and (2) a school's enrollment may have up to 1% below the minimum percentage if she approves a plan for the school to reach the 20% minimum or the percent she established in the standards. It also requires the commissioner to define "reduced isolation student."

The act requires the commissioner to revise the standards as needed and adds the requirement that they comply with the *Sheff* v. *O'Neill* court decision and any related stipulations or orders (see *Background*). (It also allows the commissioner to revise, as needed, the alternative reduced-isolation enrollment percentages for the 2018-2019 school year. Those percentages expired in 2019, so it is unclear whether this has any legal effect.)

EFFECTIVE DATE: July 1, 2023

Background — Sheff v. O'Neill State Supreme Court Decision

In this 1996 decision, the state's Supreme Court ruled that the state had a constitutional obligation to remedy the educational inequities in the Hartford schools caused by racial and ethnic isolation (238 Conn. 1 (1996)). The court ordered the state legislature and the governor to craft a solution, and legislation was passed to create voluntary desegregation in Hartford by creating magnet schools and using programs such as Open Choice.

Background — Related Act

PA 23-160, § 32, includes the same language requiring the commissioner to revise the reduced isolation standards as needed and requiring that they comply with the *Sheff* decision.

§ 334 — GRANTS TO ASSIST SHEFF PROGRAMS

Allows the education commissioner to award grants from existing Sheff settlement funds for four specific purposes

The act allows the education commissioner, in helping the state meet its *Sheff* desegregation obligations, to award grants from funds appropriated for the *Sheff* settlement for academic and social student support programs for the following: (1) magnet schools, (2) the Open Choice program, (3) the interdistrict cooperative program, and (4) the state technical education and career high schools (see *Background* for § 333).

By law, unchanged by the act, the commissioner can transfer *Sheff* money for grants for unspecified purposes to the same programs, as well as to state charter schools.

EFFECTIVE DATE: July 1, 2023

Background — Related Act

PA 23-160, § 33, makes the same change.

§§ 335 & 336 — GRANTS FOR THE HIRING OF VARIOUS SCHOOL MENTAL HEALTH PERSONNEL

Postpones by one year the dates by which SDE must begin administering the school mental health specialist grant program; removes the requirement that grant recipients in this program and a second related program refund unexpended grant amounts to SDE; adjusts education commissioner reporting dates

Prior law required SDE, for FYs 23 to 25, to administer grant programs for local and regional boards of education to (1) hire and retain more school social workers, school psychologists, school counselors, nurses, and licensed marriage and family therapists (MFTs) and (2) hire school mental health specialists (PA 22-80, §§ 4 & 5, as amended by PA 22-116, § 7, & PA 22-47, § 13, as amended by PA 22-116, § 10).

Grant to Hire School Social Workers, School Psychologists, School Counselors, Nurses, and MFTs (§ 335)

For the grant program to hire school social workers, school psychologists, school counselors, nurses, and MFTs, the act removes the requirement that grant recipients refund the unexpended amounts to SDE. However, by law and unchanged by the act, recipients must refund amounts not spent according to the plan in the board's approved grant application.

The act leaves unchanged the requirement to implement this grant program for FYS 23 to 25.

Grant to Hire School Mental Health Specialists (§ 336)

For the grant program to hire additional school mental health specialists, the act pushes out by one year the dates for which SDE must administer the program from FYs 23-25 to FYs 24-26. It correspondingly pushes out by one year the requirements in each of these fiscal years that the commissioner must follow when determining grant award amounts.

The act also makes corresponding changes to reporting deadlines for the education commissioner. Under the act, the commissioner must report to the Children's and Education committees on each grant recipient's utilization rate and

the grant program's return on investment beginning by January 1, 2025, rather than 2024, and then annually through January 1, 2027, rather than 2026. Additionally, the commissioner must develop recommendations by January 1, 2027, rather than 2026, on (1) whether the grant program should be extended further and (2) the grant award amount under the program.

Additionally, the act removes the requirement that grant recipients refund the unexpended amounts. By law and unchanged by the act, recipients must refund amounts not spent according to the plan in the approved grant application.

EFFECTIVE DATE: Upon passage

§ 337 — GRANT FOR DELIVERY OF STUDENT MENTAL HEALTH SERVICES

Postpones by one year the requirement for SDE to administer a grant program to provide student mental health services to boards of education and youth camp and summer program operators; removes the requirement that grant recipients refund unexpended grant amounts to SDE

Prior law required SDE to administer a program to provide grants in FYs 23-25 to local and regional boards of education, youth camp operators, and other summer program operators for delivery of student mental health services. It also required grant recipients to refund to the department any unspent grant amounts at the end of the fiscal year when it was awarded (PA 22-47, § 14).

The act (1) pushes out by one year the dates by which SDE must administer the grant program from FYs 23-25 to FYs 24-26 and (2) removes the requirement that grant recipients refund the unexpended amounts. It correspondingly pushes out by one year the requirements in each of these fiscal years that the commissioner must follow when determining grant award amounts.

The act also makes corresponding changes to the dates by which the education commissioner must report to the Children's and Education committees on each grant recipient's utilization rate (beginning by January 1, 2025, rather than 2024, and annually through January 1, 2027, rather than 2026). Additionally, the commissioner must develop recommendations by January 1, 2027, rather than 2026, on (1) whether the grant program should be extended further and (2) the grant award amount under the program.

EFFECTIVE DATE: Upon passage

§§ 338 & 339 — EARLY CHILDHOOD EDUCATION FUND

Requires the comptroller to establish the fund and charges the OEC commissioner with reporting expenditure recommendations to legislative committees; requires the commissioner to report recommendations from the Blue-Ribbon Panel on Child Care

The act requires the comptroller to establish the Early Childhood Education Fund. It allows the fund to contain any (1) money required or allowed by law to be deposited into it and (2) funds received from public or private contributions, gifts, grants, donations, bequests, or devises.

The act also requires the Office of Early Childhood (OEC) commissioner to report annually, beginning by February 1, 2024, to the Appropriations and Education committees on recommendations (1) for appropriating the fund's resources and (2) from the Blue-Ribbon Panel on Child Care. (The governor's executive order (EO 23-1, March 17, 2023) established this panel, chaired by the

OEC commissioner, to serve as his principal advisor on child care and early childhood issues and coordinate state agencies' efforts to promote an effective child care and early childhood education system.)

EFFECTIVE DATE: Upon passage, except the OEC commissioner's reporting requirement takes effect July 1, 2023.

§ 340 — ECS GRANT SCHEDULE

Changes the statutory schedule for ECS grant increases so that currently underfunded towns are fully funded by FY 26 rather than by FY 28; changes the scheduled reductions for overfunded towns by holding the towns harmless for certain years and making the reduction smaller in other years

By law, the Education Cost Sharing (ECS) grant has a multi-year schedule of (1) incremental increases for towns that are underfunded and (2) incremental decreases, or years with no change in funding, for overfunded towns.

The act changes the statutory schedule for ECS grant increases. Under the act, towns that the formula currently underfunds are fully funded sooner than under prior law, by FY 26 rather than by FY 28. It also changes the scheduled ECS reductions for overfunded towns by holding them harmless (i.e., maintaining the same funding level) for certain years and making the reduction smaller in other years.

When determining ECS grant increases or decreases, the formula uses a town's "grant adjustment," which is the absolute value of the difference between a town's ECS grant amount for the previous fiscal year and its fully funded grant amount. So, for underfunded towns, the grant adjustment is the amount needed to reach the fully funded level; for overfunded towns, it is the amount the town is funded in excess of its fully funded grant.

The table below shows the act's changes for FYs 24-26.

Table: ECS Funding Schedule Changes, FYs 24-26

Town Type	*FY 24*		*FY 25*		*FY 26*	
	Prior Law	*Act*	*Prior Law*	*Act*	*Prior Law*	*Act*
Under-funded towns	Previous FY amount plus 20% of grant adjustment	No change	Previous FY amount plus 25% of grant adjustment	Previous FY amount plus 56.5% of grant adjustment	Previous FY amount plus 33.33% of grant adjustment	Fully funded
Over-funded towns	Previous FY amount minus 14.29% of grant adjustment	Same amount as FY 23	Previous FY amount minus 16.67% of grant adjustment	Same amount as FY 24	Previous FY amount minus 20% of grant adjustment	Previous FY amount minus 14.29% of grant adjustment

Under the act, for FYs 27-32, any town that is underfunded for ECS in the previous fiscal year receives full funding. For overfunded towns in FYs 27-30, the act continues to reduce the town's ECS aid by a percentage of its grant adjustment, but at a slower pace than under prior law, as follows:

1. FY 27: by 16.67% of the adjustment, rather than 25%;
2. FY 28: by 20%, rather than 33.33%;
3. FY 29: by 25%, rather than 50%; and
4. FY 30: by 33.33%, rather than fully funded.

The act also adds two years to the above schedule for overfunded towns. For FY 31, an overfunded town's aid is decreased by 50% of the adjustment, and these towns are fully funded for FY 32.

Under the act, as under prior law, towns that are alliance districts, if overfunded, continue to be funded at the same level as the previous year.

EFFECTIVE DATE: July 1, 2023

§§ 341 & 342 — MAGNET SCHOOL GRANT PROGRAMS AND TUITION

Beginning in FY 25, sets a floor for magnet school grant amounts, thus allowing SDE to increase the grant amounts within available appropriations; beginning in FY 25, generally limits the tuition magnet schools can charge sending districts to 58% of the amount charged in the previous year; extends through FY 25 the ban on SDE awarding magnet school grants to schools that do not meet residency and reduced isolation enrollment requirements; makes permanent the requirement that magnet school operators meet these enrollment requirements; renews for FY 24 reduced magnet school tuition payments for certain towns; sunsets a targeted magnet school grant

The law requires the State Department of Education (SDE) to establish a grant program to help interdistrict magnet school programs. By law, an "interdistrict magnet school program" is a program which (1) supports racial, ethnic, and economic diversity; (2) offers a special and high-quality curriculum; and (3) requires enrolled students to attend at least half-time (CGS § 10-264*l*(a)).

The act makes various changes to the magnet school grant program, including (1) setting a floor for grant amounts, thus allowing SDE to increase the grant amounts within available appropriations; (2) beginning in FY 25, generally limiting the tuition magnet schools can charge sending districts to 58% of the amount charged in the previous year; (3) extending through FY 25 the ban on SDE awarding magnet school grants to schools that do not meet residency and reduced isolation enrollment requirements; and (4) renewing for FY 24 the reduced magnet school tuition payments for certain towns.

EFFECTIVE DATE: July 1, 2023

Minimum Per-Student Grant Amounts (§ 341(c))

Prior law set the per-student grant amounts for each type of magnet school (e.g., for non-*Sheff* magnet schools, $3,060 per student for those residing in the school's host town and $7,227 per student for nonresident students). Beginning in FY 25, the act instead sets these amounts as the minimum per-student grant amounts (except as described below), thus allowing SDE to increase the grants within available appropriations. (The act designates $53.4 million to supplement appropriated magnet school funds for FY 25 to increase the per-student grant amounts to magnet school operators (see § 362).)

The act creates an exception for magnet schools operating less than full-time but at least half-time by requiring that they receive grants equal to 65% of the statutory minimum grant amount.

By law, the total grant SDE pays to a magnet school operator must not exceed the aggregate of the operator's reasonable operating budget, less revenue from other sources. The act additionally requires that for FY 23 and each year afterward, SDE

must make these grants within available appropriations.

Tuition Cap for Magnet Schools (§§ 341(j),(k),(m),(o) & 342)

Starting in FY 25, the act caps the tuition that magnet schools can charge towns that send students to the magnets at 58% of the amount charged for FY 24. This applies to all the magnet operators: (1) local or regional boards of education; (2) RESCs; (3) independent higher education institutions; and (4) any third-party, nonprofit corporation the education commissioner approves.

For the 2023-24 school year, the act generally bars local or regional boards of education that operate a *Sheff* magnet school from charging tuition for preschool or kindergarten through grade 12 schooling. This prohibition does not apply to the Hartford school district, which may charge tuition for students attending Great Path Academy. (*Sheff* magnet schools are part of the programmatic response to the *Sheff* v. *O'Neill* state Supreme Court decision (see *Background* for § 333).)

Magnet Preschool Tuition Charged to Parents (§ 341(k))

By law, non-*Sheff* RESC magnets may charge tuition of up to $4,053 to parents or guardians of children attending preschool but are prohibited from charging tuition to any parent or guardian with a family income that is at or below 75% of the state median income. Beginning in FY 25, the act limits the tuition amount to no more than 58% of the tuition charged during FY 24.

The act leaves unchanged the law authorizing *Sheff* RESC preschools to charge parents or guardians of enrolled students up to $4,053, with the same exception as mentioned above for families with incomes at or below 75% of the state median.

Magnet School Grants and Enrollment Standards (§ 341(a) & (b))

Prior law (1) required magnet school operators to meet specified residency and reduced isolation enrollment requirements through the end of the 2023-24 school year and (2) through FY 23, generally prohibited SDE from awarding magnet school grants to operators that failed to meet these requirements. The act makes these requirements permanent and extends the grant prohibition through FY 25.

As under prior law, a magnet school's total enrollment must (1) have no more than 75% of students from one school district and (2) meet the reduced isolation setting standards (i.e., desegregation) developed by the education commissioner. Additionally, the SDE commissioner may award a grant to a magnet school that fails to meet these requirements if she finds it appropriate to do so and approves a plan to bring the school into compliance.

Reduced Magnet School Tuition Payments for Certain Towns and Proportionate Reduction of Payments for Tuition Loss

By law for FY 23, if more than 4% of certain school districts' student population attended magnet schools, then the district was not responsible for the first $4,400 of tuition for each student exceeding the 4% threshold. This applied to (1) *Sheff* region towns (except East Hartford and Manchester, which are covered in a separate provision), (2) New Britain, and (3) New London. Under the law, SDE was financially responsible, within available appropriations, for the lost tuition.

The act extends this provision to cover FY 24 but applies it only to Windsor, New Britain, New London, and Bloomfield.

The act also requires that these SDE payments for tuition losses be proportionately reduced if they exceed the amount appropriated for this purpose. A

similar requirement applied under prior law for FY 23.

Targeted Magnet School Grant Sunset

The act retroactively sunsets a targeted magnet school grant at the end of FY 22. Under prior law, the grant applied to a magnet school operated by a RESC that (1) began operations in the 2001-02 school year and (2) for the 2008-09 school year enrolled between 55% and 80% of the school's students from a single town. (The school, Edison Magnet School in Meriden, no longer exists in that form; it was moved to Waterbury and reconstituted as ACES at Chase and is eligible for other magnet grants.)

§ 343 — CHARTER SCHOOL GRANT INCREASES

Increases the per-student state charter school grant for FYs 24-25; makes the FY 25 amount ongoing for future years

The act increases the per-student state charter school grant for FYs 24 and 25, with the FY 25 amount ongoing for future years. By law, the grants go to the charter school's governing authority.

Charter Grant Factors

By law, the state charter grant has the same student need weighting percentages with the same factors (e.g., Free and Reduced Priced Meals (FRPM) and English learner status) that are used in existing ECS law.

By law, the increase in the state grant is a percentage of a school's charter grant adjustment, which is the absolute value of the difference between the (1) foundation ($11,525) and (2) charter full weighted funding per student for the state charter schools under a governing authority's control for the school year.

The "charter full weighted funding per student" is a value calculated as the (1) product of the total charter need students and the foundation, divided by (2) number of enrolled students under the charter school governing authority's control for the school year.

