Connecticut Department of
ENERGY &
ENVIRONMENTAL
PROTECTION

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To: Connecticut's Municipal Inland Wetlands Agencies

From: Betsey Wingfield, Bureau Chief
Bureau of Water Protection and Land Reuse

Dated: December 16, 2015

Re: 2015 Legislation and Regulation Advisory

In 2015 the Connecticut General Assembly amended the Inland Wetlands and Watercourses Act (IWWA) with the passage of Public Act No. 15-85; and amended the General Statutes of Connecticut section 8-7d, which the IWWA references, with the passage of Public Act No. 15-68.

Public Act No. 15-85 amends subsection (a) of section 22a-43a of the IWWA. This act makes a number of unrelated changes regarding court procedures and personnel. With regards to the IWWA, by law, someone can appeal to Superior Court from a decision of a municipal inland wetlands agency. Public Act No. 15-85 gives the court more options when disposing of these cases on appeal. The law allows the court to set aside the agency's action or modify it if the action constitutes a taking without compensation. For appeals not involving such a taking, the act allows the court, after a hearing, to reverse, affirm, modify, or return the decision in a manner consistent with the evidence in the record.

The provisions of section 22a-43a(a) of the IWWA, as amended by Public Act No. 15-85, took effect October 1, 2015.

Public Act No. 15-68 amends subsection (a) of section 8-7d of the General Statutes of Connecticut. This act limits the steps certain municipal land use commissions must take to identify owners of property abutting a property that is the subject of a public hearing related to a petition, application, request or appeal to the commission. With regards to municipal inland wetlands agencies, in addition to publishing notices of public hearings in a newspaper, the agency *may* notify property owners directly affected by such matter. The additional notice must be mailed to the persons who own land abutting the property that is the subject of the hearing, provided by posting a sign on the land that is the subject of the hearing, or both. By law, for purposes of giving such additional notice, property owners are those persons listed as the owners on the property tax map or the most recently completed grand list. The act specifies that the municipal inland wetlands agency need not conduct a title search or engage in additional methods to identify abutters to whom they give the additional notice.

The provisions of section 8-7d(a), as amended by Public Act No. 15-68, were effective upon passage. The act was signed by the Governor on June 19, 2015.

Complete copies of both Public Act No. 15-85 and of Public Act No. 15-68 are attached for your information. Newly added language is underlined and deleted language is bracketed. If your municipal inland wetlands agency's regulations follow the Department of Energy and Environmental Protection's (DEEP) Inland Wetlands and Watercourses Model Municipal Regulations Fourth Edition, dated May 1, 2006 (as amended), no revisions to your regulations need to occur. However, the DEEP is aware that many municipal inland wetlands agencies have included in their regulations, per the General Statutes of Connecticut section 8-7d(a), the discretionary notice to abutting property owners. If your municipal inland wetlands agency has done this, please be aware that your regulations need to be revised to reflect Public Act No. 15-68.

Finally, as a reminder, the IWWA establishes a specific timeline for the amendment of municipal inland wetlands agency regulations. The timeline begins when an amendment is proposed. The amendment *and* the notice of the public hearing must be submitted to the Commissioner of DEEP at least 35 days before such hearing on the amendment is held. A public hearing on the amendment must be held within 65 days after the receipt of the amendment proposal, and the hearing must finish within 35 days after it started. The municipal inland wetlands agency must take action on the amendment proposal within 65 days after the hearing ends. Further, the agency must submit the final adopted amendment language to the Commissioner of DEEP not later than 10 days after adoption.

The DEEP's Wetlands Management Section (WMS) has created a dedicated email address for the submission of amendment proposals and final adopted amendment language. Please use: DEEP.Municipal.Inland.Wetland.Regs@ct.gov. In the subject line of the email you *must* include: the year, town/city name, proposed/adopted regs (e.g., 2015, Town of _____, Proposed Regs). Please submit your documents (e.g., regulations, hearing notice, and cover letter) in PDF format. A brief reply email acknowledging receipt of your regulations will be sent to you.

Attention, this email address is solely for the submission of municipal inland wetlands agency regulation amendment proposals and final adopted regulations. Other correspondence or requests submitted through this email address will *not* be answered.

If you are unable to submit your regulations electronically, you may continue to mail a paper copy to: Cheryl A. Chase, Director, DEEP Inland Water Resources Division, 79 Elm Street - 3rd Floor, Hartford, CT 06106.

Should you have any further questions regarding the above changes, please feel free to contact Darcy Winther of the DEEP's WMS at (860) 424-3019.

