



House Bill No. 7502

June Special Session, Public Act No. 05-3

AN ACT CONCERNING THE IMPLEMENTATION OF VARIOUS BUDGETARY PROVISIONS.

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

Section 1. Section 4-28b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Notwithstanding any provision of the general statutes: (1) If, during any fiscal year, the state receives federal block grant funds, the Governor shall submit recommended allocations of such funds to the speaker of the House of Representatives and the president pro tempore of the Senate. Within five days of receipt of the recommendations, the speaker and the president pro tempore shall submit the recommended allocations to the joint standing committee of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies and to the joint standing committee or committees of the General Assembly having cognizance of the subject matter relating to such recommended allocations, as determined by the speaker and the president pro tempore. [Within fifteen days of their receipt of such recommended allocations, such committees shall hold a public hearing on such recommended allocations.] Within thirty days of their receipt of the Governor's recommended allocations, the committee having cognizance of matters relating to appropriations and

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the budgets of state agencies, in concurrence with the committee or committees of cognizance, shall advise the Governor of their approval or modifications, if any, of such recommended allocations. If the joint standing committees do not concur, the committee chairpersons shall appoint a committee on conference which shall be comprised of three members from each joint standing committee. At least one member appointed from each committee shall be a member of the minority party. The report of the committee on conference shall be made to each committee, which shall vote to accept or reject the report. The report of the committee on conference may not be amended. If a joint standing committee rejects the report of the committee on conference, the Governor's recommended allocations shall be deemed approved. If the joint standing committees accept the report, the committee having cognizance of matters relating to appropriations and the budgets of state agencies shall advise the Governor of their approval or modifications, if any, of such recommended allocations, provided if the committees do not act within thirty days, the recommended allocations shall be deemed approved. Disbursement of such funds shall be in accordance with the Governor's recommended allocations as approved or modified by the committees. After such recommended allocations have been so approved or modified, any proposed transfer to or from any specific allocation of a sum or sums of over fifty thousand dollars or ten per cent of any such specific allocation, whichever is less, shall be submitted by the Governor to the speaker and the president pro tempore and approved, modified or rejected by the committees in accordance with the procedures set forth in this subdivision. Notification of all transfers made shall be sent to the joint standing committee of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies and to the committee or committees of cognizance, through the Office of Fiscal Analysis; (2) if, during any fiscal year, federal funding for programs financed by state appropriations with federal reimbursements is reduced below the amounts estimated under the

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provisions of section 2-35, the Governor shall submit recommendations to the joint standing committee having cognizance of matters relating to appropriations and the budgets of state agencies and to the committee of cognizance, for legislation necessary to modify funding for such programs consistent with such reductions in federal funding.

Sec. 2. (*Effective from passage*) (a) The unexpended balance of the funds appropriated in subsection (a) of section 59 of public act 05-251 for the fiscal year ending June 30, 2005, shall not lapse on July 1, 2005, and such funds shall continue to be available for expenditure during the fiscal year ending June 30, 2006.

(b) The Secretary of the Office of Policy and Management may transfer funds appropriated to the Office of Policy and Management, for Energy Contingency, in subsection (a) of section 49 and subsection (a) of section 59 of public act 05-251, to various state agencies, for energy expenditures.

(c) Up to \$1,125,000 of the amount transferred to the Department of Public Safety pursuant to subsection (b) of this section shall be transferred to the Department of Public Safety, for Personal Services.

Sec. 3. Subsection (d) of section 1 of special act 99-8, as amended by section 89 of public act 01-9 of the June special session and section 205 of public act 03-6 of the June 30 special session, is amended to read as follows (*Effective from passage*):

(d) The pilot program established under this section shall terminate September 20, [2005] 2007.

Sec. 4. Subsection (b) of section 12-564 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

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(b) The executive director shall, with the advice and consent of the board, conduct studies concerning the effect of legalized gambling on the citizens of this state including, but not limited to, studies to determine the types of gambling activity engaged in by the public and the desirability of expanding maintaining or reducing the amount of legalized gambling permitted in this state. Such studies shall be conducted as often as the executive director deems necessary, [but in no event shall a study] except that no studies shall be conducted [less than] before the fiscal year ending June 30, 2009, and thereafter studies shall be conducted at least once every ten years. The joint standing committees of the General Assembly having cognizance of matters relating to legalized gambling shall each receive a report concerning each study carried out, stating the findings of the study and the costs of conducting the study.

Sec. 5. (*Effective from passage*) Section 65 of public act 05-251 shall take effect July 1, 2005.

Sec. 6. Subsection (f) of section 52-434 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2006*):

(f) Each judge trial referee shall receive, for acting as a referee or as a single auditor or committee of any court or for performing duties assigned by the Chief Court Administrator with the approval of the Chief Justice, for each day the judge trial referee is so engaged, in addition to the retirement salary: (1) (A) On and after January 1, 2006, and before January 1, 2007, the sum of two hundred [eleven] fifteen dollars, and (B) on and after January 1, 2007, the sum of two hundred twenty dollars; and (2) expenses, including mileage, [for each day a state referee is so engaged, said sums to be] Such amounts shall be taxed by the court making the reference in the same manner as other court expenses.

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Sec. 7. Subsection (b) of section 22a-27h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(b) Notwithstanding any provision of the general statutes, [to the contrary,] (1) on and after June 1, 1990, [(1)] (A) the amount of any fee received by the Department of Environmental Protection which is attributable to the establishment of a new fee or the increase of an existing fee pursuant to the provisions of title 23 or 26, and [(2)] (B) any fees paid to the department, pursuant to said titles, which are in excess of the total fees paid to the department pursuant to said titles for the fiscal year ending June 30, 1989, shall be deposited directly into the fund established by subsection (a) of this section and credited to the conservation account. The Commissioner of Environmental Protection shall certify to the Treasurer, with respect to each such fee received on and after June 1, 1990, the amount of such fee which shall be credited to the General Fund and the amount of such fee which shall be credited to the conservation account, and (2) on and after July 1, 2005, all fees collected by the department pursuant to title 23 for parking, admission, boat launching, camping and other recreational uses of state parks, forests, boat launches and other state facilities shall be deposited into the Conservation Fund and credited to the conservation account established by subsection (a) of this section.

Sec. 8. (NEW) (*Effective July 1, 2006*) (a) If any member of the armed forces of the United States or of any state or of any reserve component thereof who is domiciled in this state and who is called to active service and deployed to Southwest Asia in support of Operation Enduring Freedom or Operation Iraqi Freedom is, on or after September 11, 2001, and before July 1, 2006, killed in action or dies as a result of an accident or illness sustained while performing active military duty with the armed forces of the United States and is survived by:

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(1) A spouse and a dependent child or children under eighteen years of age, the Comptroller shall draw (A) an order on the Treasurer for the sum of one hundred thousand dollars, payable in equal monthly installments over a period of not less than ten years to such member's spouse, except that any such payments shall terminate on the death or remarriage of such spouse during said ten-year period, and (B) an order on the Treasurer for monthly payments of fifty dollars for each dependent child under eighteen years of age, payable to such spouse or the guardian of each such child, until such child reaches eighteen years of age;

(2) No spouse and a dependent child or children under eighteen years of age, the Comptroller shall draw (A) an order on the Treasurer for the sum of one hundred thousand dollars, payable in equal monthly installments over a period of not less than ten years to the guardian of such child or children on behalf of and for the care of such child or children, except that any such payments shall terminate when the youngest of such children reaches eighteen years of age during said ten-year period, and (B) an order on the Treasurer for monthly payments of fifty dollars for each dependent child under eighteen years of age, payable to the guardian of such child, on behalf of and for the care of such child, until such child reaches eighteen years of age;

(3) A spouse and no child or children under eighteen years of age, the Comptroller shall draw an order on the Treasurer for the sum of fifty thousand dollars payable in equal monthly installments over a period of not less than five years, to such spouse, except that any such payments shall terminate on the death or remarriage of such spouse during such five-year period;

(4) No spouse and no child or children under eighteen years of age but a parent or parents dependent upon such member, the Comptroller shall draw an order on the Treasurer for the sum of fifty thousand dollars, payable to such member's parent or parents in equal

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monthly installments over a period of not less than five years, except that (A) on the death of one such parent, the surviving parent shall continue to receive the entire monthly payments under the provisions of this subdivision, and (B) on the death of such surviving parent during such five-year period, such payments shall cease.

(b) The amount paid to any person under this section shall be reduced by the amount of any death benefit that is paid to such person for the death of such member under any federal law.

Sec. 9. (NEW) (*Effective from passage*) Notwithstanding the provisions of section 12-146 of the general statutes, any municipality may, by ordinance, provide that no interest shall be charged or collected for a period of one year on any property tax or any installment or part thereof that is payable by any resident of the state for real property assessed on the 2003 grand list, provided such resident is domiciled with and the spouse of a member of the armed forces of the United States or of any state or of any reserve component thereof who has been called to active service in the armed forces of the United States for military operations that are authorized by the President of the United States that entail military action in Iraq and who is serving in the Middle East on the final day that payment of such property tax or installment or part thereof is due.