Grant Increases

The FY 23 per-student grant for charter school governing authorities was the foundation amount plus 25.42% of its charter grant adjustment. Under the act, the per-student grant is:

1. for FY 24, the foundation plus 36.08% of its charter grant adjustment and
2. for FY 25 and each following year, the foundation plus 56.7% of its charter grant adjustment.

EFFECTIVE DATE: July 1, 2023

§ 344 — VO-AG CENTER GRANTS AND TUITION

Requires, in FY 25 and subsequent years, each vo-ag center grant to be "at least" the amount indicated in law ($5,200); beginning in FY 25, limits vo-ag center tuition paid by sending towns to 58% of the amount charged in the previous year

Beginning with FY 25, the act requires the $5,200 per-student state grant for regional agricultural science and technology centers (i.e., "vo-ag centers") to be at least $5,200, thus allowing SDE to increase the grants within available approrpiations. It similarly applies this language to the additional $500 per student grant for centers with over 150 students enrolled from outside of the host district. (For FY 24, the act keeps the above two grant amounts unchanged from prior law.)

Vo-ag centers are regional high schools that offer agricultural science and technology programing to students from a multi-town region. They are usually embedded in the host district's comprehensive high school.

By law, a vo-ag center can charge the sending towns tuition for the students they send to the program, but it caps tuition at 59.2% of the foundation ($11,525) used for ECS, resulting in a maximum tuition of $6,823. Beginning with FY 25, the act prohibits a vo-ag center from charging more than 58% of the amount a vo-ag center charged in FY 24.

The act also repeals obsolete language and makes technical changes.

EFFECTIVE DATE: July 1, 2023

§ 345 — OPEN CHOICE GRANT SCHEDULE

Requires that beginning in FY 25 each Open Choice grant be "at least" the amount indicated in law

Open Choice is a voluntary inter-district attendance program that allows students generally from the Bridgeport, Hartford, and New Haven districts to attend suburban school districts, and vice versa, on a space-available basis. SDE provides a per-student grant for school districts that receive Open Choice students.

Under prior law, the grants ranged from a maximum of $3,000 to $8,000 per student, with larger per-student grants for districts with a higher percentage of total enrollment that are Open Choice students. The act maintains this level of funding through the fiscal year ending June 30, 2024.

Beginning in FY 25 and each following year, the act increases the amount of these grants to be "at least" the maximum amount in law, thus allowing SDE to increase the grants within available appropriations (see table below).

Table: Open Choice Grant Thresholds and Amounts Beginning in FY 25

Minimum Threshold of Total Enrollment	Maximum Threshold of Total Enrollment	Per-Student Grant at Least
0	< 2%	$3,000
2%	< 3%	$4,000
3%	< 4%	$6,000
Total enrollment is greater than 4,000 students and 50% increase in Open Choice enrollment from previous fiscal year		$6,000
> 4%		$8,000

EFFECTIVE DATE: July 1, 2023

346 — SUPPLEMENTAL FUNDING AMOUNTS FOR ECS, CHARTER SCHOOL, MAGNET SCHOOL, OPEN CHOICE, AND VO-AG CENTER GRANTS

Requires SDE to apportion the $150 million appropriated for "Education Finance Reform" in specific amounts for supplemental funds for the following grants: ECS, charter schools, interdistrict magnet schools, Open Choice Program, and agriscience and technology centers

The act requires SDE to apportion the $150 million appropriated for "Education Finance Reform" for FY 25 to certain major education grants through each grant's existing statutory process. The amounts for each grant type supplement the line-item amounts designated for each of these grants in the biennial state budget part

of this act (see § 1).

The supplemental amount for each program is shown below:

1. $68,499,497 to the Education Equalization (i.e., ECS) Grants account in SDE to provide ECS grants (see § 340);
2. $9,378,313 to SDE's Charter Schools account to provide charter school operating grants (see § 343);
3. $40,188,429 to SDE's Magnet Schools account to increase per student grant amounts to magnet school operators that are not local or regional boards of education (including magnets operated by RESCs, independent institutions of higher education, or other approved operators) (see § 341);
4. $13,254,358 to SDE's Magnet Schools account to increase per student grant amounts to local and regional boards of education that operate magnet schools (see § 341);
5. $11,430,343 to SDE's Open Choice Program account to increase per student grant amounts to local and regional boards of education that are receiving districts under the Open Choice program (see § 345); and
6. $7,249,060 to local or regional boards of education that operate an SBE-approved agriculture science and technology education center (see § 344).

EFFECTIVE DATE: July 1, 2023

§§ 347-349 — CORPORATION BUSINESS TAX SURCHARGE EXTENSION

Extends the 10% corporation business tax surcharge for three additional years to the 2023, 2024, and 2025 income years

The act extends the 10% corporation business tax surcharge for three additional years to the 2023, 2024, and 2025 income years. As under existing law, the surcharge applies to companies that have more than $250 in corporation tax liability and either (1) have at least $100 million in annual gross income in those years or (2) are taxable members of a combined group that files a combined unitary return, regardless of their annual gross income amount. Companies must calculate the surcharge based on their tax liability, excluding any credits.

The act exempts taxpayers from interest on underpayments of estimated tax for the 2023 income year resulting from the surcharge extension. The exemption applies to any additional tax due for the period before these provisions take effect.

EFFECTIVE DATE: Upon passage, with the surcharge extension applicable to income years starting on or after January 1, 2023.

§§ 350-351 — HUMAN CAPITAL INVESTMENT TAX CREDIT

Increases the human capital investment tax credit from 5% to 10% (for most eligible investments) and 25% (for eligible child care-related expenditures); expands eligibility to additional child care-related expenses; allows corporations to use the 25% human capital investment credits to reduce up to 70% of their corporation business tax liability, rather than 50.01%

Starting with the 2024 income year, the act increases the human capital investment tax credit from 5% of the amount paid or incurred for eligible investments to (1) 10% for most eligible investments and (2) 25% for child care-related investments. It also makes additional child care-related investments eligible for the credit. By law, the credit may be claimed against the corporation business

tax, and unused credits may be carried forward for five years.

The act also allows corporations to use the 25% human capital investment tax credits (i.e., credits for the child care-related investments) to reduce up to 70% of their corporation business tax liability each year, rather than 50.01% as prior law allowed. By law, the 50.01% credit cap applies to all other corporation tax credits (except research and development credits).

EFFECTIVE DATE: January 1, 2024

10% Credit

The investments eligible for a 10% credit under the act, which previously were eligible for a 5% credit, are the following:

1. in-state job training for in-state employees;
2. work education programs, including programs in public high schools and work education-diversified occupations programs in the state;
3. worker training and education for in-state employees provided by in-state higher education institutions;
4. donations or capital contributions to higher education institutions for improvements or technology advancements, including physical plant improvements; and
5. contributions made to the Individual Development Account Reserve Fund.

25% Credit

Under prior law, only the following child care-related expenses were eligible for a 5% credit: (1) expenses paid for site preparation and planning, constructing, renovating, or acquiring facilities to establish a child care center for use primarily by in-state employees' children and (2) subsidies to in-state employees for in-state child care. The act expands eligibility to include donations or capital contributions to 501(c)(3) nonprofit organizations for site preparation and planning, constructing, renovating, or acquiring facilities to establish a child care center for use by children living in the community, including in-state employees' children.

Under the act, expenses in all three categories are eligible for a 25% credit.

§§ 352 & 353 — FILM AND DIGITAL MEDIA TAX CREDIT

Temporarily increases, for the 2024 and 2025 income years, the redemption rate for film and digital media tax credits claimed against the sales tax from 78% to 92% of the credits' face value; requires production companies and DECD to report certain information on the companies' job creation

Existing law allows eligible production companies and certain taxpayers to whom they transfer credits (i.e., transferees) to apply film and digital media production tax credits against the sales and use tax at a reduced amount of their face value. For the 2024 and 2025 income years, the act temporarily increases this amount from 78% to 92% of the credits' value.

As under existing law, transferees may claim these credits against the sales and use tax only if there is at least 50% common ownership between the transferee and the eligible production company that sold, assigned, or otherwise transferred the credits. The credits may also be claimed against the corporation business and insurance premiums taxes at full face value and the community antenna television systems tax at a reduced value.

Separately, the act also requires that certain information on eligible production

companies' job creation be included in tax credit voucher applications and in the Department of Economic and Community Development's (DECD) annual report to the legislature. Under existing law, within 90 days after the end of an annual period or the last production expenses are incurred, the production company must apply to DECD for a credit voucher and include with its application any information and independent certification the department requires. The act additionally requires the company to include a report with the number of full- and part-time jobs the company created, a description of each job, and an explanation of what the company considers to be job creation for the report's purposes. DECD must then include this job creation information in the overview of the film tax industry credit program in its annual report.

EFFECTIVE DATE: January 1, 2024

§ 354 — FIXED CAPITAL INVESTMENT TAX CREDIT

Allows certain Connecticut-headquartered corporations that own at least 80% of an LLC to claim the fixed capital investment tax credit for amounts the LLC invested in qualifying fixed capital

For income years starting on or after July 1, 2025, the act allows certain corporations to earn fixed capital investment tax credits for investments made by qualifying limited liability companies (LLCs) they own. Specifically, it allows corporations to do so if they:

1. are headquartered in Connecticut;
2. own, directly or indirectly, at least 80% of an LLC that, for federal tax purposes, is treated as a partnership or disregarded as an entity separate from its owner (i.e., a disregarded entity) (see *Background*); and
3. provide telecommunications services.

As under existing law for investments in fixed capital held by the corporation, the tax credit (1) equals 5% of the amount the LLC pays or incurs for the fixed capital and (2) applies to fixed capital the LLC will hold and use in Connecticut in the ordinary course of its trade or business for at least five years. The credit may be claimed against the corporation business tax in the income year in which the fixed capital was purchased, or it may be carried forward for the next five income years. As under existing law for corporations claiming the credit, an LLC for which a corporation is claiming a credit may not claim another credit for the same investment.

By law, fixed capital is (1) tangible personal property with a class life of more than four years, (2) purchased from someone other than a related person, and (3) not leased or acquired to be leased for the first 12 months after its purchase. It does not include inventory, land, buildings, structures, or mobile transportation property.

EFFECTIVE DATE: July 1, 2025

Background — Related Case

In *Marmon Wire & Gable, Inc.* v. *Commissioner of Revenue Services*, the plaintiff appealed a Department of Revenue Services (DRS) decision to deny fixed capital investment tax credits for investments made by the corporation's wholly owned LLCs, arguing that it was entitled to all tax attributes of the subsidiaries because they are disregarded entities under federal tax law. The Superior Court denied the plaintiff's motion for summary judgment, ruling that under existing law, the fixed capital investment tax credit statute (CGS § 12-217w) allows a

corporation to take a tax credit only for fixed capital investments held and used by the corporation itself; a corporation is not eligible for a credit solely based on a subsidiary LLC's investments even if the LLC is a disregarded entity under federal law (2022 WL 2302654 (June 27, 2022)).

§§ 355 & 356 — ANGEL INVESTOR TAX CREDITS FOR CANNABIS BUSINESSES

Eliminates the 40% angel investor tax credit for eligible investments in approved cannabis businesses beginning July 1, 2023

The act eliminates the 40% angel investor tax credit for eligible investments in approved cannabis businesses beginning July 1, 2023.

By law, the angel investor tax credit program provides personal income tax credits to angel investors (i.e., investors whom the Securities and Exchange Commission considers "accredited investors") who make qualifying cash investments in eligible Connecticut businesses. Under prior law, angel investors who invested at least $25,000 in approved cannabis businesses were eligible for a personal income tax credit equal to 40% of their investment, up to $500,000. Prior law capped the amount of tax credits that could be reserved for these investments at $15 million per fiscal year. Under the act, no new credits may be reserved for these investments in cannabis businesses after June 30, 2023.

The act also eliminates a related provision requiring the Social Equity Council to recommend appropriate funding for the tax credits each fiscal year, beginning with FY 23.

EFFECTIVE DATE: July 1, 2023

§ 357 — HISTORIC HOMES REHABILITATION TAX CREDIT

Changes the taxes against which historic homes rehabilitation tax credits may be claimed

The act changes the taxes against which historic homes rehabilitation tax credits may be claimed. By law, DECD issues these credits, subject to certain requirements, to (1) people and nonprofits who own, rehabilitate, and occupy historic homes or (2) taxpayers that contribute funds for rehabilitating historic homes that are or will be occupied by their owners.

Under prior law, property owners and taxpayers could apply the credits against specified state business taxes (i.e., the insurance premiums, corporation business, air carriers, railroad companies, cable and satellite TV companies, and utility companies taxes). In practice, property owners generally allocated the credits to businesses with enough business tax liability to claim them, in exchange for the businesses making a cash contribution to the property's qualifying rehabilitation expenditures. For credits issued on or after January 1, 2024, the act instead allows (1) nonprofit corporations to claim the credits against the unrelated business income tax and (2) all other taxpayers to claim them against the personal income tax. In doing so, it allows people and nonprofits receiving these credits to apply them against their own state tax liability.

Under the act, credits applied against the income tax are refundable for any amount of the credit that exceeds the taxpayer's liability. Nonprofits applying them against the unrelated business income tax may carry forward any unused credits for up to four income years, just as prior law allowed for business taxpayers claiming

the credits.

The act also makes technical and conforming changes.

EFFECTIVE DATE: January 1, 2024, and applicable to tax years starting on or after that date.

§ 358 — CT-N FUNDING

Increases, by $600,000, the amount of specified tax revenue reserved for CT-N each fiscal year

Beginning with FY 24, the act increases the amount of funding reserved for the Connecticut Television Network (CT-N) each fiscal year from $2.6 million to $3.2 million. The funding comes from the gross receipts tax on cable, satellite, and competitive video service companies and is used to defray the costs of providing the state with CT-N coverage of state government deliberations and public policy events.

EFFECTIVE DATE: July 1, 2023

§ 359 — WORKING GROUP ON THE TAXATION OF REAL AND PERSONAL PROPERTY ON TRIBAL LAND

Establishes a working group to study the taxation of reservation land held in trust for federally recognized Indian tribes and personal property located there

The act creates a working group to examine the taxation of reservation land held in trust for federally recognized Indian tribes in Connecticut and tangible personal property located there. The working group must report its findings and recommendations to the General Assembly by January 1, 2024. It ends when it submits its report or January 1, 2024, whichever is later.

The working group consists of the following members:

1. the Office of Policy and Management (OPM) secretary;
2. chairpersons and ranking members of the Appropriations, Planning and Development, and Finance, Revenue and Bonding committees; and
3. at least one representative of each federally recognized tribe and municipality impacted by any change to the property's taxation.

The OPM secretary must serve as the group's chairperson and schedule and hold its first meeting by August 11, 2023. The Appropriations Committee's administrative staff must serve in this capacity for the working group.

EFFECTIVE DATE: Upon passage

§§ 360-365 & 448 — PASS-THROUGH ENTITY TAX

Starting in 2024, (1) makes the PE tax optional, (2) changes the method for calculating the tax base, (3) eliminates the corporation tax credit for PE taxes paid, and (4) eliminates the option for PEs to file a combined return with one or more commonly-owned PEs; reimposes a requirement that PEs file an income tax return and pay the tax on behalf of any nonresident member for whom the business is the only source of Connecticut income

Tax Election

Starting with the 2024 tax year, the act makes the pass-through entity (PE) tax optional and makes numerous conforming changes to implement the optional tax.

Prior law imposed the PE tax on all "affected business entities" (generally partnerships and S corporations; referred to as PEs) that do business in Connecticut or have income derived from or connected with Connecticut sources. The act

instead allows these entities to elect to pay the tax starting with the 2024 tax year. Those doing so must give the DRS commissioner written notice (1) for each tax year they make the election and (2) no later than the due date for filing the return (or the extended due date if they requested, and were granted, an extension).