STATE OF CONNECTICUT

Substitute Senate Bill No. 1033

Public Act No. 15-85

AN ACT CONCERNING COURT OPERATIONS AND THE CLAIM AGAINST THE STATE OF LORI CALVERT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (a) of section 7-465 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) Any town, city or borough, notwithstanding any inconsistent provision of law, general, special or local, shall pay on behalf of any employee of such municipality, except firemen covered under the provisions of section 7-308, and on behalf of any member from such municipality of a local emergency planning district, appointed pursuant to section 22a-601, all sums which such employee becomes obligated to pay by reason of the liability imposed upon such employee by law for damages awarded for infringement of any person's civil rights or for physical damages to person or property, except as set forth in this section, if the employee, at the time of the occurrence, accident, physical injury or damages complained of, was acting in the performance of his duties and within the scope of his employment, and if such occurrence, accident, physical injury or damage was not the result of any wilful or wanton act of such employee in the discharge of such duty. This section shall not apply to

physical injury to a person caused by an employee to a fellow employee while both employees are engaged in the scope of their employment for such municipality if the employee suffering such injury or, in the case of his death, his dependent, has a right to benefits or compensation under chapter 568 by reason of such injury. If an employee or, in the case of his death, his dependent, has a right to benefits or compensation under chapter 568 by reason of injury or death caused by the negligence or wrong of a fellow employee while both employees are engaged in the scope of their employment for such municipality, such employee or, in the case of his death, his dependent, shall have no cause of action against such fellow employee to recover damages for such injury or death unless such wrong was wilful and malicious or the action is based on the fellow employee's negligence in the operation of a motor vehicle, as defined in section 14-1. This section shall not apply to libel or slander proceedings brought against any such employee and, in such cases, there is no assumption of liability by any town, city or borough. Any employee of such municipality, although excused from official duty at the time, for the purposes of this section shall be deemed to be acting in the discharge of duty when engaged in the immediate and actual performance of a public duty imposed by law. Such municipality may arrange for and maintain appropriate insurance or may elect to act as a self-insurer to maintain such protection. No action for personal physical injuries or damages to real or personal property shall be maintained against such municipality and employee jointly unless such action is commenced within two years after the cause of action therefor arose and written notice of the intention to commence such action and of the time when and the place where the damages were incurred or sustained has been filed with the clerk of such municipality within six months after such cause of action has accrued. Governmental immunity shall not be a defense in any action brought under this section. In any such action the municipality and the employee may be represented by the same attorney. [if the municipality, at the time such attorney enters his

appearance, files a statement with the court, which shall not become part of the pleadings or judgment file, that it will pay any final judgment rendered in such action against such employee. No mention of any kind shall be made of such statement by any counsel during the trial of such action.] As used in this section, "employee" includes (1) a member of a town board of education and any teacher, including a student teacher doing practice teaching under the direction of such a teacher, or other person employed by such board, and (2) a member of the local emergency planning committee from such municipality appointed pursuant to section 22a-601. Nothing in this section shall be construed to abrogate the right of any person, board or commission which may accrue under section 10-235.

Sec. 2. Subsection (l) of section 8-8 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(l) The court, after a hearing thereon, may reverse or affirm, wholly or partly, or may [modify or revise the decision appealed from. If a particular board action is required by law, the court, on sustaining the appeal, may render a judgment that modifies the board decision or orders the particular board action] revise, modify or remand the decision from which the appeal was taken in a manner consistent with the evidence in the record before it. In an appeal from an action of a planning commission taken under section 8-29, the court may also reassess any damages or benefits awarded by the commission. Costs shall be allowed against the board if the decision appealed from is reversed, affirmed in part, modified or revised.

Sec. 3. Subsection (a) of section 22a-43a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) The court, after a hearing, may reverse or affirm, wholly or

partly, or may revise, modify or remand the decision from which the appeal was taken in a manner consistent with the evidence in the record before it. If upon appeal pursuant to section 22a-43, the court finds that the action appealed from constitutes the equivalent of a taking without compensation, **[**it**]** the court (1) shall set aside the action or **[**it**]** may modify the action so that it does not constitute a taking, **[**. In both instances the court**]** and (2) shall remand the order to the inland wetland agency for action not inconsistent with its decision.

Sec. 4. Subsection (a) of section 46b-22 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Persons authorized to solemnize marriages in this state include (1) all judges and retired judges, either elected or appointed, including federal judges and judges of other states who may legally join persons in marriage in their jurisdictions, (2) family support magistrates, family support referees, state referees and justices of the peace who are appointed in Connecticut, and (3) all ordained or licensed members of the clergy, belonging to this state or any other state, as long as they continue in the work of the ministry. All marriages solemnized according to the forms and usages of any religious denomination in this state, including marriages witnessed by a duly constituted Spiritual Assembly of the Baha'is, are valid. All marriages attempted to be celebrated by any other person are void.

Sec. 5. Section 46b-22a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) All marriages celebrated before June 6, 2014, otherwise valid except that the justice of the peace joining such persons in marriage did not have a valid certificate of qualification, are validated, provided the justice of the peace who joined such persons in marriage represented himself or herself to be a duly qualified justice of the peace

and such persons reasonably relied upon such representation.