Sec. 10. (NEW) (*Effective from passage*) (a) As used in this section, (1) "department" means the Military Department, (2) "fund" means the Military Family Relief Fund established in accordance with this section, (3) "eligible member of the armed forces" and "eligible member" means a member of the armed forces, as defined in subsection (a) of section 27-103 of the general statutes, including the Connecticut National Guard, who is on active duty and who is domiciled in this state, (4) "immediate family member" means an eligible member's spouse, child or parent who is domiciled in this state, or any other member of an eligible member's family who lives in

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the same household as the eligible member, and (5) "essential personal or household goods or services" includes, but is not limited to, repairs, medical services that are not covered by insurance, transportation, babysitting, clothing, school supplies or any other goods or services that are essential to the well-being of an eligible member's immediate family.

(b) There is established, within the General Fund, a separate, nonlapsing account to be known as the "Military Family Relief Fund". The account shall contain (1) any amounts appropriated or otherwise made available by the state for the purposes of this section, (2) any moneys required by law to be deposited in the account, and (3) gifts, grants, donations or bequests made for the purposes of this section. Investment earnings credited to the assets of the fund shall become part of the assets of the fund. Any balance remaining in the account at the end of any fiscal year shall be carried forward in the account for the fiscal year next succeeding. The State Treasurer shall administer the fund. All moneys deposited in the account shall be used by the Military Department for the purposes of this section. The Military Department may deduct and retain from the moneys in the account an amount equal to the costs incurred by the department in administering the provisions of this section, except that said amount shall not exceed two per cent of the moneys deposited in the account in any fiscal year.

(c) The Military Department shall use the Military Family Relief Fund to make grants to immediate family members of eligible members of the armed forces for essential personal or household goods or services in this state if the payment for such goods or services would be a hardship for such family member because of the military service of the eligible member. The department shall not make any grant that exceeds the balance available for grants in the fund.

(d) The department shall establish an application process that is simple for immediate family members. The department shall act on

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each application no later than seven days after the date on which the completed application is submitted to the department.

(e) On or after six months from the effective date of this section, after evaluating the performance of the program during the preceding six months, including available resources and applications received, the department may commence the process to adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, that would facilitate the purposes of this section, including, but not limited to, establishing a maximum amount of each grant, of each type of grant or of grants to the immediate family members of any eligible member, and establishing criteria for the approval of grant applications. The department may implement the policies and procedures contained in such proposed regulations while in the process of adopting such proposed regulations, provided the department publishes notice of intention to adopt the regulations in the Connecticut Law Journal no later than twenty days after implementing such policies and procedures. Policies and procedures implemented pursuant to this subsection shall be valid until the earlier of the date on which such regulations are effective or one year after the publication of such notice of intention.

(f) On or before October 15, 2005, and on or before the fifteenth day following the close of each calendar quarter thereafter, the department shall submit a report to the select committee of the General Assembly having cognizance of matters relating to veterans' and military affairs, in accordance with section 11-4a of the general statutes, that contains the following information for the preceding calendar quarter: (1) The number of applications received, (2) the number of eligible members whose immediate family members received grants under this section, (3) the amount in grants made to the immediate family of each such eligible member, (4) the uses for such grants, and (5) any recommendations regarding the Military Family Relief Fund,

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including any proposed legislation to facilitate the purposes of this section. Such reports shall not identify the name of any eligible member or of any immediate family member. Notwithstanding the provisions of subsection (a) of section 1-210 of the general statutes, all information obtained by the Military Department that contains the name or address of, or other information that could be used to identify, an eligible member or an immediate family member shall be confidential.

Sec. 11. (NEW) (*Effective July 1, 2005, and applicable to taxable years commencing on or after January 1, 2005*) (a) Any taxpayer filing a return under chapter 229 of the general statutes for taxable years commencing on or after January 1, 2005, may contribute all or part of a refund under chapter 229 of the general statutes to the Military Family Relief Fund established in section 10 of this act, by indicating on the tax return the amount to be contributed to the fund.

(b) A contribution or designation made pursuant to this section shall be irrevocable upon the filing of the return. A taxpayer making a contribution or designation pursuant to this subsection shall so indicate on the tax return in a manner provided for by the Commissioner of Revenue Services.

(c) A contribution of all or part of a refund shall be made in the full amount indicated if the refund found due the taxpayer upon the initial processing of the return, and after any deductions required by chapter 229 of the general statutes, is greater than or equal to the indicated contribution. If the refund due, as determined upon initial processing, and after any deductions required by said chapter 229, is less than the indicated contribution, the contribution shall be made in the full amount of the refund. The Commissioner of Revenue Services shall subtract the amount of any contribution of all or part of a refund from the amount of the refund initially found due the taxpayer and shall certify (1) the amount of the refund initially found due the taxpayer,

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(2) the amount of any such contribution, and (3) the amount of the difference to the Secretary of the Office of Policy and Management and the State Treasurer for payment to the taxpayer in accordance with said chapter 229. For the purposes of any subsequent determination of the taxpayer's net tax payment, such contribution shall be considered a part of the refund paid to the taxpayer.

(d) The Commissioner of Revenue Services, after notification of and approval by the Secretary of the Office of Policy and Management, may deduct and retain from the moneys collected under subsections (a) to (c), inclusive, of this section an amount equal to the costs of administering this section, but in any fiscal year beginning on or after July 1, 2006, not to exceed four per cent of such moneys collected in such fiscal year. The Commissioner of Revenue Services shall deposit the remaining moneys collected in the Military Family Relief Fund.

Sec. 12. (NEW) (*Effective from passage*) (a) As used in this section, (1) "member" means a member of the armed forces, as defined in section 27-103 of the general statutes, including the Connecticut National Guard, who is on active duty and who is a resident of this state, (2) "services" includes, but is not limited to, repairs, gardening, transportation, babysitting, tutoring, cooking or any other services that a member or member's family would find helpful, and (3) "local organizations" includes not-for-profit organizations that serve members and veterans and their families, and other organizations that seek to volunteer services to members and their families.

(b) The Family Program of the Connecticut National Guard shall establish a volunteer service program in which a volunteer service coordinator coordinates with municipalities and local organizations throughout the state to provide services by volunteers to members and their families. No person shall volunteer any services for which a license, certificate of registration, permit or other credentials issued by a state agency is required unless such person holds such license,

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certificate of registration, permit or other credentials.

(c) The volunteer services coordinator shall identify municipalities and local organizations that provide volunteer services to members and their families in communities throughout the state and shall assist such municipalities and local organizations.

(d) On or before January 31, 2006, and annually thereafter, the Family Program of the Connecticut National Guard shall report to the select committee of the General Assembly having cognizance of matters relating to veterans' and military affairs, in accordance with section 11-4a of the general statutes, on the services provided by volunteers to members throughout the state, including, but not limited to, the level of services in different geographical areas.

Sec. 13. (NEW) (*Effective from passage*) The Family Program of the Connecticut National Guard shall publicize to all members of the armed forces, as defined in subsection (a) of section 27-103 of the general statutes, including the Connecticut National Guard, and their families the availability throughout the state of therapy support groups for such members and their families. The publicity shall include contact information for referral to support groups in locations that are convenient for such members and their families.

Sec. 14. (NEW) (*Effective from passage*) (a) As used in this section, "eligible member or veteran" means a member or former member of the Connecticut National Guard who (1) is or was called to active service on or after September 11, 2001, (2) is or was in such active service for at least ninety consecutive days, (3) during such active service, is or was deployed to an area designated as a combat zone by the President of the United States, and (4) if discharged, is or was honorably discharged or discharged for injuries sustained in the line of duty.

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(b) On and after July 1, 2005, the Adjutant General shall pay each eligible member or veteran the amount of fifty dollars for each month or major part thereof of active service by such eligible member or veteran on or after September 11, 2001. The maximum payment to any eligible member or veteran shall not exceed five hundred dollars. No payment shall be made to any eligible member or veteran who makes application for such payment later than three years after the date of the cessation of such operations in which such member or veteran served.

(c) The Adjutant General, in consultation with the Commissioner of Veterans' Affairs, shall adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to implement the provisions of this section. Such regulations shall include procedures for verification of eligibility of an eligible member or veteran and for the application for and payment of the amounts specified in this section.

Sec. 15. (NEW) (*Effective July 1, 2005*) The Commissioner of Veterans' Affairs in conjunction with the Adjutant General shall award a ribbon and medal to each veteran who served in time of war, as defined in subsection (a) of section 27-103 of the general statutes, and who either (1) was a resident of this state at the time he or she was called to active duty for such service, or (2) is domiciled in this state on the date of such award. The commissioner in conjunction with the Adjutant General shall adopt regulations, in accordance with chapter 54 of the general statutes, setting forth the process for designing the ribbon and medal, identifying veterans who are eligible for the ribbon and medal under this section and establishing procedures for distributing the ribbon and medal to each eligible veteran. The cost of the ribbons and medals shall be paid from the funds appropriated to the military assistance account within the Military Department. Awards under this section may not be made posthumously.