As under prior law for the mandatory tax, each PE that elects to pay the optional tax must remit its payment by the 15th day of the third month following the close of the entity's taxable year for federal income tax purposes (i.e., taxable year).

Tax Calculation

Under prior law, a PE's tax liability was calculated using either the standard base method or an alternative base method, multiplied by 6.99%. Under the standard base method, the PE is taxed on all of its Connecticut source income (minus any source income from subsidiary PEs). Under the alternative base method, the PE is subject to tax on:

1. the portion of its Connecticut source income (minus any Connecticut source income from subsidiary PEs) that directly or indirectly flows through to members who are resident or nonresident individuals, trusts, or estates (i.e., "modified Connecticut source income") plus
2. the portion of its total income that is not sourced to any state with which the PE has nexus (i.e., "unsourced income") and that directly flows through to members who are resident individuals (i.e., "resident portion of unsourced income").

The act eliminates the standard base method and instead requires all electing PEs to use the alternative base method to calculate their tax liability. (It retains the existing 6.99% tax rate.) It correspondingly eliminates a provision allowing PEs filing under the standard base method to carry forward net losses to succeeding tax years until they are fully used.

Composite Returns for Nonresident Members

Under prior law, a PE's nonresident members were generally not required to file a Connecticut personal income tax return for taxable years in which the (1) PE was the only source of Connecticut income for the member or the member's spouse and (2) PE tax credit allowed fully satisfied his or her Connecticut income tax liability.

The act eliminates these provisions and instead reimposes the requirement that PEs file an income tax return and pay the tax on behalf of any nonresident member for whom the business is the only source of Connecticut income. Similar requirements applied prior to 2018, before the PE tax was established. Under the act, beginning with the 2024 tax year, the tax the PE pays on the nonresident member's behalf must be reduced by the member's direct and indirect PE tax credit that was properly reported by the PE. The payment may not be less than zero.

As under the pre-2018 law, the act requires PEs to make income tax payments on behalf of nonresident members where the member's share of the PE's income derived from or connected with Connecticut sources is at least $1,000. They must make these payments at the highest marginal tax rate for the year. Those payments generally constitute the members' tax payment for the year. Special rules apply to subsidiary PEs making income tax payments on behalf of a parent PE.

The entities must make annual income tax payments on the members' behalf by

the regular income tax due date. They must give each member on whose behalf they made tax payments a DRS-prescribed form recording those payments. The act requires they do so by the 15th day of the third month following the close of the entity's tax year. Under the law that applied pre-2018, they had to do so a month later, by the 15th day of the fourth month following the close of the entity's tax year.

Offsetting Tax Credit

Prior law authorized offsetting personal income and corporation business tax credits for individuals and companies that are members of PEs that pay the tax or a substantially similar tax in another state. The act eliminates the corporation business tax credit for PE taxes paid but retains the personal income tax credit. Under prior law, if a PE's member was a company subject to the corporation tax, the company could claim a credit equal to its direct and indirect pro rata share of the tax paid by the PE, multiplied by 87.5%.

As under existing law, if a PE's member is an individual subject to the personal income tax, the person may claim a credit equal to his or her direct and indirect pro rata share of the tax paid by the PE, multiplied by 87.5%.

Combined Return Election

The act eliminates the option for PEs to file a combined return with one or more commonly-owned PEs. (A PE is "commonly-owned" if more than 80% of its voting control is directly or indirectly owned, as determined under federal tax law, by a common owner or owners.) Under prior law, any business that chose to file this way had to notify the DRS commissioner in writing each tax year, along with the written consent of the other commonly-owned businesses, by the tax's due date or extended due date (if applicable).

EFFECTIVE DATE: January 1, 2024, and applicable to taxable years starting on and after that date.

§ 366 — HIGHWAY USE TAX REPORTING FREQUENCY

Requires carriers subject to the highway use tax to file returns and submit payments quarterly, rather than monthly, starting with the fourth quarter of 2023

The act requires carriers subject to the highway use tax (i.e., highway use fee or HUF) to file returns and submit payments quarterly, rather than monthly as prior law required, starting with the fourth quarter of 2023. Under the act, the quarterly returns and payments are due by the last day of the month following a calendar quarter (i.e., January 31, April 30, July 31, and October 31).

The act also makes technical and conforming changes. These include requiring DRS to order a permit cancellation hearing if a carrier files a return for two successive calendar quarters (rather than four successive months as under prior law) indicating that none of the carrier's motor vehicles used roads in the state.

EFFECTIVE DATE: Upon passage

Background — Highway Use Fee

The HUF took effect on January 1, 2023. By law, it applies to carriers operating, or causing to be operated, certain heavy, multi-unit motor vehicles on public roads in the state. It is calculated based on a vehicle's gross weight (i.e., the vehicle's light weight plus its load) and the number of miles driven in the state. The applicable rates range from (1) 2.5 cents per mile for vehicles weighing 26,000 to

28,000 pounds to (2) 17.5 cents per mile for vehicles weighing more than 80,000 pounds. Vehicles transporting milk or dairy products to or from a dairy farm that holds a license to ship milk are exempt.

§ 367 — DIESEL FUEL TAX RATE FREEZE

Sets the FY 24 diesel fuel tax rate at 49.2 cents per gallon, which is the same as the FY 23 rate

By law, the motor vehicle fuels tax rate for diesel fuel is the sum of two components: the (1) flat rate (29 cents) and (2) variable rate that DRS calculates annually every fiscal year. The variable rate equals the product of the average wholesale per-gallon price of diesel for the prior year, multiplied by the petroleum products gross earnings tax (PGET).

For FY 24, the act instead sets the diesel fuel rate at 49.2 cents per gallon. This is equal to the FY 23 rate, determined by DRS according to the statutory calculation (DRS AN 2022-2).

The act also specifies that any diesel fuel tax paid that is eligible for a refund must be refunded at the 49.2 cent rate.

EFFECTIVE DATE: Upon passage

§§ 368 & 370 — TAXATION OF AVIATION FUEL

Exempts sales of aviation fuel from the petroleum products gross earnings tax (PGET) starting July 1, 2023, and subjects it to a new aviation fuel tax of 15 cents per gallon starting July 1, 2025

Petroleum Products Gross Earnings Tax Exemption (PGET)

Starting July 1, 2023, the act exempts sales of aviation fuel from PGET. By law and unchanged by the act, 75.3% of PGET revenue from aviation fuel sources is deposited into the Connecticut airport and aviation account (see below), and the remainder is deposited into the Special Transportation Fund (STF). The act leaves in place the provision to make this deposit, but the tax exemption means there is no PGET revenue to deposit.

By law, companies distributing products made from petroleum or a petroleum derivative in Connecticut are subject to PGET. The tax is 8.1% of the gross revenue from the first sale of a taxable petroleum product in the state, which generally occurs at the wholesale level.

The act also makes technical and conforming changes.

New Aviation Fuel Tax

Starting July 1, 2025, the act imposes a new excise tax on aviation fuel at a rate of 15 cents per gallon. The tax must be paid quarterly and applies to the (1) first sale in the state by companies distributing aviation fuel in the state and (2) in-state use or consumption of fuel by companies that import aviation fuel into the state or cause it to be imported. Fuel may be taxed only one time.

Starting July 1, 2029, and every four years after that, the act requires the aviation fuel tax rate to be adjusted according to any change in the consumer price index for all urban consumers for the preceding four calendar years, as published by the Bureau of Labor Statistics. In tax adjustment years, the DRS commissioner must calculate the new tax rate by June 15; notify the Finance, Revenue and Bonding Committee chairpersons and ranking members and the OPM secretary of the rate; and post the rate on the DRS website.

Under the act, companies must file returns by the last day of January, April,

July, and October for the immediately preceding quarter. The returns must be on forms the commissioner provides and signed by the person performing the duties of treasurer or an authorized agent or officer of the company. The return must include the number of gallons of aviation fuel sold and imported, or caused to be imported, in the state, as applicable, and any other information the DRS commissioner requires to make calculations required by the act.

The act imposes on anyone who fails to pay the tax a penalty of 10% of the amount due or $50, whichever is greater. Interest accrues at the rate of 1% per month or partial month from the tax's due date until the date it is paid.

The act applies to the aviation fuel tax certain tax collection and enforcement provisions that apply to the admissions and dues tax under existing law, unless these provisions are inconsistent with the act. Among other things, these provisions cover (1) refunds for tax overpayments, (2) hearing and appeals processes, (3) penalties for certain willful violations or fraud, (4) taxpayers' record retention requirements, and (5) the state's authority to issue tax warrants.

At the close of each fiscal year, beginning with FY 26, the act allows the state comptroller to record as revenue for the fiscal year the amount DRS received from aviation tax revenue within five business days from the last day of July immediately following the end of the fiscal year.

EFFECTIVE DATE: July 1, 2023, and the PGET exemption is applicable to first sales occurring on or after that date.

§§ 369 & 371 — CONNECTICUT AIRPORT AND AVIATION ACCOUNT AND CONNECTICUT AIRPORT AUTHORITY FUNDING

Transfers $8 million from the STF to the Connecticut airport and aviation account in each of FYs 24 and 25, contingent on CAA entering into a management agreement for Sikorsky Airport; starting in FY 26, deposits aviation fuel tax revenue into the airport and aviation account

By law, the Connecticut airport and aviation account is a nonlapsing account within the Grants and Restricted Accounts Fund. The Connecticut Airport Authority (CAA), with the OPM secretary's approval, spends account funds for airport and aviation purposes. Under prior law, the account was funded with 75.3% of PGET revenue from aviation fuel sources. In practice, the account is used for CAA-owned and municipal general aviation airports.

The act potentially transfers, from the STF to the Connecticut airport and aviation account, $8 million in each of FYs 24 and 25 (i.e., the fiscal years during which, under the act, aviation fuel is not taxed). But the transfer is contingent on CAA's executive director (1) entering into a management agreement with Bridgeport for the day-to-day operation and maintenance of Sikorsky Airport and (2) giving written notice that the agreement was executed to the comptroller and Stratford's chief elected official. (Sikorsky Airport is owned and operated by the city of Bridgeport but located in Stratford.)

Starting July 1, 2025, the DRS commissioner must deposit into the account all revenue received from the new aviation fuel tax (see § 370 above).

EFFECTIVE DATE: July 1, 2023

§ 372 — TAX CREDIT FOR PRE- AND POST-BROADWAY PRODUCTIONS AND LIVE THEATRICAL TOURS

Establishes a new tax credit for production companies of eligible theater productions performed at qualified facilities in Connecticut; caps the total credits allowed at $2.5 million per fiscal year

The act establishes a new tax credit for production companies of eligible pre- and post-Broadway productions and live theatrical tours performed at qualified facilities in Connecticut. The credit equals 30% of the production's eligible expenditures. Taxpayers may apply it against the personal income tax or specified business taxes. The act caps at $2.5 million the total amount of these tax credits allowed per fiscal year.

EFFECTIVE DATE: January 1, 2024, and applicable to income and tax years starting on or after that date.

Qualified Productions and Facilities

Under the act, to qualify for a credit, the production must be (1) performed at a qualified production facility and (2) a for-profit live stage presentation of a pre- or post-Broadway production or live theatrical tour (in its original or adapted version) (i.e., an "accredited theater production"). A "pre-Broadway production" is one scheduled to be presented in New York City's Broadway theater district within 12 months after its performance in Connecticut, while a "post-Broadway production" is one that opens its national tour in Connecticut after a Broadway run. A "live theatrical tour" is one that opens its national tour in Connecticut without performing on Broadway.

A "qualified production facility" is a facility located in Connecticut where live stage presentations are, or are intended to be, exclusively performed. It must have at least one stage; a seating capacity of at least 1,000 seats; and dressing rooms, storage areas, and other related amenities needed for an accredited theater production.

Eligible Expenditures

Production and Performance Expenditures. Under the act, only eligible "production and performance expenditures" count towards the credit's calculation. The act defines these expenditures as the exchange of cash or its equivalent for goods or services related to developing, producing, or performing an accredited theater production or for its operating expenditures incurred in Connecticut. This includes expenditures for the following:

1. design, construction, and operation (e.g., sets, special and visual effects, costumes, wardrobe, make-up, and accessories);
2. sound, lighting, staging, facility expenses, rentals, per diems, and accommodations;
3. salaries, wages, fees, and other compensation and benefits for services performed in Connecticut ("payroll");
4. goods or services related to the production's national marketing, public relations, and advertising (i.e., print, electronic, television, billboard, and other advertising types) ("advertising and public relations expenditures"); and
5. transportation, as described below.

Transportation Expenditures. The act defines "transportation expenditures" as those for (1) packing, crating, and transporting, to and from Connecticut, sets,

costumes, and other property and equipment for an accredited theater production and (2) transporting the production's cast and crew to and from here. However, it excludes costs for any of the following:

1. transporting tangible property and equipment used only for filming and not in an accredited theater production and
2. indirect costs, expenditures reimbursed by a third party, or any amount paid to an individual or entity for its participation in the profits from the production's exploitation.

Credit Application and Approval Process

Initial Certification. Under the act, an accredited theater production's production company (i.e., person, firm, partnership, trust, estate, or other entity) may apply to the DECD commissioner, as she prescribes, for a production's initial certification. (In the case of a partnership, its sole proprietor, owner, or member may apply.) The application must include information about the following:

1. the accredited theater production and production company presenting it,
2. the applicant's relationship to the production or production company,
3. the qualified production facility where the production will be performed, and
4. any other information and data the commissioner deems needed to evaluate the application.

If the DECD commissioner approves the application, she must issue an initial certification notice to the production company and DRS commissioner.

Final Certification. Once the accredited theater production's performance has been completed, the production company must apply to the DECD commissioner for a final certification. The application must include a cost report and a certified public accountant's certification that this report, in the accountant's opinion, is accurate.

The commissioner must, within 30 days after a production company submits a complete application, determine (1) whether to approve a final accredited theater production certificate and (2) the credit amount allowed. Once approved, she must (1) issue the certificate to the production company and specify the credit amount allowed and (2) notify the DRS commissioner about this information.

Credit Claims and Transfers

Applicable Taxes and Eligible Claimants. Production companies that get a final accredited theater production certificate from DECD may claim the credit against the personal income, corporation business, insurance premiums, or utility companies tax, but not the withholding tax. (Withholding tax is income tax paid on a taxpayer's behalf by qualifying Connecticut employers.) If the company is an S corporation or entity treated as a partnership for federal income tax purposes, its shareholders or partners may claim the credit. If it is a single member LLC disregarded as an entity separate from its owner, the LLC's owners may claim it, so long as the owner is subject to the personal income or corporation business tax.

The credit must be claimed for the income or tax year in which it was earned. Unused credits may be carried forward for up to three years and may be sold, assigned, or transferred in whole or part.

Financial Penalty. The act imposes a financial penalty equal to the credit

amount on any production company that submits information to the DECD commissioner that it knows is fraudulent or false. This penalty is in addition to other penalties provided by law.

Limits on Post-Certification Remedies. The act (1) exempts any credits sold, assigned, or transferred under its provisions to a post-certification remedy and (2) limits the DECD and DRS commissioners' power to further audit or examine the production and performance expenditures for which the credit was allowed unless there is the possibility of material misrepresentation or fraud. The act gives the commissioners the sole remedy of recovering the credits from the production company that committed the fraud or misrepresentation.

Examinations. The act authorizes the DECD and DRS commissioners to determine whether a credit claim is correct by examining the books, papers, and records related to the information or data an accredited theater production provided with its final certification application.