(b) All marriages celebrated before the effective date of this section, otherwise valid except that the family support referee joining such persons in marriage did not have explicit statutory authority to solemnize marriages in this state, are validated, provided the family support referee who joined such persons in marriage represented himself or herself to be a duly qualified family support referee and such persons reasonably relied upon such representation.

Sec. 6. Section 46b-225 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

Any judicial marshal may serve a capias mittimus or a copy thereof made by any photographic, micrographic, electronic imaging or other process, which clearly and accurately copies such original document, provided such judicial marshal or Support Enforcement Services of the Superior Court is in possession of the original document, on any person who is in the custody of the marshal or is in a courthouse where the marshal provides courthouse security if such capias mittimus was issued in a child support matter by (1) a court or a family support magistrate pursuant to subdivision (8) of subsection (a) of section 17b-745 or subparagraph (C) of subdivision (8) of subsection (a) of section 46b-215; or (2) a family support magistrate pursuant to subdivision (1) of subsection (m) of section 46b-231.

Sec. 7. Subsection (a) of section 47a-23a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) If, at the expiration of the three days prescribed in section 47a-23, the lessee or occupant neglects or refuses to quit possession or occupancy of the premises, any commissioner of the Superior Court may issue a writ, summons and complaint which shall be in the form

and nature of an ordinary writ, summons and complaint in a civil process, but which shall set forth facts justifying a judgment for immediate possession or occupancy of the premises and make a claim for possession or occupancy of the premises. If the claim is for the possession or occupancy of nonresidential property, the writ, summons and complaint shall also make a claim for the forfeiture to the plaintiff of the possessions and personal effects of the defendant in accordance with section 47a-42a. If the plaintiff has properly issued a notice to quit possession to an occupant by alias, if permitted to do so by section 47a-23, and has no further identifying information at the time of service of the writ, summons and complaint, such writ, summons and complaint may also name and serve such occupant or occupants as defendants. In any case in which service is to be made upon an occupant or occupants identified by alias, the complaint shall contain an allegation that the plaintiff does not know the name of such occupant or occupants. Such complaint shall be returnable to the Superior Court. Such complaint may be made returnable six days, inclusive, after service upon the defendant and shall be returned to court at least three days before the return day. Such complaint may be served on any day of the week. **[**Notwithstanding the provisions of section 52-185 no recognizance shall be required of a complainant appearing pro se.**]**

Sec. 8. Subsection (a) of section 51-52 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) Clerks shall: (1) Receive the files, processes and documents returnable to their court locations, (2) make records of all proceedings required to be recorded, (3) have the custody of the active files and records of the court, (4) have the custody of the records of the former county court within their districts, (5) have the custody of and keep safely in the appropriate office, or store as provided in subsection (b)

of this section, as records of the court, all judicial files, records and dockets belonging to or concerning the office of justices of the peace and trial justices, judges of borough, city, town and police courts, the traffic court of Danbury, the Circuit Court and the Court of Common Pleas, or belonging to or concerning such courts, including record books kept by town clerks under the provisions of sections 51-101 and 51-106 of the general statutes, revision of 1958, (6) make and keep dockets of causes in their court locations, (7) issue executions on judgments, (8) collect and receive all fines and forfeitures imposed or decreed by the court, including fines paid after commitment, (9) collect and receive monetary contributions made to the Criminal Injuries Compensation Fund pursuant to section 54-56h, (10) account for and pay or deposit all fees, fines, forfeitures and contributions made to the Criminal Injuries Compensation Fund and the proceeds of judgments of their office in the manner provided by sections 4-32 and 51-56a, **[**(11) file with the Reporter of Judicial Decisions copies of memoranda of decisions in Superior Court cases, as provided in section 51-215a,**]** and **[**(12)**]** (11) perform all other duties imposed on them by law.

Sec. 9. Section 51-60 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) The judges of the Superior Court shall appoint **[**one skillful stenographer for each judicial district to be the official court reporter of the Superior Court therein, and shall appoint as many stenographers to be assistant**]** official court reporters for the court as the judges or an authorized committee thereof determines the business of the court requires.

(b) A person shall not be appointed a court reporter under the provisions of this section who has not passed the entry level examination provided for under section 51-63 and a reporter shall not be placed in the higher court reporter salary classification who has not passed the examination provided for in said section for such higher

classification, provided each person serving on July 1, 1978, as a court reporter or assistant court reporter in the Court of Common Pleas shall continue to serve in the Superior Court for the balance of the term for which he was appointed. In no event shall the compensation of such person be affected solely as a result of the transfer of jurisdiction provided in section 51-164s.