Sec. 16. Subsection (d) of section 10a-77 of the general statutes is

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repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(d) Said board of trustees shall waive the payment of tuition at any of the regional community-technical colleges (1) for any dependent child of a person whom the armed forces of the United States has declared to be missing in action or to have been a prisoner of war while serving in such armed forces after January 1, 1960, which child has been accepted for admission to such institution and is a resident of Connecticut at the time such child is accepted for admission to such institution, (2) for any veteran having served in time of war, as defined in subsection (a) of section 27-103, or who served in either a combat or combat support role in the invasion of Grenada, October 25, 1983, to December 15, 1983, the invasion of Panama, December 20, 1989, to January 31, 1990, or the peace-keeping mission in Lebanon, September 29, 1982, to March 30, 1984, who has been accepted for admission to such institution and is [a resident of Connecticut] domiciled in this state at the time such veteran is accepted for admission to such institution, (3) for any resident of Connecticut sixty-two years of age or older, provided, at the end of the regular registration period, there are enrolled in the course a sufficient number of students other than those persons eligible for waivers pursuant to this subdivision to offer the course in which such person intends to enroll and there is space available in such course after accommodating all such students, (4) for any student attending the Connecticut State Police Academy who is enrolled in a law enforcement program at said academy offered in coordination with a regional community-technical college which accredits courses taken in such program, (5) for any active member of the Connecticut Army or Air National Guard who (A) [is a resident of Connecticut, (B)] has been certified by the Adjutant General or such Adjutant General's designee as a member in good standing of the guard, and [(C)] (B) is enrolled or accepted for admission to such institution on a full-time or part-time basis in an undergraduate

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degree-granting program, (6) for any dependent child of a (A) police officer, as defined in section 7-294a, or supernumerary or auxiliary police officer, (B) firefighter, as defined in section 7-323j, or member of a volunteer fire company, (C) municipal employee, or (D) state employee, as defined in section 5-154, killed in the line of duty, and (7) for any resident of the state who is a dependent child or surviving spouse of a specified terrorist victim who was a resident of this state. If any person who receives a tuition waiver in accordance with the provisions of this subsection also receives educational reimbursement from an employer, such waiver shall be reduced by the amount of such educational reimbursement. Veterans described in subdivision (2) of this subsection and members of the National Guard described in subdivision (5) of this subsection shall be given the same status as students not receiving tuition waivers in registering for courses at regional community-technical colleges. Notwithstanding the provisions of section 10a-30, as used in this subsection, "domiciled in this state" includes domicile for less than one year.

Sec. 17. Subsection (d) of section 10a-99 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(d) Said board shall waive the payment of tuition fees at the Connecticut State University system (1) for any dependent child of a person whom the armed forces of the United States has declared to be missing in action or to have been a prisoner of war while serving in such armed forces after January 1, 1960, which child has been accepted for admission to such institution and is a resident of Connecticut at the time such child is accepted for admission to such institution, (2) for any veteran having served in time of war, as defined in subsection (a) of section 27-103, or who served in either a combat or combat support role in the invasion of Grenada, October 25, 1983, to December 15, 1983, the invasion of Panama, December 20, 1989, to January 31, 1990,

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or the peace-keeping mission in Lebanon, September 29, 1982, to March 30, 1984, who has been accepted for admission to such institution and is [a resident of Connecticut] domiciled in this state at the time such veteran is accepted for admission to such institution, (3) for any resident of Connecticut sixty-two years of age or older who has been accepted for admission to such institution, provided (A) such person is enrolled in a degree-granting program, or (B) at the end of the regular registration period, there are enrolled in the course a sufficient number of students other than those persons eligible for waivers pursuant to this subdivision to offer the course in which such person intends to enroll and there is space available in such course after accommodating all such students, (4) for any student attending the Connecticut Police Academy who is enrolled in a law enforcement program at said academy offered in coordination with the university which accredits courses taken in such program, (5) for any active member of the Connecticut Army or Air National Guard who (A) [is a resident of Connecticut, (B)] has been certified by the Adjutant General or such Adjutant General's designee as a member in good standing of the guard, and [(C)] (B) is enrolled or accepted for admission to such institution on a full-time or part-time basis in an undergraduate degree-granting program, (6) for any dependent child of a (A) police officer, as defined in section 7-294a, or supernumerary or auxiliary police officer, (B) firefighter, as defined in section 7-323j, or member of a volunteer fire company, (C) municipal employee, or (D) state employee, as defined in section 5-154, killed in the line of duty, and (7) for any resident of this state who is a dependent child or surviving spouse of a specified terrorist victim who was a resident of the state. If any person who receives a tuition waiver in accordance with the provisions of this subsection also receives educational reimbursement from an employer, such waiver shall be reduced by the amount of such educational reimbursement. Veterans described in subdivision (2) of this subsection and members of the National Guard described in subdivision (5) of this subsection shall be given the same status as

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students not receiving tuition waivers in registering for courses at Connecticut state universities. Notwithstanding the provisions of section 10a-30, as used in this subsection, "domiciled in this state" includes domicile for less than one year.

Sec. 18. Subsection (e) of section 10a-105 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(e) Said board of trustees shall waive the payment of tuition fees at The University of Connecticut (1) for any dependent child of a person whom the armed forces of the United States has declared to be missing in action or to have been a prisoner of war while serving in such armed forces after January 1, 1960, which child has been accepted for admission to The University of Connecticut and is a resident of Connecticut at the time such child is accepted for admission to said institution, (2) for any veteran having served in time of war, as defined in subsection (a) of section 27-103, or who served in either a combat or combat support role in the invasion of Grenada, October 25, 1983, to December 15, 1983, the invasion of Panama, December 20, 1989, to January 31, 1990, or the peace-keeping mission in Lebanon, September 29, 1982, to March 30, 1984, who has been accepted for admission to said institution and is [a resident of Connecticut] domiciled in this state at the time such veteran is accepted for admission to said institution, (3) for any resident of Connecticut sixty-two years of age or older who has been accepted for admission to said institution, provided (A) such person is enrolled in a degree-granting program, or (B) at the end of the regular registration period, there are enrolled in the course a sufficient number of students other than those persons eligible for waivers pursuant to this subdivision to offer the course in which such person intends to enroll and there is space available in such course after accommodating all such students, (4) for any active member of the Connecticut Army or Air National Guard who (A) [is a

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resident of Connecticut, (B)] has been certified by the Adjutant General or such Adjutant General's designee as a member in good standing of the guard, and [(C)] (B) is enrolled or accepted for admission to said institution on a full-time or part-time basis in an undergraduate degree-granting program, (5) for any dependent child of a (A) police officer, as defined in section 7-294a, or supernumerary or auxiliary police officer, (B) firefighter, as defined in section 7-323j, or member of a volunteer fire company, (C) municipal employee, or (D) state employee, as defined in section 5-154, killed in the line of duty, and (6) for any resident of the state who is the dependent child or surviving spouse of a specified terrorist victim who was a resident of the state. If any person who receives a tuition waiver in accordance with the provisions of this subsection also receives educational reimbursement from an employer, such waiver shall be reduced by the amount of such educational reimbursement. Veterans described in subdivision (2) of this subsection and members of the National Guard described in subdivision (4) of this subsection shall be given the same status as students not receiving tuition waivers in registering for courses at The University of Connecticut. Notwithstanding the provisions of section 10a-30, as used in this subsection, "domiciled in this state" includes domicile for less than one year.

Sec. 19. Subsection (e) of section 27-102n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) The board shall submit an annual report to the Governor, [and to] the joint standing committee of the General Assembly having cognizance of matters relating to public safety and the select committee of the General Assembly having cognizance of matters relating to military and veterans' affairs, in accordance with the provisions of section 11-4a, on its activities with its recommendations, if any, for improving the delivery of services to veterans and the

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addition of new programs.

Sec. 20. Section 31-98 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2006*):

(a) The panel, or its single member if sitting in accordance with section 31-93, may, in its discretion and with the consent of the parties, issue an oral decision immediately upon conclusion of the proceedings. If the decision is to be in writing, it shall be signed, within fifteen days, by a majority of the members of the panel or by the single member so sitting, and the decision shall state such details as will clearly show the nature of the decision and the points disposed of by the panel. Where the decision is in writing, one copy thereof shall be filed by the panel in the office of the town clerk in the town where the controversy arose and one copy shall be given to each of the parties to the controversy. The panel or single member which has rendered an oral decision immediately upon conclusion of the proceedings shall submit a written copy of the decision to each party within fifteen days from the issuance of such oral decision. In all cases where a decision is rendered orally from the bench, the secretary shall cause such oral decision to be transcribed, approved by the panel or single member as applicable and filed with the records of the board proceedings.

(b) Upon the conclusion of the proceedings, each member of the panel shall receive one hundred [fifty] seventy-five dollars, and on and after July 1, 2006, two hundred twenty-five dollars and a panel member who prepares a written decision shall receive an additional one hundred twenty-five dollars, and on and after July 1, 2006, one hundred seventy-five dollars, or the single member, if sitting in accordance with section 31-93, shall receive two hundred [fifty] seventy-five dollars, and on and after July 1, 2006, three hundred twenty-five dollars, provided if the proceedings extend beyond one day, each member shall receive [seventy-five] one hundred dollars, and on and after July 1, 2006, one hundred fifty dollars for each

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additional day beyond the first day, and provided further no proceeding may be extended beyond two days without the prior approval of the Labor Commissioner for each such additional day.

(c) Upon the conclusion of an executive panel session, each member of such panel shall receive [seventy-five] one hundred dollars, and on and after July 1, 2006, one hundred fifty dollars.