Reporting Requirement

Annually, starting by March 1, 2025, the DECD commissioner must report specified information to the Commerce and Finance, Revenue and Bonding committees about each production company that applied in the previous calendar year for an accredited theater production initial or final certification. Specifically, the report must (1) describe the production companies and their accredited theater productions and production facilities and (2) provide the status of their applications and the amount of any credits allowed.

§ 373 — UNCLAIMED BOTTLE BILL DEPOSITS REMITTED TO GENERAL FUND

Shifts the timing of the required remittance of unclaimed bottle bill deposits to the General Fund for FY 24; for FY 25, reduces the required quarterly remittance from 55% to 50%; beginning in FY 26, ties the required remittance to the average statewide redemption rate for the preceding fiscal year

The act shifts the timing of the required remittance of unclaimed deposits to the General Fund under the state's beverage container redemption law (i.e., "bottle bill") for FY 24. Specifically, it requires that deposit initiators (i.e., the first distributor to collect the deposit) keep all unclaimed deposits for the first two quarters of FY 24 (i.e., from July 1, 2023, to the end of the calendar year), to reimburse them for the 10-cent deposit on redeemed beverage containers scheduled to take effect on January 1, 2024. For the third quarter, it requires them to remit 65% of the outstanding account balance attributable to the quarter, plus any remaining balance they retained for the first and second quarters. For the fourth quarter, it requires them to remit 65% of the outstanding account balance, as existing law requires.

For FY 25, the act reduces the amount of unclaimed deposits that deposit initiators must quarterly remit to the General Fund from 55% to 50%.

Starting in FY 26, prior law required deposit initiators to quarterly remit 45% of unclaimed deposits to the General Fund. The act instead ties this percentage to the average statewide redemption rate for the preceding fiscal year, as shown in the table below. It requires the Department of Energy and Environmental Protection commissioner, beginning by August 1, 2024, to annually calculate and publish this

rate by dividing the number of beverage containers redeemed by the number sold.

Table: Required Remittance of Unclaimed Deposits for FY 26 and After

FY	*Statewide Redemption Rate for Preceding Fiscal Year*	*Required Remittance*
26	60% or more	25%
	Less than 60%	45%
27	65% or more	5%
	Greater than 60%, but less than 65%	25%
	60% or less	45%
28 and after	75% or more	5%
	Greater than 65%, but less than 75%	10%
	Greater than 60% to 65%	25%
	60% or less	45%

EFFECTIVE DATE: Upon passage

§ 374 — TAX GAP ANALYSIS AND STRATEGY AND DRS PLAN

Requires DRS to (1) estimate the state's tax gap, develop a strategy to reduce the gap, and evaluate related staffing needs; (2) report information on this estimate and strategy to the legislature; and (3) publish a plan for the agency for closing the tax gap

The act requires DRS to estimate the state's "tax gap," conduct related analyses, develop a strategy to address it, and report certain information to the legislature. Under the act, the "tax gap" is the difference between (1) state taxes and fees owed under full compliance with all state tax laws and (2) the state taxes and fees voluntarily paid, which may be caused by failing to file taxes, underreporting tax liability, or not paying all taxes and fees owed.

It also requires the DRS commissioner, by July 1, 2025, to publish a plan that includes the department's measurable goals for closing the tax gap, specific strategies for achieving the goals, and a timetable to measure progress toward closing the gap. DRS must post the plan on its website and update it annually.

EFFECTIVE DATE: July 1, 2023

Tax Gap Reporting

The act requires the DRS commissioner to annually take the following actions related to the state tax gap:

1. estimate the gap and develop an overall strategy to promote compliance and discourage avoidance;
2. (a) evaluate DRS's specific staffing needs to implement the overall strategy and reduce the state tax gap and (b) determine any progress in meeting those needs;
3. conduct a cost-benefit analysis of each major tax compliance initiative the department undertook in the preceding fiscal year, including tax amnesty programs; and
4. analyze the rate of audits, by income level, that the department conducted the previous fiscal year.

The tax gap estimate must include an analysis of income and population distribution, expressed for (1) every 10 percentage points (i.e., by income decile); (2) the top 5% of all income taxpayers; (3) the top 1% of all income taxpayers; and (4) the top 0.5% of all income taxpayers.

Starting by December 15, 2024, the DRS commissioner must annually report to the Appropriations and Finance, Revenue and Bonding committees on (1) the tax gap estimate, analyses, and any supporting information; (2) its compliance strategy; (3) a summary of its staffing needs determination; and (4) the findings of its tax compliance initiative and audit analyses. DRS must post this report on its website.

§ 375 — TAX INCIDENCE REPORT

Expands the scope of DRS's biennial tax incidence report by requiring that the report include (1) the PE tax and other taxes generating at least $100 million and (2) additional information on tax burden distribution, effective tax rates, and tax credit and modification distribution

The act expands the scope of the tax incidence report that DRS must biennially submit to the legislature and post on its website. Specifically, it expands the taxes covered in the report and requires additional information on tax burden distribution, effective tax rates, and tax credit and modification distribution.

The act also requires the DRS commissioner, if he contracts out for the report's preparation, to include in the report the resources he deems necessary for the department to prepare the report in-house.

By law, DRS must submit this report to the Finance, Revenue and Bonding Committee by December 15 in odd-numbered years.

EFFECTIVE DATE: July 1, 2023

Included Taxes

Existing law requires that the report provide, for the 10 most recent years for which complete data are available, the overall incidence of the income tax, sales and excise taxes, corporation business tax, and property tax. The act additionally requires that it cover the pass-through entity (PE) tax and any other tax that generated at least $100 million in the fiscal year before the report's submission.

Incidence Projections and Tax Burden Distribution

By law, the report must include incidence projections for each included tax and present information on the tax burden distribution.

Under prior law, the tax burden distribution for individual taxpayers had to be reported by income classes, including income distribution by income deciles and for the top 1% and 5% of all income taxpayers. The act additionally requires that the report include (1) the distribution for the top 0.5% of all income taxpayers and (2) for each income class, the population distribution and percentage of taxpayers who are homeowners, single, married, or seniors or who have children.

The act also requires that the report include effective tax rates by population distribution expressed as (1) state taxes compared to local taxes and (2) taxes imposed on businesses compared to those imposed on individuals. For property tax, it also requires that the report include, to the extent available, information on the distribution between residential and commercial property and, for residential property, the distribution between renters and owners.

Credits and Modifications

The act also requires that the report include information on the distribution of the following tax credits and modifications (e.g., deductions), shown for the income classes described above:

1. the property tax credit against the income tax, earned income tax credit, PE

tax credit, and any other modification against the personal income tax that resulted in $25 million or more in lost revenue in the most recent fiscal year before the report's submission and

2. modifications against any tax included in the report (other than personal income or property tax) that resulted in $25 million or more in lost revenue in the most recent fiscal year prior to the report's submission.

§ 376 — PERSONAL INCOME TAX RATES

Starting with the 2024 tax year, decreases the bottom two marginal income tax rates from (1) 3% to 2% and (2) 5% to 4.5%; gradually eliminates the benefit of the act's decreased marginal rates for taxpayers with taxable incomes exceeding $105,000 (single filers and married filing separately), $168,000 (heads of household), or $210,000 (joint filers)

Rates

Starting with the 2024 tax year, the act reduces the bottom two marginal income tax rates for all filers from (1) 3% to 2% and (2) 5% to 4.50%. Generally, this lowers taxes on the first (1) $50,000 in taxable income for single filers and married people filing separately; (2) $100,000 for joint filers; and (3) $80,000 for heads of household. The table below shows the marginal tax rates under prior law and the act.

Table: Tax Brackets and Rates Under Prior Law and the Act

Connecticut Taxable Income ($)				Tax Rates (%)	
Single		Head of Household			
Over	Not Over	Over	Not Over	Prior Law	Act
0	10,000	0	16,000	3.00	2.00
10,000	50,000	16,000	80,000	5.00	4.50
50,000	100,000	80,000	160,000	5.50	5.50
100,000	200,000	160,000	320,000	6.00	6.00
200,000	250,000	320,000	400,000	6.50	6.50
250,000	500,000	400,000	800,000	6.90	6.90
500,000	--	800,000	--	6.99	6.99
Connecticut Taxable Income ($)				Tax Rates (%)	
Married Filing Jointly		Married Filing Separately			
Over	Not Over	Over	Not Over	Prior Law	Act
0	20,000	0	10,000	3.00	2.00
20,000	100,000	10,000	50,000	5.00	4.50
100,000	200,000	50,000	100,000	5.50	5.50
200,000	400,000	100,000	200,000	6.00	6.00
400,000	500,000	200,000	250,000	6.50	6.50
500,000	1,000,000	250,000	500,000	6.90	6.90
1,000,000	--	500,000	--	6.99	6.99

Phase-Out of Lowest Tax Rate

As under prior law for the 3% rate, the 2% rate phases out for filers with incomes exceeding $56,500 (single filers), $100,500 (joint filers), $78,500 (heads of household), and $50,250 (married filing separately). Generally, this means that for each filer type, the amount of income subject to the lowest tax rate (2% under the act) is gradually reduced, subjecting more income to tax at the next rate (4.50% under the act).

Recapture

By law, taxpayers whose income exceeds specified thresholds are subject to "benefit recapture," a requirement that eliminates the benefit certain higher income taxpayers get from having part of their income taxed at lower rates. It applies to taxpayers with taxable income greater than $200,000 (single or married filing separately), $400,000 (married filing jointly), or $320,000 (head of household) and gradually increases taxpayer liability until their entire taxable income is effectively taxed at the top 6.99% rate.

The act retains these provisions but adds a new benefit recapture provision to gradually eliminate the benefit of the act's tax rate reduction for taxpayers with taxable incomes exceeding $105,000 (single or married filing separately), $210,000 (married filing jointly), or $168,000 (head of household). As the following table shows, the additional benefit recapture applies beginning when taxable income exceeds these thresholds and gradually increases until these taxpayers pay an additional $250, $500, or $400, respectively (i.e., when their incomes exceed $150,000, $300,000, or $240,000, respectively).

Table: Additional Benefit Recapture Provision Under the Act

Filing Status	***Income Threshold at Which Benefit Recapture Begins***	***Recapture Amount***	***Maximum Recapture Amount***
Single and Married Filing Separately	$105,000	$25 for each $5,000 of income by which CT adjusted gross income (AGI) exceeds threshold	$250
Head of Household	168,000	$40 for each $8,000 of income by which CT AGI exceeds threshold	400
Married Filing Jointly	210,000	$50 for each $10,000 of income by which CT AGI exceeds threshold	500

EFFECTIVE DATE: Upon passage, and applicable to tax years starting on or after January 1, 2024.

§ 377 — RETIREMENT INCOME EXEMPTIONS

Starting in 2024, extends eligibility for the pension and annuity and IRA income tax exemptions to taxpayers with federal AGIs of at least (1) $100,000 but less than $150,000 for joint filers and (2) $75,000 but less than $100,000 for other filing statuses; gradually reduces the exemption for these taxpayers until it fully phases out at $100,000 or $150,000, as applicable

Existing law provides income tax exemptions for pension, annuity, and individual retirement account (IRA) income (other than Roth IRAs), but restricts eligibility for these exemptions to taxpayers with federal adjusted gross incomes (AGI) of less than (1) $75,000 for single filers, married people filing separately, and heads of household and (2) $100,000 for married people filing jointly.

Beginning with the 2024 tax year, the act extends eligibility for these exemptions to taxpayers with federal AGIs of (1) at least $75,000 but less than $100,000 for single filers, married people filing separately, and heads of household

and (2) at least $100,000 but less than $150,000 for joint filers. However, it gradually reduces the amount of pension, annuity, and IRA income these taxpayers may deduct until the exemption fully phases out at $100,000 or $150,000 as applicable. The table below shows the phase-out schedule.

Table: General Pension and Annuity Deduction and IRA Deduction Phase-Out Schedule, Beginning With 2024 Tax Year

Federal AGI ($)		*Deduction (%)*
Single, Married Filing Separately, or Head of Household	*Married Filing Jointly*	
< 75,000	< 100,000	100.0
75,000 to 77,499	100,000 to 104,999	85.0
77,500 to 79,999	105,000 to 109,999	70.0
80,000 to 82,499	110,000 to 114,999	55.0
82,500 to 84,999	115,000 to 119,999	40.0
85,000 to 87,499	120,000 to 124,999	25.0
87,500 to 89,999	125,000 to 129,999	10.0
90,000 to 94,999	130,000 to 139,999	5.0
95,000 to 99,999	140,000 to 149,999	2.5
≥ 100,000	≥ 150,000	0.0

IRA Exemption for the 2024 and 2025 Tax Years

By law, the IRA exemption phases in over four years, allowing taxpayers to deduct 25% of IRA income for the 2023 tax year, 50% for 2024, 75% for 2025, and 100% for 2026 and beyond.

Under the act, in the case of the IRA exemption for the 2024 and 2025 tax years, the deduction percentage listed in the table above applies to the portion of income the law allows as a deduction, not to all IRA income. For example, a single filer with $80,000 in federal AGI and $50,000 in IRA income would be able to deduct $13,750 of that income in the 2024 tax year (i.e., 50% of IRA income, multiplied by 55%).

EFFECTIVE DATE: Upon passage

§§ 377 & 379 — CANNABIS BUSINESS EXPENSES DEDUCTION

Allows cannabis licensees to deduct, for state personal income or corporation business tax purposes, ordinary and necessary business expenses that would otherwise be eligible for a federal tax deduction but are disallowed because marijuana is a banned controlled substance

Starting with the 2023 tax year, the act allows personal income and corporation business taxpayers holding medical marijuana or adult-use cannabis licenses to deduct, for state tax purposes, the amount of ordinary and necessary business expenses that would be eligible for a federal tax deduction under federal law (26 U.S.C. § 162(a)) but are disallowed because marijuana is a banned controlled substance under the federal Controlled Substance Act.

Federal tax law specifically prohibits taxpayers from claiming a deduction or credit for expenses paid or incurred in operating a business consisting of trafficking controlled substances that are prohibited by federal or state law (126 U.S.C. § 280E). IRS guidance indicates that marijuana business owners may deduct their costs of goods sold (their inventory) but may not deduct "ordinary and necessary"

business expenses, such as wages, salaries, and travel expenses.

EFFECTIVE DATE: Upon passage

§ 378 — EARNED INCOME TAX CREDIT INCREASE

Increases the state EITC from 30.5% to 40% of the federal credit

Starting with the 2023 tax year, the act increases the state earned income tax credit (EITC) from 30.5% to 40% of the federal credit. The EITC is a refundable tax credit available to people who work and earn incomes less than certain amounts.

EFFECTIVE DATE: Upon passage

§ 380 — SALES AND USE TAX EXEMPTION FOR NONPRESCRIPTION OPIOID ANTAGONISTS

Exempts nonprescription opioid antagonists from the state sales and use tax

The act adds nonprescription opioid antagonists to the list of nonprescription drugs that are exempt from the state sales and use tax. By law and under the act, an "opioid antagonist" is naloxone hydrochloride (e.g., Narcan) or any similarly acting and equally safe drug that the Food and Drug Administration (FDA) has approved for treating a drug overdose. In March 2023, the FDA approved a four-milligram naloxone hydrochloride nasal spray for over-the-counter, nonprescription use.

EFFECTIVE DATE: July 1, 2023, and applicable to sales made on or after that date.

§ 381 — GAAP DEFICIT

Deems that $1 is appropriated in FYs 24-25 to pay off the state's GAAP deficit

The act deems that $1 is appropriated in both FYs 24 and 25 to pay off the General Fund's unassigned negative balances (i.e., Generally Accepted Accounting Principles (GAAP) deficits), which reflect the negative balances that accumulated before the state adopted GAAP in FY 14. By law, the OPM secretary must annually publish recommended schedules to fully amortize the deficits by FY 28.