Sec. 10. Section 51-215a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

[(a) The clerks of the Superior Court shall file with the Reporter of Judicial Decisions copies of memoranda of decisions in Superior Court cases. The reporter shall select therefrom for publication such decisions as he deems will be useful as precedents or will serve the public interest and shall prepare them for publication and index them in substantial conformity with the manner in which decisions of the Supreme Court are prepared and indexed. The decisions selected shall be published by the Commission on Official Legal Publications in the Connecticut Law Journal and in such bound volumes as the Reporter of Judicial Decisions deems necessary.**]**

[(b)**]** The clerk of the Appellate Court shall file with the Reporter of Judicial Decisions copies of memoranda of decisions in Appellate Court cases. The reporter shall prepare all of the decisions for publication and index them in substantial conformity with the manner in which decisions of the Supreme Court are prepared and indexed. The decisions shall be published by the Commission on Official Legal Publications in the Connecticut Law Journal and in bound volumes.

Sec. 11. Subsection (b) of section 51-216a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(b) The commission shall acquire, publish, distribute and maintain

for the benefit of the state a sufficient supply of the official legal publications, which shall consist of: (1) The Connecticut Reports consisting of the reports of cases determined by the Supreme Court as prepared for publication by the Reporter of Judicial Decisions, (2) reports of cases determined by the Appellate Court as prepared for publication by the Reporter of Judicial Decisions, (3) the Connecticut Law Journal, (4) the Connecticut Practice Book and cumulative supplements thereto, **[**(5) the digests compiled by or under the supervision of the Reporter of Judicial Decisions pursuant to section 51-215b, and such other volumes of law reports and digests as the Reporter of Judicial Decisions deems necessary, (6) such decisions of the Superior Court as the Reporter of Judicial Decisions selects for publication pursuant to section 51-215a,**]** and **[**(7)**]** (5) such additional publications pertaining to the state Judicial Branch, the Supreme Court, the Appellate Court, the Superior Court and the practice of law as may be assigned to the commission. The commission may publish, maintain and distribute the official legal publications in available alternative formats. An alternative format includes an electronic format and may be the sole method for the publication, maintenance and distribution of all official legal publications, all archived official legal protections and all volumes of the Connecticut Reports, excluding the most recent one hundred volumes.

Sec. 12. Subdivision (2) of subsection (b) of section 51-216b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(2) Bills contracted and expenses incurred by the commission for the purposes specified in this section and sections 51-215a, as amended by this act, **[**51-215b,**]** 51-216a, as amended by this act, and 51-216c shall be paid from moneys appropriated from the General Fund.

Sec. 13. Section 52-74 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

Any bond entered into in accordance with the laws of any other state of the United States, conditioned for the proper performance by any person or persons of the duties of executor, administrator, guardian or trustee, to the acceptance of the court having jurisdiction, may be enforced, in case of breach, against any obligors therein, resident within this state, by an action in the name of the person or persons who would be entitled to sue thereon in the proper courts of such other state. All such suits, in respect to the security for the costs by endorsement, and the effect of the judgments rendered in the same, shall be governed by the provisions concerning actions on probate bonds contained in [sections 52-117 and 52-190] section 52-117.

Sec. 14. Section 52-185 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

[(a) If the plaintiff in any civil action is not an inhabitant of this state, or if it does not appear to the authority signing the process that the plaintiff is able to pay the costs of the action should judgment be rendered against him, the plaintiff shall enter into a recognizance to the adverse party with a financially responsible inhabitant of this state as surety, or a financially responsible inhabitant of this state shall enter into a recognizance to the adverse party, that the plaintiff shall prosecute his action to effect and answer all costs for which judgment is rendered against him. The recognizance shall not be discharged by any amendment or alteration of the process between the time of signing and of serving it.]

(a) No bond or recognizance for prosecution is required from a party in any civil action unless the judicial authority, upon motion and for good cause shown, finds that a party is not able to pay the costs of the action and orders that the party give a sufficient bond or enter into a recognizance to an adverse party with a financially responsible person to pay taxable costs. In determining the sufficiency of the bond or recognizance, the judicial authority shall consider only the taxable

costs which the party may be responsible for under section 52-257, except that in no event shall the judicial authority consider the fees or charges of expert witnesses notwithstanding that such fees or charges may be allowable under said section.

(b) The recognizance may be taken in the following form:

You, C.S., as principal, and E.C., as surety, acknowledge yourselves jointly and severally bound to J.L., in a recognizance (or, as the case may be, You, E.C., acknowledge yourself bound to J.L., in a recognizance) of .... dollars, that C.S. shall prosecute the action which he has now commenced against J.L. at the Superior court to be held at H. in and for the judicial district of H., on the .... Tuesday of ...., 20.. to full effect, and that he shall pay any costs for which judgment may be rendered against him thereon.

Taken and acknowledged at H. on the .... day of ...., 20.., before me, J.W., Commissioner of the Superior Court.