Sec. 21. (NEW) (*Effective July 1, 2005*) The Department of Veterans' Affairs shall provide a toll-free telephone number for use as a clearinghouse by active members of the armed forces in this state, including the National Guard, and their families to obtain, in response to their requests about benefits or services that may be available to such members or their families, referrals to entities that provide such benefits or services. The toll-free telephone number shall be staffed by employees of or trained volunteers working at the Department of Veterans' Affairs on weekdays during regular business hours, and on weekends and holidays from nine o'clock a.m. to five o'clock p.m.

Sec. 22. (NEW) (*Effective July 1, 2005*) (a) As used in this section, (1) "department" means the Department of Veterans' Affairs, (2) "service member" means a member of the armed forces, as defined in subsection (a) of section 27-103 of the general statutes, including the Connecticut National Guard, (3) "veteran" has the same meaning as provided in subsection (a) of section 27-103 of the general statutes, and (4) "committee" means the select committee of the General Assembly having cognizance of matters relating to veterans' and military affairs.

(b) The Department of Veterans' Affairs shall develop and maintain a service members' and veterans' contact list, consisting of only the names and mailing addresses of service members and veterans who reside in this state, using information in the department's records and information submitted to the department by (1) the Military Department, as provided in subsection (c) of this section, (2) the

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assessor of each town, as provided in subsection (d) of this section, and (3) service members or veterans, as provided in subsection (e) of this section.

(c) On or before September 1, 2005, the Military Department shall submit to the Department of Veterans' Affairs a list of the name and mailing address, but no other information, of each service member who is a resident of this state that is in the records of the Military Department.

(d) On or before the sixtieth day following the date on which an exemption pursuant to subdivision (19) of section 12-81 of the general statutes takes effect, as provided in section 12-95 of the general statutes, the assessor of each town that granted any such exemption shall submit to the Department of Veterans' Affairs a list of the name and mailing address, but no other information, of each individual who has such exemption.

(e) A service member or veteran who is a resident of this state may add his or her name and mailing address to the contact list by submitting such information to the Department of Veterans' Affairs in person or by mail. A service member shall include a copy of his or her military identification card and a veteran shall include a copy of his or her military discharge document, as defined in section 1-219 of the general statutes.

(f) Any individual who is included in the contact list may cause his or her name to be removed from the contact list by notifying the Department of Veterans' Affairs in writing.

(g) (1) The Department of Veterans' Affairs or the Military Department may use the contact list solely for the purposes of notifying service members or veterans of benefits, proposed or enacted legislation that affects service members or veterans or their families, or

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other information that the Department of Veterans' Affairs or the Military Department believes will be helpful to service members or veterans or their families. The Department of Veterans' Affairs shall provide a copy of the contact list to the Military Department, upon receipt of a written request signed by the Adjutant General.

(2) Notwithstanding the provisions of subsection (a) of section 1-210 of the general statutes, the Department of Veterans' Affairs and the Military Department shall not disclose any information in the contact list to any person other than as provided in this subsection. No person shall use the contact list for any purpose other than as provided in subdivision (1) of this subsection.

Sec. 23. Section 28-31 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(a) The Department of Public Utility Control shall establish a nuclear safety emergency preparedness account, which shall be a separate, nonlapsing account within the General Fund, and which shall be financed through assessments of all Nuclear Regulatory Commission licensees [operating] that own or operate nuclear power generating facilities in the state. The department shall initially assess the licensees for a total of two million dollars. The department may assess licensees for such amounts as necessary for the purposes of the account, provided the balance in the account at the end of the fiscal year may not exceed three hundred thousand dollars. The department shall annually assess the licensees, upon the request of the [Adjutant General of the Military Department] Commissioner of Emergency Management and Homeland Security, for funding to support annual expenses of five staff positions in the Department of Environmental Protection and three staff positions in the [Military Department] Department of Emergency Management and Homeland Security. Personnel shall be assigned to said staff positions solely for the purposes of the program established pursuant to subsection (b) of this

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section. Federal reimbursements and grants obtained in support of the nuclear safety emergency preparedness program shall be paid into the General Fund and credited to the account. The department shall develop an equitable method of assessing the licensees for their reasonable pro-rata share of such assessments. All such assessments shall be included as operating expenses of the licensees for purposes of rate-making. All moneys within the account shall be invested by the State Treasurer in accordance with established investment practices and all interest earned by such investments shall be returned to the account.

(b) Moneys in the account shall be expended by the [Adjutant General of the Military Department] Commissioner of Emergency Management and Homeland Security, in conjunction with the Commissioner of Environmental Protection, only to support the activities of a nuclear safety emergency preparedness program and only in accordance with the plan approved by the Secretary of the Office of Policy and Management under subsection (c) of this section. The program shall include, but not necessarily be limited to: (1) Development of a detailed fixed facility nuclear emergency response plan for areas surrounding each nuclear electrical generation facility and each away-from-reactor spent fuel storage facility, (2) annual training of state and local emergency response personnel, (3) development of accident scenarios and exercising of fixed facility nuclear emergency response plans, (4) provision of specialized response equipment necessary to accomplish this task, (5) support for the operations and personal services costs of the radiological instrument maintenance and calibration facility, as necessary to replace any reduction in current federal funding, and (6) any other measures as may be required by the Nuclear Regulatory Commission and the Federal Emergency Management Agency of the United States Department of Homeland Security. Moneys in the account shall be distributed as follows to carry out the purposes of the program: The

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[Adjutant General of the Military Department] Commissioner of Emergency Management and Homeland Security may expend not more than twenty-five per cent of the proceeds of the maximum annual assessment for administrative functions incident to the program. The [Adjutant General] Commissioner of Emergency Management and Homeland Security may expend such additional funds as are necessary to assure and maintain emergency operations center capabilities and specialized response equipment necessary to implement the fixed facility nuclear emergency response plans. The remaining moneys in the account may be allocated to other state agencies and used to reimburse municipalities for costs incurred in the purchase and maintenance of equipment and for services rendered in carrying out the purposes of the program.

(c) Not later than November first, annually, the [Adjutant General of the Military Department] Commissioner of Emergency Management and Homeland Security, in consultation with the Commissioner of Environmental Protection, shall submit to the Secretary of the Office of Policy and Management a plan for carrying out the purposes of the nuclear safety emergency preparedness program during the next state fiscal year. The plan shall include proposed itemized expenditures and measures for the program. The secretary shall review the plan and, not later than December first, annually, approve the plan if it conforms to the provisions of this section.

(d) All moneys within the nuclear safety emergency preparedness account may be expended only in accordance with the provisions of this section.

(e) Notwithstanding the provisions of subsection (a) of this section, the Department of Public Utility Control may allow an additional assessment of the licensees to supplement the initial assessment of such licensees if either the Nuclear Regulatory Commission or the Federal Emergency Management Agency of the United States

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Department of Homeland Security disapproves or informs, in writing, the Commissioner of Emergency Management and Homeland Security that it is likely to disapprove the nuclear safety emergency preparedness plan and additional funds are or would be needed to conform the plan to acceptable standards.

Sec. 24. Section 51 of public act 01-1 of the June special session, as amended by section 16 of public act 03-6 of the June 30 special session, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Notwithstanding the provisions of sections 10-67 to 10-73b, inclusive, of the general statutes, for the fiscal years ending June 30, [2004] 2006, and June 30, [2005] 2007, the WACE Technical Training Center in Waterbury shall be eligible to spend up to \$300,000 of funding received under the Adult Education Grant pursuant to said sections 10-67 to 10-73b, inclusive, for technical training.

Sec. 25. (*Effective from passage*) Notwithstanding the provisions of subsection (a) of section 31-261 of the general statutes, \$18,000,000 of the amount credited to this state's account in the Unemployment Trust Fund pursuant to Section 903 of the Social Security Act, as amended by Section 209 of Public Law 107-147, with respect to federal fiscal year 2002, is deemed to be appropriated to the Labor Department and shall be used as follows: \$10,000,000 to improve the 20 year old IT infrastructure for the unemployment program; \$2,500,000 to migrate data and improve the CTWorks Business System that links the One-Stop-Jobs First, Workforce Investment Act and the Wagner-Peyser Act programs; \$3,500,000 to improve the linkages between employers and potential employees; and \$2,000,000 to expand the electronic storage needed for employer tax forms. Such amounts shall be available for expenditure to the extent allowed under Section 903 of the Social Security Act, as amended by Section 209 of Public Law 107-147.

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Sec. 26. Subsection (a) of section 14-41 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(a) Except as provided in section 14-41a, each motor vehicle operator's license shall be renewed every six years or every four years on the date of the operator's birthday in accordance with a schedule to be established by the commissioner. On and after July 1, [2005] 2007, the Commissioner of Motor Vehicles shall screen the vision of each motor vehicle operator prior to every other renewal of the operator's license of such operator in accordance with a schedule adopted by the commissioner. Such screening requirement shall apply to every other renewal following the initial screening. In lieu of the vision screening by the commissioner, such operator may submit the results of a vision screening conducted by a licensed health care professional qualified to conduct such screening on a form prescribed by the commissioner during the twelve months preceding such renewal. No motor vehicle operator's license may be renewed unless the operator passes such vision screening. The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this subsection relative to the administration of vision screening.