Related provisions (§§ 29 & 30) appropriate funds in FY 23 to pay off the remainder of outstanding GAAP bonds.

EFFECTIVE DATE: Upon passage

§ 382 — TRANSFER OF FY 24 GENERAL FUND REVENUE TO FY 25

Requires the state comptroller to transfer $95 million of FY 24 General Fund resources for use in FY 25

The act requires the state comptroller, by June 30, 2024, to transfer $95 million of FY 24 General Fund resources to be counted as FY 25 General Fund revenue.

EFFECTIVE DATE: July 1, 2023

§§ 383-385 — TRANSFERS FROM GENERAL FUND

Transfers specified amounts from the General Fund to other appropriated funds in FYs 24 and 25

The act transfers specified amounts from the General Fund to other appropriated funds in FYs 24 and 25, as shown in the following table.

Table: Transfers from the General Fund

§	Receiving Fund	Amount (millions)	
		FY 24	FY 25
383	Municipal Revenue Sharing Fund	$115.8	$104.9

§	Receiving Fund	Amount (millions)	
		FY 24	FY 25
384	Cannabis Regulatory Fund	10.1	10.3
385	Tourism Fund	2.9	1.3

EFFECTIVE DATE: July 1, 2023

§ 386 — TASK FORCE TO REVIEW BOARDS OF ASSESSMENT APPEALS PROCEEDINGS

Establishes a seven-member task force to review boards of assessment appeals proceedings and report to the legislature by January 1, 2024

The act establishes a seven-member task force to review boards of assessment appeals proceedings. At a minimum, its review must:

1. examine the current proceedings to identify problems or inefficiencies for people, companies, and municipalities;
2. recommend statutory changes to improve or lessen these problems or inefficiencies; and
3. examine the feasibility of implementing a professional, independent appeals system for these proceedings.

Under the act, the task force consists of the OPM secretary, or his designee, and six members appointed by the top six legislative leaders. The legislative leaders must make their initial appointments by July 12, 2023, and fill any vacancies. Appointees may be legislators.

The act requires the House speaker and Senate president pro tempore to choose the task force's chairpersons from its members. The chairpersons must schedule the first meeting, to be held by August 11, 2023. The Finance, Revenue and Bonding Committee's administrative staff serve in this capacity for the task force.

By January 1, 2024, the task force must report its findings and recommendations to the Finance, Revenue and Bonding, and Planning and Development committees. It terminates when it submits its report or January 1, 2024, whichever is later.

EFFECTIVE DATE: Upon passage

§ 387 — TASK FORCE ON BUILDING INSPECTION TIMELINESS

Establishes a seven-member task force to study the timeliness of building inspections required for building permits and report to the legislature by January 1, 2024

The act establishes a seven-member task force to study the timeliness of building inspections required for work performed under building permits. At a minimum, the study must:

1. review the average time it takes to complete inspections once the work is ready for them;
2. examine the frequency with which scheduled inspections are cancelled or rescheduled and, if possible, which party did so;
3. determine whether inspectors are municipal employees or independent contractors and whether there are any regional arrangements;

4. recommend initiatives to (a) incentivize or attract additional inspectors to Connecticut and (b) increase inspection timeliness; and
5. recommend statutory changes to implement these initiatives.

Under the act, the task force consists of the OPM secretary, or his designee, and six members appointed by the top six legislative leaders. The legislative leaders must make their initial appointments by July 12, 2023, and fill any vacancies. Appointees may be legislators.

The act requires the House speaker and Senate president pro tempore to choose the task force's chairpersons from its members. The chairpersons must schedule the first meeting, to be held by August 11, 2023. The Finance, Revenue and Bonding Committee's administrative staff serve in this capacity for the task force.

By January 1, 2024, the task force must report its findings and recommendations to the Finance, Revenue and Bonding, and Planning and Development committees. It terminates when it submits its report or January 1, 2024, whichever is later.

EFFECTIVE DATE: Upon passage

§§ 388 & 389 — STATE TREASURER AND INVESTMENT ADVISORY COUNCIL

Expands the investment-related job titles for which the state treasurer may set compensation; eliminates a prohibition on IAC members contracting with or providing investment services for state trust funds but requires that they recuse themselves from related discussions or votes

Investment Officer and Personnel Salaries (§ 388)

Existing law authorizes the state treasurer to set the salary ranges for the chief, deputy, and principal investment officers in consultation with the Investment Advisory Council (IAC). The act additionally authorizes him to do so for investment officers and other personnel who assist the chief investment officer. In doing so, it exempts these officers and personnel from the requirement that executive branch employee salaries not set by law must be set by the administrative services commissioner and approved by the OPM secretary.

IAC Public Members (§ 389)

The act eliminates a prohibition against the IAC's public members and their business organizations or affiliates contracting with or providing investment services for state trust funds (directly or indirectly). Under prior law, the prohibition applied while the members served on the council and for one year afterwards. The act instead requires that they recuse themselves from discussions or votes related to these contracts.

EFFECTIVE DATE: Upon passage

§§ 390-392 — CORPORATION STOCK SHARE PLAN

Creates tax incentives for eligible corporations offering an employee stock-sharing arrangement that distributes their common stock to participating employees (i.e., offering a "share plan"); exempts from state personal income tax any share plan stock taxpayers receive; requires DRS to study the share plan program and report its findings to the legislature by December 15, 2023

Starting with the 2027 income year, the act allows eligible companies to claim certain tax exemptions or credits for offering an employee stock-sharing arrangement that periodically distributes their common stock to participating employees (i.e., offering a "share plan"). To qualify, a company must be subject to

the Connecticut corporation business tax and have at least 100 full-time employees in the state. The act sets the criteria the employee stock-sharing plans must meet to qualify as a share plan, including participation, holding period, and vesting requirements.

Under the act, if the DRS commissioner finds that a company's share plan meets the act's requirements, then the corporation is exempt from the corporation business tax surcharge beginning with the 2027 income year. If the surcharge expires or is eliminated after the company begins claiming the exemption, the company is eligible for a credit against the corporation business tax equal to the surcharge amount it would have owed had it still been in effect. The act allows eligible companies to claim the exemption or credit, as applicable, for up to 10 successive income years.

Beginning with the 2025 tax year, the act also exempts from state personal income tax any share plan stock taxpayers receive that is included in their gross income for federal income tax purposes (§ 391).

Lastly, the act requires the DRS commissioner, in consultation with the OPM secretary, to study the act's share plan program and report his findings to the Finance, Revenue and Bonding Committee by December 15, 2023. The study must at least include the program's benefits and fiscal impact and any other information the commissioner finds advisable (§ 392).

EFFECTIVE DATE: January 1, 2025, except the personal income tax provision is effective January 1, 2024, and the DRS study provision is effective upon passage.

Share Plan Requirements

Under the act, an employee stock-sharing arrangement is considered a share plan if at least 80% of the company's "eligible employees" participate and the plan's distributions meet certain criteria (see below). "Eligible employees" are full-time employees who are based in Connecticut and earn less than $200,000 in annual cash contribution from the company.

Distribution Criteria. Under the act, the plan's distributions must be at least 300 shares per participating employee (adjusted for any stock split or reverse split the company makes on or after January 1, 2025). They must be made (1) in equal amounts to each participating employee, determined in the aggregate for any calendar year and adjusted for any employee partially employed during the year, and (2) without compensation other than the employee's service. Employees must also be able to sell or transfer the distributions (1) without restriction after a holding period of up to one year or (2) during the holding period for any hardship, subject to the same conditions that federal law provides for hardship withdrawals from 401(k) plans.

The act requires that distributions vest within five years after the distribution date, except as described below, as long as the employee is still employed by the company on that date. A distribution must vest as follows if any of these events happen before the regular vesting date:

1. if the employee retires from the company and receives or will receive retirement benefits under its retirement plan or is laid off or terminated without cause by the company, his or her interest in any share plan distribution must vest by the date the retirement, layoff, or termination

without cause takes effect, and

2. if there is a change in the distributing company's control after the share plan distribution, the participating employees' interests in the distribution must vest by the date the change in control takes effect.

Information Sharing with DRS. The act requires any company claiming the act's exemption or credit to give DRS information the department requests for any applicable income year to (1) verify that the company's share plan meets the act's requirements and (2) substantiate its eligibility for the tax benefit.

Period for Claiming the Corporation Business Surcharge Exemption or Credit

The act allows eligible companies to claim the exemption or credit for a 10-year period based on when they start offering a share plan. Those that begin offering a plan in 2025 or 2026 may claim the exemption or credit earned for that income year beginning with the 2027 income year. Those that do so beginning in 2027 or later may claim it starting in the income year it was earned.

The act allows the company to claim the exemption or credit for each subsequent year in the same manner until it has claimed it for 10 successive income years, so long as it offers a share plan that meets the act's requirements for each of these income years. During the 10-year period, if the plan fails to meet these requirements or the company stops offering the plan, the company cannot claim the exemption or credit for the remainder of the period.

Under the act, companies are ineligible to receive a credit if the corporation business surcharge expires or is eliminated and they did not offer a share plan before the surcharge's expiration or elimination.

§§ 393-395 — XL CENTER

Allows CRDA to enter into two separate agreements concerning the XL Center's (1) management and operation and (2) reconstruction and renovation; eliminates a requirement that the OPM secretary, on the state's behalf, enter into an agreement with CRDA on the proceeds from operating retail sports wagering at the XL Center

The act allows the Capital Region Development Authority (CRDA) to enter into two separate agreements concerning the XL Center's (1) management and operation and (2) reconstruction and renovation. Specifically, it allows CRDA to enter into an agreement with the contractor that is managing and operating the XL Center as of July 1, 2023, to continue managing and operating the center. The agreement must require that the contractor (1) manage, operate, and invest in the renovation of the center and (2) bear any losses and share in any profits from the center's operation.

For the reconstruction and renovation, the act allows CRDA to enter into one or more agreements for a project to renovate and reconstruct the XL Center. The agreement must provide that CRDA, the state, or both together, must contribute no more than $80 million, and the contractor must contribute at least $20 million toward the cost of any renovation or reconstruction occurring after January 1, 2023 (§ 394).

In both cases, any agreement must be entered into by December 31, 2025, but may be amended after that date. The agreements and any amendments are subject to the OPM secretary's approval.

The act also eliminates a requirement that the OPM secretary, on the state's

behalf, enter into an agreement with CRDA on the proceeds of operating retail sports wagering at the XL Center.

EFFECTIVE DATE: July 1, 2023, except that the provision on sports wagering proceeds (§ 395) is effective upon passage.

Management and Operating Agreement (§ 393)

The act allows CRDA, by December 31, 2025, to enter into an agreement with the contractor that is managing and operating the XL Center on July 1, 2023, to continue managing and operating the center. It allows CRDA to do this regardless of any other provisions in the general statutes.

Under the act, the agreement must require the contractor to manage, operate, and invest in the center's renovation and bear any losses and share in any profits from the center's operation. The agreement must be consistent with provisions in existing law requiring CRDA's board of directors to ensure that contracts or agreements comply with any existing covenants for tax-exempt bonds or other obligations. The act exempts the XL Center and any personal property located on it from property tax by deeming it to be state-owned property while owned, leased, or operated by CRDA or the contractor. The act prohibits the state from making a PILOT grant for the XL Center.

Before entering into the agreement, CRDA must enter into one or more agreements with Hartford to extend the XL Center's lease. The act limits the expiration of CRDA's agreement with the contractor to the earliest expiration date of any lease agreement with the city.

Required Terms. The operating and managing agreement must include at least the following:

1. the length of the agreement, subject to the limitation on its expiration (see above);
2. the amounts CRDA and the contractor must contribute toward renovating and reconstructing the XL Center (see above);
3. a complete description of the management, operations, and functions to be performed and CRDA's and the contractor's responsibilities;
4. minimum quality standards that the contractor must maintain in managing and operating the center;
5. the (a) methodology for calculating the net profit or loss from the center's operations and (b) division of net profit or loss between the contractor and CRDA (see below);
6. any amounts the contractor and CRDA will contribute to a capital expense fund to pay for future capital improvements;
7. a requirement that the contractor furnish an annual independent audit to CRDA and the OPM secretary covering all parts of the agreement;
8. performance and payment bonds or other security CRDA deems suitable;
9. one or more public liability insurance policies, in amounts CRDA determines, to ensure tort liability coverage for the contractor's employees and the public and provide for the center's continued operation;
10. rights and remedies available to CRDA if the contractor materially breaches the agreement; and
11. any other provision CRDA determines is appropriate.

Under the act, the agreement's provisions on net profit and loss must provide the following:

1. operating expenses do not include depreciation on any assets paid for with funds from the contractor or CRDA for renovating or reconstructing the center;
2. operating expenses may include fees paid to the contractor or its affiliates for certain services, including venue management fees, food and beverage fees, and sponsorship and premium concessions;
3. the contractor is responsible for any net loss from the center's operations but retains the first $4 million of any net profit; and
4. any net profit from its operations exceeding $4 million must be split equally between the contractor and CRDA.

CRDA Use of Sports Wagering Proceeds (§ 395)

The act eliminates a requirement that the OPM secretary, on the state's behalf, enter into an agreement with CRDA on the proceeds from retail sports wagering at the XL Center. Under prior law, the agreement had to require the state to distribute to CRDA a sum equal to these proceeds, as certified by the Connecticut Lottery Corporation each month. The act instead directly requires the secretary to distribute this sum and specifies that it must be from the General Fund.

The act expands CRDA's permitted uses of these funds to include establishing a capital reserve account for the XL Center. As under prior law, it may also use the funds for the center's operation.

§ 396 — CONNECTICUT AIRPORT AUTHORITY REPORT

Requires CAA to annually report to the legislature on airport finances and acquisition, closure, and expansion plans

Starting by October 1, 2023, the act requires the Connecticut Airport Authority's (CAA's) executive director to annually report to the Transportation and Finance, Revenue and Bonding committees on each airport it oversees. The report must (1) summarize each airport's operating and capital revenue and expenditures for the prior fiscal year and (2) give an overview of any acquisition, closure, or expansion plans in the coming year.

EFFECTIVE DATE: July 1, 2023

§§ 397-409 — REVENUE ESTIMATES

Adopts revenue estimates for FYs 24 and 25 for appropriated state funds

The act adopts revenue estimates for FYs 24 and 25 for appropriated state funds, as shown in the table below.

Table: Revenue Estimates for FYs 24 and 25

Fund	*FY 24*	*FY 25*
General Fund	$22,505,300,000	$23,103,700,000
Special Transportation Fund	2,352,600,000	2,354,500,000
Mashantucket Pequot and Mohegan Fund	52,600,000	52,600,000
Banking Fund	34,800,000	35,900,000
Insurance Fund	104,600,000	135,400,000
Consumer Counsel and Public Utility Control Fund	37,200,000	38,200,000

Fund	*FY 24*	*FY 25*
Workers' Compensation Fund	28,900,000	29,200,000
Criminal Injuries Compensation Fund	3,000,000	3,000,000
Tourism Fund	17,500,000	16,200,000
Cannabis Social Equity and Innovation Fund	5,800,000	10,200,000
Cannabis Prevention and Recovery Services Fund	2,500,000	3,500,000
Cannabis Regulatory Fund	10,100,000	10,300,000
Municipal Revenue Sharing Fund	574,300,000	574,400,000

EFFECTIVE DATE: July 1, 2023

§§ 410-418 — STATE VOTING RIGHTS ACT

Prohibits election methods that impair a protected class member's right to vote or dilute their vote; authorizes the secretary of the state and others to file a court action and authorizes the court to impose tailored remedies for violations; creates a statewide election database; establishes requirements for municipal language assistance; establishes a preclearance process requiring certain jurisdictions to get approval for certain election-related policies; prohibits intimidation, deception, or obstruction related to voting; allows aggrieved parties to seek remedies in court

The act generally codifies into state law several aspects of the federal Voting Rights Act of 1965 ("VRA"), which bans discrimination in voting and elections and establishes a mechanism to require certain jurisdictions with a history of discrimination against racial and language minorities to seek preapproval before changing their election laws.