(c) If a bond or recognizance is required on any writ of summons or attachment, it may be noted in the writ in the following manner:

E.C. of .... is recognized in $.... to prosecute, etc. (or words to that effect).

(d) [If there has been a failure to comply with the provisions of this section, or if the authority signing a writ has failed to certify in accordance with any statute or rule that he has personal knowledge as to the financial responsibility of the plaintiff and deems it sufficient, the validity of the writ and service shall not be affected unless the failure is made a ground of a plea in abatement. If such plea in abatement is filed and sustained or if the plaintiff voluntarily elects to cure the defect by filing a bond, the court shall direct the plaintiff to file a bond to prosecute in the usual amount. Upon the filing of the bond, the case shall proceed in the same manner and to the same effect

as to rights of attachment and in all other respects as though the failure had not occurred. The court may, in its discretion, order, as a condition to the acceptance of the bond, that the plaintiff pay to the defendant costs not to exceed the costs in full to the date of the order.] Any party failing to comply with an order of the judicial authority to give sufficient bond or recognizance may be nonsuited or defaulted.

Sec. 15. Subsection (a) of section 52-259 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There shall be paid to the clerks for entering each appeal or writ of error to the Supreme Court, or entering each appeal to the Appellate Court, as the case may be, two hundred fifty dollars, and for each civil cause in the Superior Court, three hundred fifty dollars, except (1) two hundred twenty-five dollars for entering each case in the Superior Court in which the sole claim for relief is damages and the amount, legal interest or property in demand is less than two thousand five hundred dollars; (2) one hundred seventy-five dollars for summary process and landlord and tenant actions; and (3) there shall be no entry fee for making an application to the Superior Court for relief under section 46b-15 or 46b-16a, or for making an application to modify or extend an order issued pursuant to section 46b-15 or 46b-16a. If the amount, legal interest or property in demand by the plaintiff is alleged to be less than two thousand five hundred dollars, a new entry fee of seventy-five dollars shall be charged if the plaintiff amends his or her complaint to state that such demand is not less than two thousand five hundred dollars.

Sec. 16. Subsection (a) of section 52-259c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There shall be paid to the clerk of the Superior Court upon the

filing of any motion to open, set aside, modify or extend any civil judgment rendered in Superior Court a fee of seventy-five dollars for any housing matter, a fee of seventy-five dollars for any small claims matter, a fee of one hundred seventy-five dollars for any post-judgment motion to modify any judgment in a family relations matter, as defined in section 46b-1, and a fee of one hundred twenty-five dollars for any other matter, except no fee shall be paid upon the filing of any motion to open, set aside, modify or extend judgments in juvenile matters or orders issued pursuant to section 46b-15 or 46b-16a or upon the filing of any motion pursuant to subsection (b) of section 46b-63. Such fee may be waived by the court.

Sec. 17. Section 53a-223b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) A person is guilty of criminal violation of a restraining order when (1) (A) a restraining order has been issued against such person pursuant to section 46b-15, or (B) a foreign order of protection, as defined in section 46b-15a, has been issued against such person in a case involving the use, attempted use or threatened use of physical force against another, and (2) such person, having knowledge of the terms of the order, (A) does not stay away from a person or place in violation of the order, (B) contacts a person in violation of the order, (C) imposes any restraint upon the person or liberty of a person in violation of the order, or (D) threatens, harasses, assaults, molests, sexually assaults or attacks a person in violation of the order.

(b) No person who is listed as a protected person in such restraining order or foreign order of protection may be criminally liable for (1) soliciting, requesting, commanding, importuning or intentionally aiding in the violation of the restraining order or foreign order of protection pursuant to subsection (a) of section 53a-8, or (2) conspiracy to violate such restraining order or foreign order of protection pursuant to section 53a-48.

(c) No person who is listed as a respondent in a restraining order issued pursuant to section 46b-15 or a foreign order of protection issued pursuant to section 46b-15a and against whom there is an order of no contact with the protected party or parties may be criminally liable for a violation of such order if such person causes a document filed in a family relations matter, as defined in section 46b-1, to be served on the protected party or parties in accordance with the law by mail or through a third party who is authorized by statute to serve process.

[(c)**]** (d) (1) Except as provided in subdivision (2) of this subsection, criminal violation of a restraining order is a class D felony.

(2) Criminal violation of a restraining order is a class C felony if the offense is a violation of subparagraph (C) or (D) of subdivision (2) of subsection (a) of this section.

Sec. 18. Section 53a-223c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) A person is guilty of criminal violation of a civil protection order when (1) a civil protection order has been issued against such person pursuant to section 46b-16a, and (2) such person, having knowledge of the terms of the order, violates such order.