Sec. 27. Section 14-164m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

Notwithstanding the provisions of section 13b-61, commencing on July 1, [2001] 2007, and on the first day of each October, January, April and July thereafter, the State Comptroller shall transfer from the Special Transportation Fund into the Emissions Enterprise Fund, one million six hundred twenty-five thousand dollars of the funds received by the state pursuant to the fees imposed under sections 14-49b and 14-164c. Notwithstanding the provisions of section 13b-61, on July 1, 2005, October 1, 2005, January 1, 2006, and April 1, 2006, the State

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Comptroller shall transfer from the Special Transportation Fund into the Emissions Enterprise Fund, four hundred thousand dollars of the funds received by the state pursuant to the fees imposed under sections 14-49b and 14-164c. Notwithstanding the provisions of section 13b-61, on July 1, 2006, October 1, 2006, January 1, 2007, and April 1, 2007, the State Comptroller shall transfer from the Special Transportation Fund into the Emissions Enterprise Fund, one million dollars of the funds received by the state pursuant to the fees imposed under sections 14-49b and 14-164c.

Sec. 28. (NEW) (*Effective July 1, 2005*) The State Fire Administrator may, within available funds, administer a supplemental grant award remittance program to support local volunteer fire companies that provide emergency response services on a limited access highway, or, on a section of the highway known as the Berlin Turnpike, which begins at the end of the existing Wilbur Cross Parkway in the town of Meriden and extends northerly along Route 15 to the beginning of that section of limited access highway in the town of Wethersfield known as the South Meadows Expressway, or on that section of Route 8 in Beacon Falls which is within the boundaries of the Naugatuck State Forest. Eligible fire companies may receive direct payment of grant funds or may use the funds as credits for fee-based services provided by the Commission on Fire Prevention and Control. Any such credits shall be used during the fiscal year for which they are received.

Sec. 29. (*Effective July 1, 2005*) During the fiscal year ending June 30, 2006, and the fiscal year ending June 30, 2007, the sum of \$165,000 shall be transferred from the appropriation to the Department of Administrative Services, for Personal Services, to the appropriation to the State Comptroller - Fringe Benefits, for State Employees Health Service Cost, for each of said fiscal years.

Sec. 30. (NEW) (*Effective July 1, 2005*) In order to be eligible to receive funds from the Office of Policy and Management for the

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Leadership, Education, Athletics in Partnership (LEAP) program, or the Neighborhood Youth Centers program, an applicant must provide a match of at least fifty per cent of the grant amount. The cash portion of such match shall be at least twenty-five per cent of the grant amount.

Sec. 31. (*Effective July 1, 2005*) The sum of \$300,000 appropriated to the Labor Department, for the fiscal year ending June 30, 2006, and the fiscal year ending June 30, 2007, for Spanish-American Merchants Association, shall be transferred to the Office of Workforce Competitiveness, for Spanish-American Merchants Association, for said fiscal years.

Sec. 32. Section 12-20b of the general statutes is amended by adding subsection (c) as follows (*Effective July 1, 2005*):

(NEW) (c) Notwithstanding the provisions of section 12-20a or subsection (a) of this section, the amount due the city of New London, on or before the thirtieth day of September, annually, with respect to the United States Coast Guard Academy in New London, shall be five hundred thousand dollars, which amount shall be paid from the annual appropriation, from the General Fund, for reimbursement to towns for loss of taxes on private tax-exempt property.

Sec. 33. (NEW) (*Effective from passage*) (a) As used in this section:

(1) "Eligible member" means a member of the Connecticut National Guard who served in the Persian Gulf War, as defined in 38 USC 101, or in an area designated as a combat zone by the President of the United States during Operation Enduring Freedom or Operation Iraqi Freedom;

(2) "Veteran" means a veteran, as defined in subsection (a) of section 27-103 of the general statutes, who served as an eligible member;

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(3) "Military physician" includes a physician who is under contract with the United States Department of Defense to provide physician services to members of the armed forces; and

(4) "Depleted uranium" means uranium containing less uranium-235 than the naturally occurring distribution of uranium isotopes.

(b) On and after October 1, 2005, the Adjutant General and the Commissioner of Veterans' Affairs shall assist any eligible member or veteran who (1) has been assigned a risk level I, II or III for depleted uranium exposure by his or her branch of service, (2) is referred by a military physician, or (3) has reason to believe that he or she was exposed to depleted uranium during such service, in obtaining federal treatment services, including a best practice health screening test for exposure to depleted uranium using a bioassay procedure involving sensitive methods capable of detecting depleted uranium at low levels and the use of equipment with the capacity to discriminate between different radioisotopes in naturally occurring levels of uranium and the characteristic ratio and marker for depleted uranium. No state funds shall be used to pay for such tests or such other federal treatment services.

(c) On or before October 1, 2005, the Adjutant General shall submit a report to the select committee of the General Assembly having cognizance of matters relating to military and veterans' affairs, in accordance with the provisions of section 11-4a of the general statutes, on the scope and adequacy of training received by members of the Connecticut National Guard on detecting whether their service as eligible members is likely to entail, or to have entailed, exposure to depleted uranium. The report shall include an assessment of the feasibility and cost of adding predeployment training concerning potential exposure to depleted uranium and other toxic chemical substances and the precautions recommended under combat and noncombat conditions while in a combat zone.

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Sec. 34. (*Effective from passage*) (a) There is established a task force to study the health effects of the exposure to hazardous materials, including, but not limited to, depleted uranium, as they relate to military service. The task force shall, within available appropriations: (1) With the approval of the president pro tempore of the Senate and the speaker of the House of Representatives, and subject to the provisions of subsection (c) of this section, commission a study to consider the health of service members who may have been exposed to hazardous materials since August 2, 1990, and conduct a scientific conference on such health effects; (2) initiate a health registry for veterans, as defined in subsection (a) of section 27-103 of the general statutes, and military personnel returning from Afghanistan, Iraq or other countries in which depleted uranium or other hazardous materials may be found; (3) develop a plan for outreach to and follow-up of military personnel; (4) prepare a report for service members concerning potential exposure to depleted uranium and other toxic chemical substances and the precautions recommended under combat and noncombat conditions while in a combat zone; and (5) make any other recommendations the task force considers appropriate.

(b) The task force shall consist of the following members:

(1) The Commissioner of Veterans' Affairs or a designee;

(2) The Commissioner of Public Health or a designee;

(3) Six members who are members of the General Assembly, appointed, one each, by the president pro tempore of the Senate, the speaker of the House of Representatives and the majority and minority leaders of the Senate and the House of Representatives;

(4) Two members who are veterans with knowledge of or experience with exposure to hazardous materials, appointed, one each, by the president pro tempore of the Senate and the speaker of the

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House of Representatives; and

(5) Four members who are physicians or scientists with knowledge of or experience in the detection or health effects of exposure to depleted uranium or other hazardous materials, appointed, one each, by the majority and minority leaders of the Senate and the House of Representatives.

(c) The person retained to conduct the study under subdivision (1) of subsection (a) of this section shall, prior to being retained, disclose to the president pro tempore of the Senate and the speaker of the House of Representatives any research done by such person (1) on any matters related to depleted uranium, or (2) that was funded by an entity that is engaged in manufacturing processes that use depleted uranium.

(d) All appointments to the task force shall be made no later than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority.

(e) The president pro tempore of the Senate and the speaker of the House of Representatives shall appoint as chairpersons of the task force one senator and one representative, respectively, from among the members appointed under subdivision (3) of subsection (b) of this section. The chairpersons shall schedule the first meeting of the task force, which shall be held no later than sixty days after the effective date of this section.

(f) The administrative staff of the select committee of the General Assembly having cognizance of matters relating to military and veterans' affairs shall serve as administrative staff of the task force.

(g) Not later than January 31, 2006, the task force shall submit a report on its findings and recommendations to the select committee of the General Assembly having cognizance of matters relating to

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military and veterans' affairs, in accordance with the provisions of section 11-4a of the general statutes. The task force shall terminate on the date that it submits such report or January 31, 2006, whichever is earlier.

Sec. 35. (*Effective July 1, 2005*) (a) The sum of \$1,000,000 appropriated to the Office of Policy and Management, for Neighborhood Youth Centers, for the fiscal years ending June 30, 2006, and June 30, 2007, shall be used for a grant to the Boys' and Girls' Clubs of Connecticut, provided said organization shall be required to provide a one hundred per cent cash match for such sum.

(b) The sum of \$200,000 appropriated to the Office of Policy and Management for Neighborhood Youth Centers for the fiscal years ending June 30, 2006, and June 30, 2007, shall be used for a grant to San Jose Cooperative Youth, Hill Cooperative Youth and Central YMCA in New Haven, provided said organizations shall be required to provide a match of at least fifty per cent of the grant amount, and the cash portion of such match shall be at least twenty-five per cent of the grant amount.