Broadly, the act prohibits municipalities from (1) employing election methods in municipal elections that dilute the vote of protected class members or (2) imposing certain practices or policies in a way that impairs protected class members' right to vote. Under the act, a "protected class" is a class of citizens who are members of a race, color, or language minority group as referenced in the federal VRA. The act correspondingly authorizes the secretary of the state and certain aggrieved parties to file a civil action in Superior Court after following a procedure the act establishes (§ 411).

The act also generally prohibits engaging in intimidating, deceptive, or obstructive acts that affect the right to vote, and allows the secretary and certain aggrieved parties to file actions in Superior Court alleging violations (§ 415).

The act additionally requires:

1. the secretary to establish a statewide election information database (§ 412);
2. certain municipalities to provide language-related assistance in voting and elections (§ 413); and
3. certain jurisdictions to get preclearance from the secretary or Superior Court before enacting or implementing certain elections policies or requirements, and authorizes court action to prevent enacting or implementing these policies without preclearance (§ 414).

For violations of the act, the secretary and certain aggrieved parties may file an action in Superior Court to enforce the act's provisions. The act authorizes the court to award reasonable attorney's fees and litigation costs to a prevailing party, except the state or a municipality, that filed an action to enforce the act's provisions. The filing party is considered to have prevailed if, because of the litigation, the other party yielded much or all the relief sought in the action. A prevailing party that did

not file the action cannot receive any costs unless the court finds the action is frivolous, unreasonable, or without foundation (§ 418).

Lastly, the act specifies that any voting statute, regulation, special act, home rule ordinance, or other state or municipal enactment must be construed liberally in favor of (1) protecting the right to vote and having the vote be valid and counted, (2) ensuring qualified individuals may register to vote, (3) providing voting access to qualified individuals, and (4) ensuring equal access for protected class members (§ 416). And nothing in the act may be construed to limit the (1) Commission on Human Rights and Opportunities' powers or (2) State Elections Enforcement Commission's (SEEC) attempts to secure voluntary compliance in remedying election-related violations (§ 417).

EFFECTIVE DATE: July 1, 2023, except that provisions on the statewide elections database, language-related assistance, and preclearance are effective January 1, 2024.

Prohibition on Impairing Protected Class Members' Voting Rights or Diluting Their Votes (§ 411)

Broadly, the act prohibits municipalities from (1) imposing certain practices or policies in a way that impairs protected class members' right to vote and (2) employing election methods in municipal elections that dilute the vote of protected class members. It establishes a process for certain parties to file actions with the Superior Court alleging municipalities violated these prohibitions, as well as remedies the court may issue. It also allows municipalities to adopt resolutions and remedies for potential violations and enter agreements with aggrieved parties.

Under the act, "voting" is any action needed to cast a ballot and make the ballot effective in an election or primary (e.g., absentee ballot applications and admission as an elector).

Impairing Protected Class Members' Right to Vote (§ 411(a)). The act prohibits municipalities from doing any of the following in a way that impairs a protected class member's right to vote:

1. imposing voting prerequisites or qualifications to be an elector;
2. enacting ordinances, regulations, or other laws on election administration; or
3. applying standards, practices, procedures, or policies.

More specifically, the act makes it a violation of this prohibition if the municipality does any of the above and it (1) results, or will result, in a disparity between protected class members' and the general electorates' electoral or political participation or voting access or (2) impairs members' ability to participate in the political process, elect their chosen candidates, or otherwise influence an election's outcome, based on the totality of the circumstances.

The act also establishes factors the court may consider when determining whether a violation of this provision has occurred (see *Court Determination Class Members' Right to Vote is Impaired* below).

Diluting the Vote of Protected Class Members (§ 411(b)). In elections for municipal office, the act also prohibits municipalities from using any election method that dilutes the vote of protected class members and, in doing so, impairs or intends to impair members' ability or opportunity to participate in the political

process, elect their chosen candidates, or otherwise influence an election's outcome.

More specifically, the act makes it a violation if:

1. a municipality elects candidates to its legislative body using (a) an at-large election method (i.e., all municipal electors vote on the candidates), (b) a district-based method (i.e., for municipalities divided into districts, candidates for districts must reside there and are voted on by only that district's electors), or (c) an alternative election method (i.e., an election method other than an at-large or district-based method, such as ranked-choice voting, cumulative voting, and limited voting),
2. protected class members' preferred candidates or electoral choices would usually be defeated, and
3. either (a) divergent voting patterns occur and the election method results in a dilutive effect on the vote of protected class members or (b) based on the totality of the circumstances, members' ability to participate in the political process, elect their chosen candidates, or otherwise influence election outcomes is impaired.

Under the act, "divergent voting patterns" are voting in which protected class members' preferred candidate or electoral choice differs from that of other electors. The act establishes factors the Superior Court must consider when determining if divergent voting patterns occur or an election method has a dilutive effect (see *Court Determination on Divergent Voting Patterns and Diluted Votes* below).

A "municipality" is any town, city, or borough, whether consolidated or unconsolidated; any local or regional school district; fire district; water district; sewer district; fire and sewer district; lighting district; village, beach, or improvement association; other district wholly within a town that can make appropriations or tax; or any other district authorized under the general statutes. The "legislative body" is a municipality's board of aldermen, council, board of burgesses, representative town meeting, board of education, district committee, association committee, or other similar body, as applicable.

Initiating Court Action (§ 411(d)). The act authorizes an aggrieved person, an organization whose membership includes or likely includes aggrieved persons (collectively referred to below as "aggrieved parties") or the secretary of the state to file actions for violations of these prohibitions with the Superior Court for the judicial district where the violation occurred. Members of two or more protected classes may jointly file if they are politically cohesive in the municipality.

Notification Letter Before Filing Action (§ 411(g)). Before filing a court action against a municipality for an alleged violation, the act requires an aggrieved party to send a notification letter asserting a violation to the municipality's clerk by certified mail, return receipt requested. The act prohibits the party from filing an action earlier than 50 days after sending this letter.

Municipal Response to Notice of Violation (§ 411(g)). Before receiving a notification letter, or within 50 days after a notification letter is sent to a municipality, the municipality's legislative body may pass a resolution to (1) affirm the municipality's intent to enact and implement a remedy for a potential violation, (2) provide specific measures the municipality will take to obtain approval of and

implement the remedy, and (3) provide a schedule for enacting and implementing the remedy.

The act further prohibits an aggrieved party from filing a court action within 90 days after the resolution's passage. Thus, if the municipality does not pass a resolution within 50 days after receiving a notification letter, the aggrieved party may file an action at that time. If the municipality passes a resolution before the 50-day deadline, the aggrieved party must wait until 90 days after the resolution passes to file a court action.

If under state law, town charter, or home rule ordinance, a municipal legislative body lacks authority to enact or implement a remedy identified in any resolution within 90 days after its passage, or if the municipality is a covered jurisdiction under the act (see *Preclearance of Covered Policies by Covered Jurisdictions* below*)*, then its legislative body must hold at least one public hearing on any proposed remedy to the potential violation. Before the hearing, the municipality must conduct public outreach, including to language minority groups, to encourage input. The municipality's legislative body may approve any proposed remedy that complies with the act and submit it for the secretary's approval (see *Secretary Approval* below).

Agreement Between Municipality and Aggrieved Party (§ 411(g)). The act allows a municipality that passed a resolution to enter into an agreement with an aggrieved party who sent a notification letter, so long as the (1) party will not file an action within 90 days after entering into the agreement and (2) municipality will either (a) enact and implement a remedy that complies with the act's provisions or (b) pass a resolution as described above and submit it to the secretary. If the party declines to enter into an agreement, it may file an action at any time, subject to the timelines described above.

Secretary Approval (§ 411(g)). When municipalities must submit any proposed remedy to the secretary (i.e., covered jurisdictions or those not authorized to enact the remedy within 90 days), the act requires the secretary to approve or reject the proposed remedy within 90 days after the municipality submits it. She may make a determination independent of the state's election laws or any special act, charter, or home rule ordinance. But if she does not act on it within this period, the act prohibits the proposed remedy from being enacted or implemented. The secretary may require the municipalities or any other party to provide additional information on the proposed remedy.

The secretary may only approve the proposed remedy if she concludes that the municipality may be violating the act's requirements and the proposed remedy (1) would address a potential violation, (2) does not violate the state constitution or federal law, and (3) can be implemented without disrupting an ongoing or imminent election.

If approved, the proposed remedy must be enacted and implemented immediately, unless it would disrupt an imminent or ongoing election, in which case it must be implemented as soon as possible. If the municipality is a covered jurisdiction, it does not also have to get the proposed remedy precleared (see *Preclearance of Covered Policies by Covered Jurisdictions* below).

If the secretary denies the proposed remedy, it cannot be enacted or

implemented. In addition, she must give her reasons for the denial and may recommend another proposed remedy that she would approve.

Cost Reimbursement (§ 411(g)). Under the act, if a municipality enacts or implements a remedy or the secretary approves a proposed remedy, then an aggrieved party who sent a notification letter about a potential violation related to the implemented remedy may submit a municipal reimbursement claim for the costs associated with producing and sending the letter. The party must (1) submit this claim in writing within 30 days after the remedy's enactment, implementation, or approval and (2) substantiate it with financial documentation, including a detailed invoice for any demography services or analysis of municipal voting patterns.

Upon receiving a claim, the municipality may ask for additional financial documentation if the provided information is insufficient to substantiate the costs. The act requires the municipality to reimburse the party for reasonable costs claimed or for an amount to which the party and municipality agree, but it caps the total reimbursement amount to all involved parties (other than the secretary) at $50,000 adjusted to any change in the consumer price index for all urban consumers. If a party and municipality fail to agree to a reimbursement amount, either one may file an action for a declaratory ruling in the Superior Court for the judicial district where the municipality is located.

Court Determination on Divergent Voting Patterns and Diluted Votes (§ 411(b)). The act requires the court to consider certain factors as more probative (i.e., tending to prove or disprove a point) than others when determining whether (1) divergent voting patterns occur or (2) an election method results in a dilutive effect on protected class members' votes. Specifically, the court must consider:

1. elections held before the action's filing as more probative than elections conducted afterward,
2. evidence about elections for municipal office as more probative than evidence about elections for other offices, and
3. statistical evidence as more probative than nonstatistical evidence.

The act prohibits the court from (1) requiring evidence of the electors', elected officials', or municipality's intent to discriminate against protected class electors and (2) considering causes or reasons for divergent voting patterns or dilutive effects.

Under the act, if two or more protected classes bring claims, the court must combine the classes if they are politically cohesive in the municipality. The court cannot require evidence that each class is separately divergent from other electors.

Court Determination Class Members' Right to Vote is Impaired (§ 411(c)). The act allows the court to consider the following when determining, based on the totality of the circumstances, whether an impairment of protected class members' voting rights, ability to elect their chosen candidates, or otherwise influence elections' outcomes has occurred:

1. the municipality's or state's history of discrimination;
2. the extent to which protected class members were elected to municipal office;
3. enhanced dilutive effects of a municipality's election method due to its use of any (a) elector qualification or other voting prerequisite; (b) statute,

ordinance, regulation, or other law on election administration; or (c) related standard, practice, procedure, or policy;

4. any history of protected class members' or candidates' unequal access to election administration or campaign finance processes that determine which candidates will receive ballot access or financial or other support for municipal office;
5. the extent to which protected class members in the municipality or state historically made campaign expenditures at lower rates than other individuals in the municipality or state;
6. the extent to which protected class members in the municipality or state vote at lower rates than other individuals in the municipality or state, as applicable;
7. the extent to which protected class members in the municipality are disadvantaged or otherwise bear the effects of discrimination in ways that may hinder their ability to participate effectively in the political process (e.g., education, employment, health, criminal justice, housing, transportation, land use, environmental protection, or other areas);
8. the use of overt or subtle racial appeals in political campaigns in the municipality, or surrounding the adoption or maintenance of challenged practices;
9. the extent of hostility or barriers candidates who are protected class members face, due to their membership in the class, while campaigning;
10. a significant or recurring lack of responsiveness of elected municipal officials to protected class members' needs (responsiveness does not include compliance with a court order); and
11. whether a valid state interest exists for a particular (a) election method; (b) ordinance, regulation, or other law on election administration; or (c) related standard, practice, procedure, or policy.

No combination or number of factors is required for a determination of impairment.

Court Remedies (§ 411(e)). Under the act, the court must order appropriately tailored remedies when it finds a municipal violation of the above-prohibited acts, regardless of the state's election laws or any special act, charter, or home rule ordinance, and even if normally precluded by municipal law or special acts relating to the conduct of elections. The remedy must (1) not contravene the state constitution, (2) ensure protected class members can equitably participate in the political process, (3) not impair protected class members' ability to elect their candidates of choice or otherwise influence the election outcome, (4) be implemented in a way that will not disrupt an imminent or ongoing election, and (5) take into account the ability of the municipality's election administration officials to implement the remedy in an orderly and fiscally sound manner.

These remedies include:

1. a district-based or an alternative election method;
2. new or revised districting or redistricting plans;
3. eliminating staggered elections so that legislative body members are simultaneously elected;

4. a reasonable increase in the legislative body's size;
5. additional voting days, voting hours, or polling locations;
6. additional means of voting or opportunities to return ballots;
7. holding special elections;
8. expanded elector admission opportunities;
9. additional elector education; or
10. restoring or adding people to registry lists.

The court may also retain jurisdiction and place a moratorium on implementing any eligibility qualifications or prerequisites, voting standards, practices, or procedures that are different than those in effect when an action was filed with the court (see *Initiating Court Action* above). The moratorium must remain in place until the court determines whether the qualification, prerequisite, standard, practice, or procedure does not have the purpose, and will not have the effect, of impairing the right to vote based on protected class membership or violating the act's provisions. The finding cannot preclude a future cause of action preventing enforcement.

The act requires the court to consider remedies proposed by any involved party and other interested persons, but it prohibits giving deference or priority to a municipality's proposed remedy.

Proposals After Letter or Court Filing (§ 411(f)). Under the act, after receiving a notification letter or the filing of a court action alleging a violation of the act or federal VRA, a municipality must have its legislative body take certain actions on any proposal to enact and implement a new (1) election method to replace an at-large method or (2) districting or redistricting plan.

Before drawing a draft districting or redistricting plan, or transitioning to an alternative election method, the act requires the municipality to hold at least one public hearing to receive input on the draft or proposal. Notice of the hearing must be published at least three weeks before the hearing. The act also requires the municipality to do public outreach before the hearing, including to language minority groups, to explain the districting or redistricting process and encourage input.

The act requires the municipality to publish and make available for public dissemination the draft districting or redistricting plans after they are drawn, but at least three weeks before a public hearing. The information must include the potential election sequence if the municipality's legislative body members will be elected to staggered terms under the plan.

The act requires the municipality to hold at least one public hearing to discuss the draft or proposal. It must also publish and make available for public dissemination any plan or plans revised at or after the hearings at least two weeks before adopting them.