(b) No person who is listed as a respondent in a civil protection order issued pursuant to section 46b-16a may be criminally liable for a violation of such order if such person causes a legal document to be served on the protected person by mail or through a third party in accordance with the law. For purposes of this subsection, "legal document" includes, but is not limited to, a notice of appearance or any other application, petition, or motion filed in good faith by such person in connection with any pending court matter, or in any court matter that may be brought subsequently.

[(b)] (c) Criminal violation of a civil protection order is a class D felony.

Sec. 19. Subsection (b) of section 54-56e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(b) The court may, in its discretion, invoke such program on motion of the defendant or on motion of a state's attorney or prosecuting attorney with respect to a defendant (1) who, the court believes, will probably not offend in the future, (2) who has no previous record of conviction of a crime or of a violation of section 14-196, subsection (c) of section 14-215, section 14-222a, subsection (a) or subdivision (1) of subsection (b) of section 14-224 or section 14-227a, and (3) who states under oath, in open court or before any person designated by the clerk and duly authorized to administer oaths, under the penalties of perjury, (A) that the defendant has never had such program invoked on the defendant's behalf or that the defendant was charged with a misdemeanor or a motor vehicle violation for which a term of imprisonment of one year or less may be imposed and ten or more years have passed since the date that any charge or charges for which the program was invoked on the defendant's behalf were dismissed by the court, or (B) with respect to a defendant who is a veteran, that the defendant has not had such program invoked in the defendant's behalf more than once previously, provided the defendant shall agree thereto and provided notice has been given by the defendant, on a form [approved by rule of court] prescribed by the Office of the Chief Court Administrator, to the victim or victims of such crime or motor vehicle violation, if any, by registered or certified mail and such victim or victims have an opportunity to be heard thereon. Any defendant who makes application for participation in such program shall pay to the court an application fee of thirty-five dollars. No defendant shall be allowed to participate in the pretrial program for accelerated

rehabilitation more than two times. For the purposes of this section, "veteran" means any person who was discharged or released under conditions other than dishonorable from active service in the armed forces as defined in section 27-103.

Sec. 20. Subdivision (1) of subsection (a) of section 54-56g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) (1) There shall be a pretrial alcohol education program for persons charged with a violation of section 14-227a, 14-227g, 15-132a, 15-133, 15-140*l* or 15-140n. Upon application by any such person for participation in such program and payment to the court of an application fee of one hundred dollars and a nonrefundable evaluation fee of one hundred dollars, the court shall, but only as to the public, order the court file sealed, provided such person states under oath, in open court or before any person designated by the clerk and duly authorized to administer oaths, under penalties of perjury that: (A) If such person is charged with a violation of section 14-227a, such person has not had such program invoked in such person's behalf within the preceding ten years for a violation of section 14-227a, (B) if such person is charged with a violation of section 14-227g, such person has never had such program invoked in such person's behalf for a violation of section 14-227a or 14-227g, (C) such person has not been convicted of a violation of section 53a-56b or 53a-60d, a violation of subsection (a) of section 14-227a before, on or after October 1, 1981, or a violation of subdivision (1) or (2) of subsection (a) of section 14-227a on or after October 1, 1985, (D) such person has not been convicted in any other state at any time of an offense the essential elements of which are substantially the same as section 53a-56b or 53a-60d or subdivision (1) or (2) of subsection (a) of section 14-227a, and (E) notice has been given by such person, by registered or certified mail on a form [approved by rule of court] prescribed by the Office of the Chief Court

Administrator, to each victim who sustained a serious physical injury, as defined in section 53a-3, which was caused by such person's alleged violation, that such person has applied to participate in the pretrial alcohol education program and that such victim has an opportunity to be heard by the court on the application.

Sec. 21. Subsection (c) of section 54-56*l* of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(c) Upon application by any such person for participation in such program, the court shall, but only as to the public, order the court file sealed, provided such person states under oath, in open court or before any person designated by the clerk and duly authorized to administer oaths, under penalties of perjury, that such person has not had such program invoked in such person's behalf more than once. Court personnel shall provide notice, on a form **[**approved by rule of court**]** prescribed by the Office of the Chief Court Administrator, to any victim of such crime or motor vehicle violation, by registered or certified mail, that such person has applied to participate in the program and that such victim has an opportunity to be heard by the court on the matter.

Sec. 22. Subsection (e) of section 54-208 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(e) In determining the amount of compensation to be allowed, the Office of Victim Services or, on review, a victim compensation commissioner shall take into consideration amounts that the applicant has received or is eligible to receive from any other source or sources, including, but not limited to, payments from state and municipal agencies, health insurance benefits, and workers' compensation awards, as a result of the incident or offense giving rise to the

application. For purposes of this section, life insurance benefits received by the applicant shall not be taken into consideration by the Office of Victim Services or a victim compensation commissioner.