Sec. 36. Subsection (b) of section 12-15 of the general statutes, as amended by section 65 of public act 05-251, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) The commissioner may disclose (1) returns or return information to (A) an authorized representative of another state agency or office, upon written request by the head of such agency or office, when required in the course of duty or when there is reasonable cause to believe that any state law is being violated, or (B) an authorized representative of an agency or office of the United States, upon written request by the head of such agency or office, when required in the course of duty or when there is reasonable cause to believe that any federal law is being violated, provided no such agency or office shall

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disclose such returns or return information, other than in a judicial or administrative proceeding to which such agency or office is a party pertaining to the enforcement of state or federal law, as the case may be, in a form which can be associated with, or otherwise identify, directly or indirectly, a particular taxpayer except that the names and addresses of jurors or potential jurors and the fact that the names were derived from the list of taxpayers pursuant to chapter 884 may be disclosed by the judicial branch; (2) returns or return information to the Auditors of Public Accounts, when required in the course of duty under chapter 23; (3) returns or return information to tax officers of another state or of a Canadian province or of a political subdivision of such other state or province or of the District of Columbia or to any officer of the United States Treasury Department or the United States Department of Health and Human Services, authorized for such purpose in accordance with an agreement between this state and such other state, province, political subdivision, the District of Columbia or department, respectively, when required in the administration of taxes imposed under the laws of such other state, province, political subdivision, the District of Columbia or the United States, respectively, and when a reciprocal arrangement exists; (4) returns or return information in any action, case or proceeding in any court of competent jurisdiction, when the commissioner or any other state department or agency is a party, and when such information is directly involved in such action, case or proceeding; (5) returns or return information to a taxpayer or its authorized representative, upon written request for a return filed by or return information on such taxpayer; (6) returns or return information to a successor, receiver, trustee, executor, administrator, assignee, guardian or guarantor of a taxpayer, when such person establishes, to the satisfaction of the commissioner, that such person has a material interest which will be affected by information contained in such returns or return information; (7) information to the assessor or an authorized representative of the chief executive officer of a Connecticut

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municipality, when the information disclosed is limited to (A) a list of real or personal property that is or may be subject to property taxes in such municipality, or (B) a list containing the name of each person who is issued any license, permit or certificate which is required, under the provisions of this title, to be conspicuously displayed and whose address is in such municipality; (8) real estate conveyance tax return information or controlling interest transfer tax return information to the town clerk or an authorized representative of the chief executive officer of a Connecticut municipality to which the information relates; (9) estate tax returns and estate tax return information to the Probate Court Administrator or to the court of probate for the district within which a decedent resided at the date of the decedent's death, or within which the commissioner contends that a decedent resided at the date of the decedent's death or, if a decedent died a nonresident of this state, in the court of probate for the district within which real estate or tangible personal property of the decedent is situated, or within which the commissioner contends that real estate or tangible personal property of the decedent is situated; (10) returns or return information to the Secretary of the Office of Policy and Management for purposes of subsection (b) of section 12-7a; (11) return information to the Jury Administrator, when the information disclosed is limited to the names, addresses, federal Social Security numbers and dates of birth, if available, of residents of this state, as defined in subdivision (1) of subsection (a) of section 12-701; (12) pursuant to regulations adopted by the commissioner, returns or return information to any person to the extent necessary in connection with the processing, storage, transmission or reproduction of such returns or return information, and the programming, maintenance, repair, testing or procurement of equipment, or the providing of other services, for purposes of tax administration; (13) without written request and unless the commissioner determines that disclosure would identify a confidential informant or seriously impair a civil or criminal tax investigation, returns and return information which may constitute evidence of a

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violation of any civil or criminal law of this state or the United States to the extent necessary to apprise the head of such agency or office charged with the responsibility of enforcing such law, in which event the head of such agency or office may disclose such return information to officers and employees of such agency or office to the extent necessary to enforce such law; (14) names and addresses of operators, as defined in section 12-407, to tourism districts, as defined in section 10-397; (15) names of each licensed dealer, as defined in section 12-285, and the location of the premises covered by the dealer's license; (16) to a tobacco product manufacturer that places funds into escrow pursuant to the provisions of subsection (a) of section 4-28i, return information of a distributor licensed under the provisions of chapter 214 or chapter 214a, provided the information disclosed is limited to information relating to such manufacturer's sales to consumers within this state, whether directly or through a distributor, dealer or similar intermediary or intermediaries, of cigarettes, as defined in section 4-28h, and further provided there is reasonable cause to believe that such manufacturer is not in compliance with section 4-28i; and (17) returns, which shall not include a copy of the return filed with the commissioner, or return information for purposes of section 12-217z.

Sec. 37. Section 29-223a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(a) No person shall engage in, practice or offer to perform the work of a hoisting equipment operator, except as provided in subsection (b) or (c) of this section, who is not the holder of a valid crane operator's license or hoisting equipment operator's license issued by the board. Each licensed hoisting equipment operator shall carry his or her license on his or her person when operating hoisting equipment. No person may engage in, practice or perform the work of a hoisting equipment operator apprentice unless he has obtained a certificate of registration from the board. An apprentice's certificate may be issued for the

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performance of work of a hoisting equipment operator for the purpose of training, which work may be performed only under the supervision of a licensed hoisting equipment operator.

(b) The provisions of this section shall not apply to: (1) Any person engaged in the occupation of hoisting equipment operator in the state on October 1, 2003, provided such person shall be required to obtain a license [within] not later than one year of October 1, [2003] 2004, (2) engineers under the jurisdiction of the United States, (3) engineers or operators employed by public utilities or industrial manufacturing plants, or (4) persons engaged in boating, fishing, agriculture or arboriculture.

(c) On or after October 1, 2003, but not later than October 1, [2004] 2005, the board shall issue a license for a hoisting equipment operator to any person who provides a notarized statement from the person's employer indicating the dates and duties of employment operating such equipment or proof of ownership and control of a company utilizing such equipment.

Sec. 38. Section 12-815a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

[The executive director of the Division of Special Revenue shall require the person or business organization awarded the primary contract by the Connecticut Lottery Corporation to provide facilities, components, goods or services which are necessary for the operation of the activities of said corporation to submit to state and national criminal history records checks. No such person or business organization may provide such facilities, components, goods or services unless such person or business organization submits to a state police background investigation in accordance with subsection (i) of section 12-574 or is issued a vendor license by the executive director of the Division of Special Revenue. The criminal history records checks

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required pursuant to this section shall be conducted in accordance with section 29-17a.]

(a) The executive director of the Division of Special Revenue shall issue vendor, affiliate and occupational licenses in accordance with the provisions of this section.

(b) No person or business organization awarded a primary contract by the Connecticut Lottery Corporation to provide facilities, components, goods or services that are necessary for and directly related to the secure operation of the activities of said corporation shall do so unless such person or business organization is issued a vendor license by the executive director of the Division of Special Revenue. For the purposes of this subsection, "primary contract" means a contract to provide facilities, components, goods or services to said corporation by a person or business organization (1) that provides any lottery game or any online wagering system related facilities, components, goods or services and that receives or, in the exercise of reasonable business judgment, can be expected to receive more than seventy-five thousand dollars or twenty-five per cent of its gross annual sales from said corporation, or (2) that has access to the facilities of said corporation and provides services in such facilities without supervision by said corporation. Each applicant for a vendor license shall pay a nonrefundable application fee of two hundred dollars.

(c) No person or business organization, other than a shareholder in a publicly traded corporation, may be a subcontractor for the provision of facilities, components, goods or services that are necessary for and directly related to the secure operation of the activities of the Connecticut Lottery Corporation, or may exercise control in or over a vendor licensee unless such person or business organization is licensed as an affiliate licensee by the executive director. Each applicant for an affiliate license shall pay a nonrefundable application fee of two

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hundred dollars.

(d) (1) Each employee of a vendor or affiliate licensee who has access to the facilities of the Connecticut Lottery Corporation and provides services in such facilities without supervision by said corporation or performs duties directly related to the activities of said corporation shall obtain an occupational license.

(2) Each officer, director, partner, trustee or owner of a business organization licensed as a vendor or affiliate licensee and any shareholder, executive, agent or other person connected with any vendor or affiliate licensee who, in the judgment of the executive director, will exercise control in or over any such licensee shall obtain an occupational license.

(3) Each employee of the Connecticut Lottery Corporation shall obtain an occupational license.

(e) The executive director shall issue occupational licenses in the following classes: (1) Class I for persons specified in subdivision (1) of subsection (d) of this section; (2) Class II for persons specified in subdivision (2) of subsection (d) of this section; (3) Class III for persons specified in subdivision (3) of subsection (d) of this section who, in the judgment of the executive director, will not exercise authority over or direct the management and policies of the Connecticut Lottery Corporation; and (4) Class IV for persons specified in subdivision (3) of subsection (d) of this section who, in the judgment of the executive director, will exercise authority over or direct the management and policies of the Connecticut Lottery Corporation. Each applicant for a Class I or III occupational license shall pay a nonrefundable application fee of ten dollars. Each applicant for a Class II or IV occupational license shall pay a nonrefundable application fee of fifty dollars. The nonrefundable application fee shall accompany the application for each such occupational license.

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(f) In determining whether to grant a vendor, affiliate or occupational license to any such person or business organization, the executive director may require an applicant to provide information as to such applicant's: (1) Financial standing and credit; (2) moral character; (3) criminal record, if any; (4) previous employment; (5) corporate, partnership or association affiliations; (6) ownership of personal assets; and (7) such other information as the executive director deems pertinent to the issuance of such license, provided the submission of such other information will assure the integrity of the state lottery. The executive director shall require each applicant for a vendor, affiliate or occupational license to submit to state and national criminal history records checks and may require each such applicant to submit to an international criminal history records check before such license is issued. The state and national criminal history records checks required pursuant to this subsection shall be conducted in accordance with section 29-17a. The executive director shall issue a vendor, affiliate or occupational license, as the case may be, to each applicant who satisfies the requirements of this subsection and who is deemed qualified by the executive director. The executive director may reject for good cause an application for a vendor, affiliate or occupational license.