Preliminary Election Relief (§ 411(g)). Under the act, an aggrieved party may seek preliminary relief from the court for an upcoming regular election held in a municipality by filing an action during the 120 days before the election. To do so, the party must also send a notification letter to the municipality before they file. The act requires the court to grant relief if it determines that the (1) aggrieved party has shown a substantial likelihood of success on the merits and (2) remedy would

resolve the alleged violation before the election and not unduly disrupt it.

If the action is withdrawn or dismissed as moot due to the municipality enacting or implementing a remedy or the secretary approving a proposed remedy, then the party may only submit a reimbursement claim for costs associated with the notification letter (see *Cost Reimbursement* above).

Statewide Elections Information Database (§ 412)

The act requires the secretary to establish a statewide information database to help the state and any municipality (1) evaluate whether, and to what extent, current election laws and practices meet the act's provisions; (2) implement best practices in election administration to further the act's purposes; and (3) investigate potential infringements of voting rights. The database must be published on the secretary's website, excluding any data or information that identifies individual voters.

The act requires her to designate an employee of her office to serve as the database manager. This employee must hold an advanced degree from an accredited college or university, or have equivalent experience, and have expertise in demography, statistical analysis, and electoral systems. The act allows (1) the manager to operate the database and manage staff as needed to implement and maintain it and (2) the secretary to give nonpartisan technical assistance to municipalities, researchers, and the public on using the database's resources. She may enter into an agreement with UConn or a CSCU member to perform or assist in performing these functions.

Database Contents. Under the act, the database must electronically maintain, at minimum, the following data and records from at least the last 12 years:

1. estimates of total population, voting-age population, and citizen voting-age population by race, color, and language minority group, broken down annually to the municipal district level, based on information from the U.S. Census Bureau, including from the American Community Survey (ACS), or information of comparable quality collected by a similar governmental agency, accounting for population adjustments for incarcerated individuals as required under state law;
2. district level election results for each statewide and municipal election;
3. regularly updated registry lists, geocoded locations for each elector, and voter history files for each election in each municipality;
4. contemporaneous maps, boundary descriptions, and similar items in shapefiles or a comparable electronic format if available;
5. geocoded locations for polling places and absentee ballot drop boxes for each election in the municipality, including a list or description of the location's service area; and
6. any other information the secretary deems advisable to further the act's purposes.

Except for data, information, or estimates that identify individual electors, this information must be made publicly available in an electronic format at no cost. Under the act, any estimate prepared under these provisions must use the most advanced, peer-reviewed, and validated methodologies. The act also establishes a rebuttable presumption that the data, estimates, or other information maintained in the database is valid in any action due to the impairment of protected classes' voting

rights or diluting of their votes.

The act requires municipal election administrators to transmit any election-specific information listed above in electronic format to the secretary after certifying election results and completing the post-election voter history file. Additionally, on an annual basis, or as she requests, the Criminal Justice Information Systems Governing Board and any other state entity identified by the secretary must transmit any data, statistics, or information that the office requires to carry out its duties and responsibilities.

Once she is prepared to administer the database, she must certify this in a report to the Government Administration and Elections Committee.

Language-Related Assistance (§ 413)

Impacted Municipalities (§ 413(b) & (c)). The act requires a municipality to provide language-related assistance in voting and elections if the secretary determines a significant and substantial need exists based on ACS information or data of comparable quality.

Under the act, the secretary must find that a significant and substantial need exists if:

1. more than 2% of the municipality's voting-age citizens speak a particular shared language and are limited English proficient individuals (i.e., do not speak English as their primary language and speak, read, or understand the English language less than "very well," according to U.S. Census Bureau data or data of comparable quality collected by a governmental entity);
2. more than 4,000 of the municipality's voting-age citizens speak a particular shared language and are limited English proficient individuals; or
3. for a municipality with part of a Native American reservation, more than 2% of the reservation's Native American voting-age citizens speak a particular shared language and are limited English proficient individuals ("Native American" includes anyone recognized as "American Indian" by the U.S. Census Bureau or the state of Connecticut).

Starting by January 15, 2024, the secretary must annually publish on its website a list of municipalities that must provide language assistance and which languages they each must cover. She must also give this information to every impacted municipality.

Assistance Provided (§ 413 (d) & (e)). Under the act, these municipalities must give electors who are limited English proficient individuals voting materials in English and each designated language, including registration or voting notices, forms, instructions, assistance, ballots, or other materials or information about the electoral process. The requirement does not apply for a language minority group whose language is oral or unwritten, allowing the municipality to instead provide the information orally.

The translated materials must be of equal quality as the English materials and convey the intent and essential meaning of the original text or communication, including live translation whenever available. A municipality may not rely solely on an automatic translation service.

Review Process (§ 413 (f)). The act requires the secretary, through regulation, to establish a review process for determining whether a significant or substantial

need for language assistance exists if it has not already been established through the process outlined above. This process must include:

1. accepting requests for her to consider designating a language from (a) electors, (b) organizations that include or likely include electors, (c) organizations whose mission would be frustrated if language assistance was not provided, or (d) organizations that would expend resources to rectify a lack of language assistance;
2. an opportunity for public comment; and
3. allowing her, as part of this determination process, to designate a language-assistance need for any municipality after considering the request and public comment.

Court Action (§ 413(g)). The act allows aggrieved parties and the secretary of the state to file an action for violations of these provisions in the Superior Court for the judicial district where the violation occurred. However, no determination by the secretary to designate a municipality or language for assistance may be considered a violation.

Preclearance of Certain Policies by Covered Jurisdictions (§ 414)

The act subjects certain covered jurisdictions (see below) to preclearance by the secretary or the Superior Court for the judicial district the jurisdiction is in before enacting or implementing certain election- or voting-related actions or policies ("covered policies," see below). The secretary may adopt regulations to implement these preclearance procedures.

Under the act, when a municipality submits a policy for preclearance to the secretary or Superior Court, the covered jurisdiction bears the burden of proof.

Covered Policies (§ 414 (b)). Under the act, a "covered policy" includes any new or modified elector admission qualification, voting prerequisite, or related standard, practice, procedure, or policy regarding:

1. election methods;
2. forms of government;
3. annexation, incorporation, dissolution, consolidation, or division of a municipality;
4. removal of individuals from registry or enrollment lists and other activities concerning these lists;
5. polling place hours and the number and location of polling places and absentee ballot drop boxes;
6. the district assignment of polling places and absentee ballot drop box locations; or
7. assistance offered to protected class members.

Policies on redistricting or districting are also subject to preclearance if the municipality is a covered municipality and, within the past 25 years, has:

1. had at least three court orders or government enforcement actions for violating the act's provisions, the federal VRA, a state or federal civil rights law, or the U.S. Constitution's 14th or 15th Amendments, on the right to vote or a pattern, practice, or policy of discrimination against a protected class or
2. been subject to a court order or government enforcement action on

districting, redistricting, or election methods.

Under the act, government enforcement actions include (1) any denial of administrative or judicial preclearance by the state or federal government, (2) pending litigation filed by a state or federal entity, (3) final judgment or adjudication, (4) a consent decree, or (5) a similar formal action.

Covered Jurisdictions (§ 414(c)). The act requires the secretary, at least annually, to identify and publish on the office's website a list of "covered jurisdictions" that becomes effective upon publication. Covered jurisdictions include any municipality:

1. that, within the last 25 years, was subject to a court order or government enforcement action (see above) based on a finding of a violation of the act's provisions, the federal VRA, a state or federal civil rights law, or the U.S. Constitution's 14th or 15th Amendments concerning the right to vote or a pattern, practice, or policy of discrimination against a protected class;
2. that, within the last three years, failed to comply with its obligations to provide data or information to the statewide database, excluding inadvertent or unavoidable delays communicated to the secretary and corrected in a reasonable time;
3. in which protected class members makeup at least 10% of eligible voters or 1,000 eligible electors and (a) during any of the last 10 years, the combined misdemeanor and felony arrest rate for any protected class exceeded the combined arrest rate of the municipality's entire population by at least 20%, based on data from the state criminal justice information systems and excluding municipalities that are school districts, or (b) the voter turnout rate of protected class members for general elections was at least 10% lower than the percentage of all voters; or
4. that, on or after January 1, 2034, enacted or implemented a covered policy during any of the previous 10 years without obtaining preclearance under the act when required to do so.

Any estimates prepared to identify a covered jurisdiction must use the most advanced, peer-reviewed, and validated methodologies. Additionally, a determination by the secretary for inclusion as a covered jurisdiction may be appealed under the Uniform Administrative Procedure Act (UAPA).

Secretary Preclearance: Public Comment and Review Period (§414(e)). If a covered jurisdiction seeks preclearance from the secretary (rather than Superior Court), it must submit its covered policy in writing to her. As soon as practicable, but within 10 days after receiving the submission, the secretary must publish the submitted covered policy on the office's website.

Before granting or denying the preclearance, the secretary must allow interested parties to submit written comments on the covered policy. She must provide a means for the public to receive notifications or alerts of preclearance submissions as well.

The act also sets a deadline for her to render a decision on a submission. The comment period and the secretary's decision period run concurrently and vary depending on the type of policy submitted, as shown in the table below.

Table: Preclearance Comment and Secretary's Decision Periods

General Policy	*Comment Period*	*Secretary Review and Decision Period*
Location of polling places or absentee ballot drop boxes	10 business days	Within 30 days after submission; may extend up to 20 additional days
District-based election methods, districting or redistricting plans, or a change to the municipality's form of government	20 business days	Within 90 days after submission; may extend up to 90 additional days twice
All other policies	10 business days	Within 90 days after submission; may extend up to 90 additional days twice

During the review period, she may ask the covered jurisdiction for any additional information needed for her determination. Failure to provide this information may be grounds for preclearance denial.

Secretary Preclearance: Determinations (§ 414 (e)). After her review, the secretary must publish a report of her determination on the secretary of the state's website. She must provide one of three responses in her determination: approval, denial, or preliminary preclearance.

If preclearance is approved, the jurisdiction may implement the policy. However, the secretary's determination may not be admitted or considered by a court in an action challenging the policy. A covered policy is precleared if the secretary does not act within the required time.

If preclearance is denied, she must provide the objections serving as the basis for denial and the covered policy may not be enacted or implemented. The act only allows the secretary to deny preclearance to a covered policy if she determines that it will more likely than not (1) diminish protected class members' ability to participate in the political process, elect their choice candidates, or otherwise influence the election or (2) violate the act's provisions. The act authorizes any denial to be appealed as allowed under the UAPA. The appeal must be prioritized for trial assignment.

The secretary may also designate a policy for preliminary preclearance that may be implemented immediately, subject to a final preclearance decision within 90 days after the original submission.

The act also authorizes her to establish regulations for an expedited, emergency preclearance process for covered policies submitted during or immediately preceding an attack, disaster, emergency, or other exigent circumstance. Any policy submitted under these circumstances may only be designated for preliminary preclearance.

Superior Court Preclearance (§ 414(f)). Alternatively, the act allows a covered jurisdiction to seek preclearance for a covered policy from the Superior Court for the judicial district the jurisdiction is in instead of from the secretary. The covered

jurisdiction must submit the policy to the court in writing and simultaneously copy the secretary. Failing to provide this copy results in automatic denial. The act gives the court exclusive jurisdiction over the submission despite the requirement to give the secretary a copy. Just as under the preclearance process with the secretary, the covered jurisdiction bears the burden of proof for any preclearance determination.

Under the act, the court must grant or deny the preclearance within 90 days after receiving the submission. Granting preclearance has the same effect as if the secretary granted it (i.e., the jurisdiction may enact the policy immediately and preclearance is inadmissible in any later court actions challenging the policy).

However, the court may deny preclearance only if it determines that the policy will more likely than not (1) diminish the protected class members' ability to participate in the political process, elect their choice candidates, or otherwise influence the election or (2) violate the act's provisions.

If the court denies preclearance or does not decide on it within 90 days, the covered policy cannot be enacted or implemented. The act allows a denial to be appealed under the ordinary rules of appellate procedure, and it must be prioritized for appeal assignment.

Court Action to Enjoin a Covered Policy (§ 414 (g)). The act authorizes the secretary or aggrieved parties to bring an action in the Superior Court for the judicial district the jurisdiction is in to enjoin enacting or implementing a covered policy without this preclearance and to seek sanctions.

Acts of Intimidation, Deception, or Obstruction (§ 415)

Prohibited Acts. The act prohibits anyone, whether acting in an official governmental capacity or otherwise, from engaging in intimidating, deceptive, or obstructive acts that will likely interfere with any elector's right to vote.

Under the act, these prohibited acts are:

1. using or threatening to use force, violence, restraint, abduction, or duress; inflicting or threatening to inflict injury, damage, harm, or loss; or any other type of intimidation;
2. knowingly using a deceptive or fraudulent device, contrivance, or communication that causes interference; or
3. obstructing, impeding, or otherwise interfering with (a) access to a polling place, absentee ballot drop box, or an election official's office or place of business or (b) an elector or election official, in a manner that will likely cause a delay in the voting process.

Court Action. The act allows aggrieved parties to bring an action in the Superior Court for the judicial district the violation occurred in. They may do so regardless of any action SEEC, the attorney general, or state's attorney files. Any complainant must certify they have copied SEEC on the complaint through first-class mail or delivery or will copy SEEC not later than the following business day.

When finding a violation of these provisions, the act requires the court, regardless of state election laws, any special act, charter, or home rule ordinance, to order appropriately tailored remedies to address the violation, including additional time to vote at an election, primary, or referendum. It makes violators of these provisions, and anyone who helps commit them, liable for court-awarded damages, including nominal damages and compensatory or punitive damages for

willful violations.

The act's prohibition applies regardless of certain state election law provisions that establish prohibited acts and associated criminal penalties. For example, under these existing laws, influencing or attempting to influence an elector to stay away from an election by force or threat, bribery, or corrupt, fraudulent, or deliberately deceitful means is a class D felony (see *Table on Penalties*).

§ 419 — STANDARD WAGE LAW

Modifies the state's standard wage law to, among other things, (1) require contractors covered by the law to meet certain notice posting requirements, (2) specify which benefits are covered by the 30% surcharge that contractors must pay under certain circumstances, and (3) allow aggrieved employees to bring a civil action in Superior Court

The state's standard wage law generally requires private contractors who perform building and property maintenance, property management, or food service work under state contracts to pay their employees a certain level of wages and benefits set by a statutorily defined process. The act does the following:

1. expands the law to cover contractors who provide security services under these contracts;
2. specifies that each pay period in which an employee is paid less than the required standard wage rate is a separate violation (subject to a $2,500 to $5,000 fine under existing law);
3. requires covered contractors, for the duration of a covered contract, to annually (a) contact the labor commissioner by September 1 to get the applicable standard wage and (b) make any necessary adjustments by October 1;
4. adds related notice posting requirements; and
5. modifies the law's enforcement provisions, including by allowing aggrieved employees to bring a civil action in Superior Court instead of bringing a complaint to the labor commissioner.

By law, the covered contractors must pay their covered employees a standard rate of wages that includes the "prevailing rate of wages" and the "prevailing rate of benefits" received by most employees doing the same type of work under a union contract that covers the largest number of hourly nonsupervisory employees (but at least 500) in Hartford County. If there is no prevailing rate of benefits, then the contractor must either (1) pay a 30% surcharge to cover the cost of any health, welfare, and retirement benefits or (2) pay them an extra 30% directly if the contractor does not provide its employees benefits. The act specifies that the benefits covered by the surcharge do not include those required by federal, state, or local law.

EFFECTIVE DATE: October 1, 2023

Posting Requirements

The act requires the covered contractors to post in a prominent and accessible place a poster stating (1) the standard rates of wages owed to employees, (2) employee rights and remedies for violations of the law, and (3) the labor commissioner's contact information. They must do so by the first day that work must be performed under a covered contract and for the contract's duration.