Sec. 23. Section 2 of number 257 of the special acts of 1917 is amended to read as follows (*Effective from passage*):

The clerk of **[**said court**]** the superior court in the judicial district of Litchfield, or his successor in office, is directed to hold **[**said fund**]** the escheated property formerly known as the Salmon Brownson Fund and to act as trustee of the same and on July 1, 1917, to pay the interest thereon which shall have accrued to July 1, 1917, to the treasurer of the Warren Cemetery Association, a domestic corporation situated in the town of Warren in said Litchfield county, and thereafter to pay to said cemetery association, during the first week in January and July, annually, the interest which shall have accrued from said fund. On or before October 1, 2015, the clerk of said court shall pay to the treasurer of said cemetery association the entire balance of the fund and shall close the account.

Sec. 24. Section 4 of number 257 of the special acts of 1917 is amended to read as follows (*Effective from passage*):

The Warren Cemetery Association shall use the **[**interest**]** funds which it may receive from said trustee for the care of the monuments and graves of Salmon Brownson and wife, and members of his family, deceased, late of said town of Warren, in the Warren cemetery, and any unexpended portion of the money so received by said association may be used by it for the care of the graves of persons formerly members of the Warren Methodist Episcopal church and their descendants and any unexpended portion of the income of said fund may be expended for the general purposes of said cemetery association, but in case of the organization of a Methodist Episcopal church society in said town of Warren which shall conduct services

regularly, and at least one such service during each month in said town for a period of six months in some suitable and convenient place to accommodate the people of said town of Warren, said trustee shall pay the income from said fund semi-annually at the expiration of said six months' period to the treasurer of such church society, and shall continue to make such payments semi-annually to such church society so long as regular services shall be so conducted in said town, and upon the discontinuance of such regular services, the income from said fund shall again revert and be paid to said cemetery association for the purposes stated in **[**this act**]** number 257 of the special acts of 1917.

Sec. 25. (*Effective from passage*) (a) Notwithstanding the failure to file a proper notice of a claim against the state with the clerk of the Office of the Claims Commissioner, within the time limitations specified by subsection (a) of section 4-148 of the general statutes, Lori Calvert is authorized pursuant to the provisions of subsection (b) of section 4-148 of the general statutes to present her claim against the state to the Claims Commissioner. The General Assembly finds that there is a public purpose served by encouraging accountable state government through the full adjudication of cases involving persons who claim to have been injured by the conduct of state actors. The General Assembly further finds it just and equitable that the time limitations provided for in subsection (a) of section 4-148 of the general statutes be tolled in a case such as this, involving a claimant who commenced a civil action in the superior court for the judicial district of Hartford in December 2010, thereby providing notice to the state of her claim within the statute of limitations for injuries to her person that are alleged to have occurred in January 2010. The General Assembly deems such authorization to be just and equitable and finds that such authorization is supported by compelling equitable circumstances and would serve a public purpose. Such claim shall be presented to the Claims Commissioner not later than one year after the effective date of this section.

(b) The state shall be barred from setting up the failure to comply with the provisions of sections 4-147 and 4-148 of the general statutes, from denying that notice of the claim was properly and timely given pursuant to sections 4-147 and 4-148 of the general statutes and from setting up the fact that the claim had once been considered by the Claims Commissioner, by the General Assembly or in a judicial proceeding as defenses to such claim.

Sec. 26. Sections 1 and 3 of number 257 of the special acts of 1917 are repealed. (*Effective from passage*)

Sec. 27. Sections 51-215b, 52-186, 52-187, 52-188 and 52-190 of the general statutes are repealed. (*Effective October 1, 2015*)

Approved June 24, 2015

Substitute House Bill No. 6942

Public Act No. 15-68

AN ACT VALIDATING THE ACTION OF A MUNICIPAL ASSESSOR, EXTENDING THE FILING DEADLINE FOR CERTAIN PROPERTY TAX EXEMPTIONS AND CONCERNING NOTICE REQUIREMENTS FOR ZONING APPLICANTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (*Effective from passage*) The grand list for the assessment year commencing October 1, 2014, as signed by the assessor of the town of Naugatuck on March 31, 2015, is hereby validated notwithstanding the assessor's failure to publish or lodge for public inspection such grand list or abstract related thereto within the time period specified in section 12-55 of the general statutes or any extension thereof granted by the chief executive officer pursuant to section 12-117 of the general statutes. Notwithstanding the provisions of sections 12-110, 12-111 and 12-117 of the general statutes, the Naugatuck board of assessment appeals may hold a hearing with respect to the assessment of any property included on said grand list or grand list abstract, provided a written request for such hearing is submitted to said board not later than thirty days after the effective date of this section. Said board shall send notification to the person having filed such request of the time and date of an appeal hearing at least seven calendar days preceding the hearing date, but not later than sixty days after the effective date of this section. Such hearings may be

held in the months of May, June, July and August of 2015 and said board shall complete its duties with respect to such appeals not later than August 31, 2015. If said board elects not to conduct a hearing for any commercial, industrial, utility or apartment property with an assessed value greater than one million dollars, it shall notify the taxpayer of such decision not later than sixty days after the effective date of this section. All provisions of sections 12-111 and 12-117 of the general statutes, other than the extension of the filing and notification dates as provided in this section, shall be applicable to such appeals or denials of appeals.