(g) Each vendor, affiliate or Class I or II occupational license shall be effective for not more than one year from the date of issuance. Each Class III or IV occupational license shall remain in effect throughout the term of employment of any such employee holding such a license. The executive director may require each employee issued a Class IV occupational license to submit information as to such employee's financial standing and credit annually. Initial application for and renewal of any such license shall be in such form and manner as the executive director shall prescribe.

(h) (1) The executive director may suspend or revoke for good cause

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a vendor, affiliate or occupational license after a hearing held before the executive director in accordance with chapter 54. The executive director may order summary suspension of any such license in accordance with subsection (c) of section 4-182.

(2) Any such applicant aggrieved by the action of the executive director concerning an application for a license, or any person or business organization whose license is suspended or revoked, may appeal to the Gaming Policy Board not later than fifteen days after such decision. Any person or business organization aggrieved by a decision of the board may appeal pursuant to section 4-183.

(3) The executive director may impose a civil penalty on any licensee for a violation of any provision of this chapter or any regulation adopted under section 12-568a in an amount not to exceed two thousand five hundred dollars after a hearing held in accordance with chapter 54.

(i) The executive director may require that the books and records of any vendor or affiliate licensee be maintained in any manner which the executive director may deem best, and that any financial or other statements based on such books and records be prepared in accordance with generally accepted accounting principles in such form as the executive director shall prescribe. The executive director or a designee may visit, investigate and place expert accountants and such other persons as deemed necessary in the offices or places of business of any such licensee for the purpose of satisfying himself or herself that such licensee is in compliance with the regulations of the division.

(j) For the purposes of this section, (1) "business organization" means a partnership, incorporated or unincorporated association, firm, corporation, trust or other form of business or legal entity; (2) "control" means the power to exercise authority over or direct the management and policies of a licensee; and (3) "person" means any individual.

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(k) The executive director of the Division of Special Revenue may adopt such regulations, in accordance with chapter 54, as are necessary to implement the provisions of this section.

Sec. 39. Section 12-557e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The Gaming Policy Board shall work in cooperation with the Division of Special Revenue to implement and administer the provisions of this chapter, chapters 226b and 229a and sections 7-169 to 7-186, inclusive. In carrying out its duties the board shall be responsible for: (1) Approving, suspending or revoking licenses issued under subsection (a) of section 12-574; (2) approving contracts for facilities, goods, components or services necessary to carry out the provisions of section 12-572; (3) setting racing and jai alai meeting dates, except that the board may delegate to the executive director the authority for setting make-up performance dates within the period of a meeting set by the board; (4) imposing fines on licensees under subsection (j) of section 12-574; (5) approving the types of pari-mutuel betting to be permitted; (6) advising the executive director concerning the conduct of off-track betting facilities; (7) assisting the executive director in developing regulations to carry out the provisions of this chapter, chapters 226b and 229a and sections 7-169 to 7-186, inclusive, and approving such regulations prior to their adoption; (8) hearing all appeals taken under subsection (k) of section 7-169, subsection (h) of section 7-169h, subsection (c) of section 7-181, subsection (j) of section 12-574 and section [12-802b] 12-815a, as amended by this act; and (9) advising the Governor on state-wide plans and goals for legalized gambling.

Sec. 40. Section 12-806a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

As used in this section, "procedure" shall have the same meaning as

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"procedure", as defined in subdivision (2) of section 1-120. The Division of Special Revenue shall, for the purposes of sections 12-557e, as amended by this act, and 12-568a, subsection (d) of section 12-574 and sections 12-802a, [12-802b,] 12-815a, as amended by this act, and this section, [and section 12-815a,] regulate the activities of the Connecticut Lottery Corporation to assure the integrity of the state lottery. In addition to the requirements of the provisions of chapter 12 and notwithstanding the provisions of section 12-806, the Connecticut Lottery Corporation shall, prior to implementing any procedure designed to assure the integrity of the state lottery, obtain the written approval of the executive director of the Division of Special Revenue in accordance with regulations adopted under section 12-568a.

Sec. 41. (NEW) (*Effective July 1, 2005*) One-third of the amount of the increase in the appropriation to the Mashantucket Pequot and Mohegan Fund for the fiscal year ending June 30, 2007, for Grants to Towns, shall be distributed to municipalities that are members of the Southeastern Connecticut Council of Governments and to any distressed municipality that is a member of the Northeastern Connecticut Council of Governments or the Windham Area Council of Governments. Said amount shall be distributed proportionately to each such municipality based on the total amount of payments received by all such municipalities from said fund in the fiscal year ending June 30, 2006, determined in accordance with section to 3-55j of the general statutes, as amended by this act. The grants payable in accordance with this section shall be determined prior to the determination of grants pursuant to said section to 3-55j and shall not be reduced proportionately if the total of the grants payable to each municipality pursuant to said section exceeds the amount appropriated for such grants with respect to such year. The payments to municipalities authorized by this section shall be made in accordance with the schedule set forth in section 3-55i of the general statutes.

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Sec. 42. (NEW) (*Effective July 1, 2005*) (a) For the fiscal year ending June 30, 2006, the municipalities of Ledyard, Montville, Norwich, North Stonington and Preston shall each receive a grant of two hundred fifty thousand dollars which shall be paid from the Mashantucket Pequot and Mohegan Fund established by section 3-55i of the general statutes and which shall be in addition to the grants paid to said municipalities pursuant to section 3-55j of the general statutes, as amended by this act.

(b) For the fiscal year ending June 30, 2007, and each fiscal year thereafter, the municipalities of Ledyard, Montville, Norwich, North Stonington and Preston shall each receive a grant of seven hundred fifty thousand dollars which shall be paid from said fund and which shall be in addition to the grants paid to said municipalities pursuant to section 3-55j of the general statutes, as amended by this act.

(c) The grants payable in accordance with this section shall be determined prior to the determination of grants pursuant to said section 3-55j and shall not be reduced proportionately if the total of the grants payable to each municipality pursuant to said section exceeds the amount appropriated for grants pursuant to section 3-55i of the general statutes with respect to each such year.

Sec. 43. Subsection (i) of section 3-55j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(i) For the fiscal year ending June 30, 2003, [and each fiscal year thereafter] to the fiscal year ending June 30, 2006, inclusive, the municipalities of Ledyard, Montville, Norwich, North Stonington and Preston shall each receive a grant of five hundred thousand dollars which shall be paid from the Mashantucket Pequot and Mohegan Fund established by section 3-55i and which shall be in addition to the grants paid to said municipalities pursuant to subsections (a) to (g),

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inclusive, of this section.

Sec. 44. (NEW) (*Effective October 1, 2005*) (a) There is established a Commission on Child Protection that shall consist of eleven members appointed as follows: (1) The Chief Justice of the Supreme Court shall appoint two judges of the Superior Court, or a judge of the Superior Court and a retired judge of the Superior Court; (2) the speaker of the House of Representatives, the president pro tempore of the Senate, the majority leader of the Senate and the majority leader of the House of Representatives, and the minority leader of the House of Representatives and the minority leader of the Senate shall each appoint one member; and (3) the Governor shall appoint three members, one of whom shall serve as chairperson.

(b) Each member of the commission shall serve for a term of three years and until the appointment and qualification of his or her successor. No more than three of the members, other than the chairperson, may be members of the same political party. Of the four nonjudicial members, other than the chairperson, at least two shall not be members of the bar of any state.

(c) If any vacancy occurs on the commission, the appointing authority having the power to make the initial appointment under the provisions of this section shall appoint a person for the unexpired term in accordance with the provisions of this section.

(d) The members of the commission shall serve without compensation but shall be reimbursed for actual expenses incurred while engaged in the duties of the commission. The members of the commission shall not be employed in any other position under this section or section 45 of this act.

(e) The commission may adopt such rules as it deems necessary for the conduct of its internal affairs.

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(f) The commission shall be responsible for carrying out the purposes of this section and section 45 of this act and shall appoint a Chief Child Protection Attorney, who shall serve at the pleasure of the commission and whose compensation shall be fixed by the commission.

(g) The commission shall be within the Division of Public Defender Services for administrative purposes only.

Sec. 45. (NEW) (*Effective October 1, 2005*) The Chief Child Protection Attorney appointed under section 44 of this act shall on or before July 1, 2006:

(1) Establish a system for the provision of: (A) Legal services to indigent respondents in family contempt and paternity matters, and (B) legal services and guardians ad litem to children and indigent parents in proceedings before the superior court for juvenile matters, as defined in subsection (a) of section 46b-121 of the general statutes, other than representation of children in delinquency matters. To carry out the requirements of this section, the Chief Child Protection Attorney may contract with (i) appropriate not-for-profit legal services agencies, and (ii) individual lawyers for the delivery of legal services to represent children and indigent parents in such proceedings;

(2) Ensure that attorneys providing legal services pursuant to this section are assigned to cases in a manner that will avoid conflicts of interest, as defined by the Rules of Professional Conduct; and

(3) Provide initial and in-service training for attorneys providing legal services pursuant to this section and establish training, practice and caseload standards for the representation of: (A) Indigent respondents in family contempt and paternity matters, and (B) children and indigent parents in juvenile matters, as defined in subsection (a) of section 46b-121 of the general statutes, other than

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representation of children in delinquency matters. Such standards shall apply to any attorney who represents children or indigent parents in such matters pursuant to this section and shall be designed to ensure a high quality of legal representation. The training for attorneys required by this subdivision shall be designed to ensure proficiency in the procedural and substantive law related to such matters and to establish a minimum level of proficiency in relevant subject areas, including, but not limited to, family violence, child development, behavioral health, educational disabilities and cultural competence.