The act requires the labor commissioner to develop a suitable poster with the

information required above and give it to the covered contractors. It also requires her to post the department's determinations of the corresponding standard rates for each job classification on its website.

Enforcement

Prior law allowed the labor commissioner and certain other Department of Labor employees to enter a covered contractor's business and conduct certain investigative activities (e.g., examine records) upon receiving a complaint about nonpayment of the standard rate of wages. The act (1) allows these officials to conduct these activities without first receiving a complaint and (2) explicitly allows an employee or a group of employees and their designated representatives to bring a complaint about nonpayment of the standard wage with the labor commissioner.

The act also allows an employee or group of employees aggrieved by a violation of the standard wage law to bring a civil action in Superior Court instead of bringing a complaint to the labor commissioner. If the court finds that the employer violated the law, it may order (1) the employer to stop engaging in the violation; (2) any affirmative action it deems appropriate, including paying back pay and the prevailing rate of benefits or the 30% surcharge required by the law; or (3) other equitable relief. The act also allows the court to order compensatory and punitive damages if it finds that the employer committed a violation with malice or reckless indifference. It may also award attorney's fees and court costs.

§§ 422 & 428 — COOPERATIVE PURCHASING AND PURCHASES FROM OTHER STATES

Allows state agencies, with DAS approval, to make purchases directly from other states; expands the circumstances under which UConn and CSCU may make cooperative purchases

State Agencies (§ 422)

The act allows state agencies, with the approval of the Department of Administrative Services (DAS) commissioner or her designee, to purchase equipment, supplies, materials, and services directly from another state or its instrumentalities or political subdivisions. Under existing law, state agencies, if approved by the DAS commissioner or her designee, may purchase these goods and services from, among others, a person with a contract to sell them to other state governments.

UConn and CSCU (§ 428)

The act expands the authority for UConn and the Connecticut State Colleges and Universities (CSCU) to make cooperative purchases or purchases under an existing contract held by another entity (i.e., "piggyback"). (CSCU includes the state universities, regional community-technical colleges, and Charter Oak State College.)

Specifically, the act allows UConn and CSCU to join with another Connecticut state branch, division, or department, or with one another, in a cooperative purchasing plan if it would serve the state's best interests. It also allows UConn and CSCU to purchase goods and services from a person with a contract to sell them to any of these entities or a federal agency.

Existing law allows UConn and CSCU to (1) join with specified entities in a cooperative purchasing plan (e.g., a federal agency or another state government)

and (2) purchase goods and services from a person that has a contract to sell them to specified entities (e.g., another state government or a nonprofit organization).

EFFECTIVE DATE: Upon passage

§ 423 — EXEMPTION FROM POSTING CONTRACTS ONLINE

Exempts, from a requirement that DAS post on its website any goods or services contract entered into without competitive bidding or competitive negotiation, minor nonrecurring or emergency purchases of $25,000 or less

Prior law required DAS to post on its website any goods or services contract entered into without competitive bidding or competitive negotiation. The act exempts from this requirement minor nonrecurring or emergency purchases of $25,000 or less.

EFFECTIVE DATE: Upon passage

§ 424 — FILINGS BY STATE INFORMATION TECHNOLOGY CONTRACTORS

Eliminates a requirement that state IT contractors file a copy of executed subcontracts or subcontract amendments with the DAS commissioner

The act eliminates a requirement that state information technology (IT) contractors file a copy of executed subcontracts or subcontract amendments with the DAS commissioner. Existing law, unchanged by the act, prohibits IT contractors from awarding a subcontract unless the DAS commissioner (or a designee) approves the subcontractor selection.

EFFECTIVE DATE: Upon passage

§§ 425, 426 & 429 — COMPETITIVE PROCESSES FOR GOODS AND SERVICES PURCHASES

Increases, for UConn, CSCU, and state agencies, the thresholds at which (1) goods and services procurements must be advertised online (from $50,000 to $100,000) and (2) competitive bidding may be waived for minor purchases (from $10,000 to $25,000); increases the threshold at which the Standardization Committee must approve a competitive bidding waiver for certain emergency procurements

State Agencies (§§ 425 & 426)

Existing law generally requires executive branch state agencies to make goods and services purchases using competitive bidding or competitive negotiation when possible. The act increases, from $50,000 to $100,000, the threshold cost of a procurement that must be advertised on the State Contracting Portal at least five days before the submission deadline for responses (i.e., costs above this amount must be advertised). It also increases, from $10,000 to $25,000, the maximum cost of minor nonrecurring and emergency purchases for which the DAS commissioner may waive competitive bidding or negotiation.

Existing law also allows the DAS commissioner or the state's chief information officer, as applicable, to waive competitive bidding requirements in specified emergency situations. The act increases, from $50,000 or more to $100,000 or more, the cost of a procurement for which the Standardization Committee must approve the waiver. By law, the committee consists of the DAS commissioner, the state comptroller and state treasurer or their designees, and other department heads

(or their authorized agents) designated by the governor.

UConn and CSCU (§ 429)

The act increases, from $50,000 to $100,000, the maximum cost of a goods and services procurement for which UConn and CSCU do not need to solicit competitive bids or proposals. Under the act, UConn and CSCU generally must make purchases of $100,000 or less in the open market but must base them, when possible, on three competitive quotations. If the purchase exceeds $100,000, then UConn and CSCU generally must solicit competitive bids or proposals by posting notice online at least five calendar days before the closing date for submitting bids or proposals.

Existing law sets several exceptions to the above purchasing requirements, including one for minor purchases. The act increases, from $10,000 to $25,000, the maximum cost of a minor purchase that is exempt from these requirements.

EFFECTIVE DATE: October 1, 2023

§ 427 — NONDISCRIMINATION AFFIRMATION

Allows state contractors to affirm their understanding of the law's nondiscrimination requirements with respect to sexual orientation by signing the contract

Existing law requires that each state contract have specified language requiring the contractor to agree to, among other things, not discriminate on the basis of sexual orientation (i.e., a nondiscrimination affirmation provision). Under prior law, the contract's authorized signatory had to show his or her understanding of this obligation by either (1) providing an affirmative response to a question about the provision in the required online bid or request for proposals or (2) initialing the affirmation provision in the contract.

The act adds the signing of the contract to the list of ways the signatory may show his or her understanding of these requirements. A parallel nondiscrimination statute (e.g., on the basis of race or religion, among other grounds) already allows signatories to show their understanding by signing the contract (CGS § 4a-60).

EFFECTIVE DATE: Upon passage

§ 430 — UCONN CAPITAL PROJECTS

For UConn construction manager at-risk projects to renovate existing buildings or facilities, allows (1) certain work to begin before the project's guaranteed maximum price (GMP) is determined and (2) a separate GMP to be determined for each phase of a multi-phase project

The act allows, for UConn construction manager at-risk (CMR) projects that involve renovating existing buildings or facilities, (1) certain work to begin before the project's guaranteed maximum price (GMP) is set and (2) a separate GMP to be set for each phase of a multi-phase project. Generally, the act aligns UConn's CMR requirements with those for DAS CMR projects (CGS § 4b-103).

By law, a CMR project may not proceed until the GMP is set, except for site preparation and demolition work for which contracts have previously been bid and awarded (see *Background*). For UConn CMR projects that involve renovating existing buildings or facilities, the act allows public utility installation and connections and building envelope components (e.g., roof, doors, windows, and exterior walls) to also begin before the GMP is determined, so long as (1) they have previously been bid and awarded and (2) the early work's total cost (including site

preparation and demolition) is not more than 25% of the entire project's estimated construction cost.

The act also allows a separate GMP to be set for each phase of a multi-phase project that involves renovating an existing building while it remains occupied. Under prior law, one GMP was set for the entire project.

EFFECTIVE DATE: Upon passage

Background — CMR Projects

In a CMR project, the owner (e.g., UConn) hires a firm with construction experience (the construction manager or "CM"), usually during a project's design phase, to manage the entire construction process. The CM provides pre-construction services such as estimating costs, budgeting, reviewing constructability and suggesting construction alternatives, and scheduling. Once the design is finalized, the CM seeks competitive bids from subcontractors for each project element (e.g., electrical, mechanical, carpentry, roofing). Once the subcontractors' bids are received and verified for compliance with project requirements, scope, and specifications, the CM and the project owner negotiate and set a GMP for construction. The CM assumes the risk to complete the project within the GMP.

The GMP includes the CM's fee, the cost of the work, and contingency funds for the project. The CM is responsible for costs that exceed the GMP, excluding any work not included in the final GMP that the owner authorizes through a change order process.

§§ 431 & 432 — UCONN CONTRACTOR PREQUALIFICATION

Generally increases the threshold requiring separate contractor prequalification by UConn to $1 million for capital projects; eliminates a requirement that the university separately prequalify contractors for each project and instead allows UConn to prequalify contractors for one year and renew the prequalification for two years

The law generally requires that contractors for state public works projects be prequalified by DAS if the cost of the work exceeds a specified threshold (which the act increases, see §§ 433-437 below). Prior law required UConn to separately prequalify contractors for each capital project whose cost exceeded $500,000. The act (1) increases the threshold for separate prequalification to $1 million and (2) allows the university to prequalify contractors for one year (rather than for each separate project) and renew the prequalification for up to two more years. It also makes conforming changes.

As under prior law, contractors seeking prequalification from UConn must show that they (1) have the financial, managerial, and technical ability and integrity needed to perform work for the university faithfully and efficiently; (2) are responsible and qualified based on experience with similar projects; and (3) do not have a conflict of interest. (The act also applies the third requirement, but not the first two, to projects costing between $500,000 and $1 million.)

The act allows UConn to include more qualification requirements in its discretion. Prior law also required that contractors seeking prequalification from UConn be prequalified by DAS. The act specifies that this requirement applies only when contractors are subject to DAS prequalification.

The act allows UConn to issue a prequalification confirmation to contractors

that meet the act's requirements, valid for one year. UConn may renew the prequalification confirmation for up to two years after receiving a completed renewal application and any other materials it prescribes.

In eliminating the requirement that UConn separately prequalify contractors for projects costing between $500,000 and $1 million, the act instead subjects contractors for these projects to the prequalification requirements for state public works projects generally. Prior law generally required that contractors be prequalified by DAS if the cost of the work exceeded $500,000 (CGS § 4b-91(a)(2)). However, the act also increases this threshold to $1 million (see §§ 433-437 below), leaving no prequalification requirements for contractors on UConn projects costing $1 million or less.

The act also makes a parallel change to UConn projects awarded using the design-build (D-B) method (a delivery method in which a single firm designs and builds the project). Under prior law, a design-builder for a UConn project had to be prequalified by DAS if the project cost exceeded $500,000. Under the act, this requirement applies only if the project cost exceeds the threshold for DAS prequalification ($1 million under the act, see §§ 433-437 below).

EFFECTIVE DATE: October 1, 2023

§§ 433-437 — DAS CONTRACTOR PREQUALIFICATION AND RELATED THRESHOLDS

Increases, from $500,000 to $1 million, several thresholds relating to DAS contractor prequalification; requires contractors and substantial subcontractors to include specified information in their bids for DAS contracts of more than $500,000 but less than $1 million; requires DAS to hold an annual training on state contracting requirements

Prequalification-Related Thresholds (§§ 433-436)

Existing law generally requires that contracts for state-funded public works projects exceeding specified cost thresholds, other than highway and bridge projects administered by DOT, be awarded to a contractor that is prequalified by DAS. (DOT separately prequalifies contractors for transportation projects.)

The act increases, from $500,000 to $1 million, several thresholds relating to DAS contractor prequalification. Principally, it increases the cost at which certain capital projects receiving state funding must be awarded to a prequalified contractor. It also increases the thresholds for the related requirements shown in the table below.

Prequalification-Related Thresholds Increased from $500,000 to $1 Million

Section in Act	Subject	Description
433 & 436	Substantial subcontractors	For state or municipal projects exceeding this threshold and receiving state funds, a subcontractor must be prequalified if the cost of its subcontract exceeds the prequalification threshold for contractors (these subcontractors are referred to as "substantial subcontractors")
434	Contractor evaluations	For state or municipal projects that exceed this threshold and receive state funding, public agencies* must complete a contractor evaluation form and submit it to the DAS commissioner
435	Contract	For projects exceeding this threshold, the "awarding authority"

	awards by awarding authorities	(i.e., DAS, the Legislative Management Committee, constituent units of higher education, and the Military Department) must advertise the contract on the State Contracting Portal and, using competitive bidding, award the contract to the lowest responsible and qualified contractor that is prequalified**
435	Contract awards by other public agencies	For projects exceeding this threshold and receiving state funding, public agencies* must advertise the contract on the State Contracting Portal and award the contract to a prequalified contractor**

*As defined in the Freedom of Information Act; includes state agencies, quasi-public agencies, and municipalities, among others

**Does not apply to DAS projects costing $1.5 million or less, see below

DAS Projects Costing $1.5 million or Less (§ 435)

Existing law allows DAS, for projects costing $1.5 million or less and administered by the department, to establish a (1) list of preapproved contractors for these projects and (2) separate list for the purpose of using small contractors and minority business enterprises for certain projects. The act increases, from less than $500,000 to less than $1 million, the cost of a project for which DAS may use contractors from this separate list. It also increases, from more than $500,000 to more than $1 million, the cost of a project for which DAS must consider the contractor's ability to obtain the requisite bonding.

Requirements for Certain Projects Costing Less than $1 Million (§ 437)

The act requires contractors and substantial subcontractors to include specified information in response to bid invitations issued by the DAS commissioner for certain contracts for state or municipal public works projects. More specifically, the requirement applies to bids on contracts to construct, reconstruct, alter, remodel, repair, or demolish any public building or any other state or municipal public work that receives state funding and costs more than $500,000 but less than $1 million, but not public highway or bridge projects or any other DOT-administered construction project.

Generally, the information required by the act includes most of the same information that existing law requires for a prequalification application, with some exceptions (e.g., a statement of financial condition) (CGS § 4a-100). The required information includes (1) the bidder's form of organization, principals, and key personnel; (2) any legal or administrative proceedings settled or concluded adversely against the bidder within the past five years; (3) a statement about whether the bidder has previously been disqualified for specified reasons (e.g., state wage laws); and (4) other information the DAS commissioner deems relevant to determining the bidder's qualifications and responsibilities. (Unlike the prequalification application, however, the act does not require the contractor to include information about any financial, personal, or familial relationship with a construction project owner the contractor listed as constituting construction experience.)

Under the act, failing to disclose any of the required information disqualifies the contractor or substantial subcontractor from any associated bid on a contract.

The act also requires employers performing work under one of these contracts to participate in a workforce development program that gives new and existing

employees the opportunity to develop skills. Programs may include (1) apprenticeship training through an apprenticeship program registered with the Department of Labor or a federally recognized state apprenticeship agency or (2) pre-apprenticeship training that enables students to qualify for registered apprenticeship training.

DAS Training Session (§ 437)

The act requires DAS, beginning by October 1, 2023, to hold an annual training session to discuss state contracting requirements.

EFFECTIVE DATE: October 1, 2023

Background — Related Act

PA 23-205 (§§ 105 & 106) increases, from $500,000 to $1 million, the maximum cost of a capital project that executive branch agencies generally may administer. (With some exceptions, projects exceeding this threshold must be administered by DAS.)

§ 449 — FY 23 ARPA TRANSFER ELIMINATED

Eliminates the FY 23 transfer of $314.9 million in ARPA funds to the General Fund

The act eliminates the required transfer of $314.9 million in federal American Rescue Plan Act (ARPA) funds to the General Fund in FY 23.

EFFECTIVE DATE: Upon passage