Sec. 2. Subsection (a) of section 8-7d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) In all matters wherein a formal petition, application, request or appeal must be submitted to a zoning commission, planning and zoning commission or zoning board of appeals under this chapter, a planning commission under chapter 126 or an inland wetlands agency under chapter 440 or an aquifer protection agency under chapter 446i and a hearing is required or otherwise held on such petition, application, request or appeal, such hearing shall commence within sixty-five days after receipt of such petition, application, request or appeal and shall be completed within thirty-five days after such hearing commences, unless a shorter period of time is required under this chapter, chapter 126, chapter 440 or chapter 446i. Notice of the hearing shall be published in a newspaper having a general circulation in such municipality where the land that is the subject of the hearing is located at least twice, at intervals of not less than two days, the first not more than fifteen days or less than ten days and the last not less than two days before the date set for the hearing. In addition to such notice, such commission, board or agency may, by regulation, provide for additional notice. Such regulations shall include provisions that the

notice be mailed to persons who own land that is adjacent to the land that is the subject of the hearing or be provided by posting a sign on the land that is the subject of the hearing, or both. For purposes of such additional notice, (1) proof of mailing shall be evidenced by a certificate of mailing, **[**and**]** (2) the person who owns land shall be the owner indicated on the property tax map or on the last-completed grand list as of the date such notice is mailed, and (3) a title search or any other additional method of identifying persons who own land that is adjacent to the land that is the subject of the hearing shall not be required. All applications and maps and documents relating thereto shall be open for public inspection. At such hearing, any person or persons may appear and be heard and may be represented by agent or by attorney. All decisions on such matters shall be rendered not later than sixty-five days after completion of such hearing, unless a shorter period of time is required under this chapter, chapter 126, chapter 440 or chapter 446i. The petitioner or applicant may consent to one or more extensions of any period specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five days, or may withdraw such petition, application, request or appeal.

Sec. 3. (*Effective from passage*) Notwithstanding the provisions of subparagraph (B) of subdivision (72) of section 12-81 of the general statutes, any person otherwise eligible for a 2014 grand list exemption pursuant to said subdivision (72) in the town of Durham, except that such person failed to file the required exemption application within the time period prescribed, shall be regarded as having filed said application in a timely manner if such person files said application not later than thirty days after the effective date of this section, and pays the late filing fee pursuant to section 12-81k of the general statutes. Upon confirmation of the receipt of such fee and verification of the exemption eligibility of the machinery and equipment included in such application, the assessor shall approve the exemption for such property. If taxes have been paid on the property for which such

exemption is approved, the town of Durham shall reimburse such person in an amount equal to the amount by which such taxes exceed the taxes payable if the application had been filed in a timely manner.

Sec. 4. (*Effective from passage*) Notwithstanding the provisions of subparagraph (A) of subdivision (7) of section 12-81 of the general statutes and section 12-87a of the general statutes, any person otherwise eligible for a 2013 grand list exemption for all or part of the assessment year pursuant to said subdivision (7) in the town of North Branford, except that such person failed to file the required statement within the time period prescribed, shall be regarded as having filed such statement in a timely manner if such person files such statement not later than thirty days after the effective date of this section and pays the late filing fee pursuant to section 12-87a of the general statutes. Upon confirmation of the receipt of such fee and verification of the exemption eligibility of such property, the assessor shall approve the exemption for such property. If taxes, interest or penalties have been paid on the property for which such exemption is approved, the town of North Branford shall reimburse such person in an amount equal to the amount by which such taxes, interest and penalties exceed any taxes payable if the statement had been filed in a timely manner.

Sec. 5. (*Effective from passage*) Notwithstanding the provisions of subparagraph (B) of subdivision (72) of section 12-81 of the general statutes, any person otherwise eligible for a 2014 grand list exemption pursuant to said subdivision (72) in the town of Windsor, except that such person failed to file the required exemption application within the time period prescribed, shall be regarded as having filed said application in a timely manner if such person files said application not later than thirty days after the effective date of this section, and pays the late filing fee pursuant to section 12-81k of the general statutes. Upon confirmation of the receipt of such fee and verification of the exemption eligibility of the machinery and equipment included in such

application, the assessor shall approve the exemption for such property. If taxes have been paid on the property for which such exemption is approved, the town of Windsor shall reimburse such person in an amount equal to the amount by which such taxes exceed the taxes payable if the application had been filed in a timely manner.

Approved June 19, 2015