Sec. 46. (NEW) (*Effective July 1, 2006*) (a) The judicial authority before whom a juvenile or family matter described in section 45 of this act is pending shall determine eligibility for counsel for a child or youth and the parents or guardian of a child or youth if they are unable to afford counsel. Upon a finding that a party is unable to afford counsel, the judicial authority shall appoint the Chief Child Protection Attorney appointed under section 44 of this act. For purposes of determining eligibility for appointment of counsel, the judicial authority shall cause the parent or guardian of a child or youth to complete a written statement under oath or affirmation setting forth the parent or guardian's liabilities and assets, income and sources thereof, and such other information which the Commission on Child Protection shall designate and require on forms adopted by the Commission on Child Protection. Upon the appointment of counsel for a parent, guardian, child or youth, the judicial authority shall notify the Chief Child Protection Attorney, who shall assign the matter to an attorney under contract with the Commission on Child Protection to provide such representation.

(b) The payment of any attorney who was appointed prior to July 1, 2006, to represent a child or indigent parent in any case described in subdivision (1) of section 45 of this act, who continues to represent

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such child or parent after July 1, 2006, shall be processed through the Commission on Child Protection and paid at the rate that was in effect at the time of such appointment.

Sec. 47. (*Effective October 1, 2005*) (a) The sum of \$234,000 for Personal Services, \$125,000 for Other Expenses, and \$30,000 for Equipment, appropriated to the Judicial Department, in section 1 of public act 05-251 for the fiscal year ending June 30, 2006, for contracted attorneys and associated administration expenses, shall be transferred to the Public Defender Services Commission for said years for contracted attorney services and associated administration expenses.

(b) The sum of \$312,000 for Personal Services and \$9,200,000 for Other Expenses, appropriated to the Judicial Department, in section 11 of public act 05-251 for the fiscal year ending June 30, 2007, for contracted attorneys and associated administration expenses, shall be transferred to the Public Defender Services Commission for said years for contracted attorney services and associated administration expenses.

Sec. 48. Section 20-334d of the general statutes is amended by adding subsection (d) as follows (*Effective from passage*):

(NEW) (d) Any plumber who has served an apprenticeship that included at least seven hundred hours of related classroom instruction shall be exempt from any continuing education requirement established pursuant to subsection (c) of this section.

Sec. 49. Section 29-6b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

[Each] Not later than January 1, 2007, each vehicle purchased for use primarily as a patrol car by a state police officer [on or after January 1, 2006,] shall be equipped with a manufacturer-installed fire suppression system. For purposes of this section, "fire suppression system" means a

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system that is integrated into the structure and electrical architecture of a vehicle and (1) uses sensors to measure post-impact vehicle movement to determine the optimal time to deploy chemicals designed to suppress the spread of fire or extinguish a fire resulting from a high-speed rear-end collision, and (2) may be activated both manually and automatically.

Sec. 50. (*Effective from passage*) Section 66 of public act 05-251 shall take effect from passage and be applicable to estates of decedents dying on or after January 1, 2005.

Sec. 51. Section 12-359 of the general statutes is amended by adding subsection (e) as follows (*Effective from passage and applicable to estates of decedents dying on or after January 1, 2005*):

(NEW) (e) The provisions of this section shall not apply to estates of decedents dying on or after January 1, 2005.

Sec. 52. Section 12-364 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any person shall, if the Commissioner of Revenue Services finds, upon evidence satisfactory to him, that a joint tenant of real property situated in this state has died and that the payment of any succession tax with respect to the interest of such deceased joint tenant in such real property is adequately assured, or that no succession tax will become due therefrom, be entitled to a certificate of release of lien reciting that the Commissioner of Revenue Services has released such real property from the operation of any lien for succession taxes with respect to the interest of such deceased joint tenant in such real property which shall be conclusive proof that such real property has been released from the operation of such lien. Such certificate of release of lien may be recorded in the office of the town clerk of the town in which such real property is situated. A finding by the

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commissioner that the payment of such tax is adequately assured shall be based upon the receipt by the commissioner of a bond or other security for an amount and with surety satisfactory to him, conditioned upon the full payment of all succession taxes with respect to the gross taxable estate of such deceased joint tenant or upon the payment to the commissioner of an amount satisfactory to him on account of such tax or upon the finding by the commissioner that an executor or administrator of the estate of such deceased joint tenant has been duly appointed in this state and that the official bond of such administrator or executor, or, if such administrator or executor is a corporation, its financial responsibility, furnishes adequate protection for the payment of all succession taxes. The commissioner may adopt regulations, in accordance with the provisions of chapter 54, that prescribe the circumstances under which a judge of the probate court having jurisdiction of such estate is permitted to issue a certificate of release of lien, based on a finding by said judge that payment of any succession tax with respect to the interest of a deceased joint tenant in real property is adequately assured or that no succession tax will become due from such property. The provisions of this section shall not apply to estates of decedents dying on or after January 1, 2005.

Sec. 53. Section 12-366 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The tax herein imposed shall be a lien in favor of the state of Connecticut upon the real property so passing from the due date until paid, with the interest and costs that may accrue in addition thereto; provided such lien shall not be valid as against any lienor, mortgagee, judgment creditor or bona fide purchaser provided they have no notice, unless and until notice of such lien is filed or recorded in the town clerk's office or place where mortgages, liens and conveyances of such property are required by statute to be filed or recorded. The lien upon any real property transferred, or a portion thereof, may be

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discharged by the payment of such amount as tax thereon as the Commissioner of Revenue Services may specify or by the giving to the commissioner of a bond for such amount; or the commissioner, upon application by the fiduciary, may make an order transferring such lien to other real property of the estate or of the transferee, which order of transfer shall be recorded as above. Any person shall be entitled to a certificate that the tax upon the transfer of any real property has been paid, and such certificate may be recorded in the office of the town clerk of the town within which such real property is situated, and it shall be conclusive proof that the tax on the transfer of such real property has been paid and such lien discharged. The commissioner may adopt regulations in accordance with the provisions of chapter 54 that prescribe the circumstances under which a judge of the probate court having jurisdiction of an estate is permitted to discharge a lien by the payment of such amount as tax on such real property as the judge may specify. The provisions of this section shall not apply to estates of decedents dying on or after January 1, 2005.

Sec. 54. Subsections (a) and (b) of section 12-391 of the general statutes, as amended by section 69 of public act 05-251, are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) With respect to estates of decedents who die prior to January 1, 2005, and except as otherwise provided in section 59 of public act 03-1 of the June 30 special session, a tax is imposed upon the transfer of the estate of each person who at the time of death was a resident of this state. The amount of the tax shall be the amount of the federal credit allowable for estate, inheritance, legacy and succession taxes paid to any state or the District of Columbia under the provisions of the federal internal revenue code in force at the date of such decedent's death in respect to any property owned by such decedent or subject to such taxes as part of or in connection with the estate of such decedent. If real or tangible personal property of such decedent is located outside

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of this state and is subject to estate, inheritance, legacy, or succession taxes by any state or states, other than the state of Connecticut, or by the District of Columbia for which such federal credit is allowable, the amount of tax due under this section shall be reduced by the lesser of: (1) The amount of any such taxes paid to such other state or states or said district and allowed as a credit against the federal estate tax; or (2) an amount computed by multiplying such federal credit by a fraction, (A) the numerator of which is the value of that part of the decedent's gross estate over which such other state or states or said district have jurisdiction for estate tax purposes to the same extent to which this state would assert jurisdiction for estate tax purposes under this chapter with respect to the residents of such other state or states or said district, and (B) the denominator of which is the value of the decedent's gross estate. Property of a resident estate over which this state has jurisdiction for estate tax purposes includes real property situated in this state, tangible personal property having an actual situs in this state, and intangible personal property owned by the decedent, regardless of where it is located. The amount of any estate tax imposed under this subsection shall also be reduced, but not below zero, by the amount of any tax that is imposed under chapter 216 and that is actually paid to this state.

(b) With respect to the estates of decedents who die prior to January 1, 2005, and except as otherwise provided in section 59 of public act 03-1 of the June 30 special session, a tax is imposed upon the transfer of the estate of each person who at the time of death was a nonresident of this state, the amount of which shall be computed by multiplying (1) the federal credit allowable for estate, inheritance, legacy, and succession taxes paid to any state or states or the District of Columbia under the provisions of the federal internal revenue code in force at the date of such decedent's death in respect to any property owned by such decedent or subject to such taxes as a part of or in connection with the estate of such decedent by (2) a fraction, (A) the numerator of

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which is the value of that part of the decedent's gross estate over which this state has jurisdiction for estate tax purposes and (B) the denominator of which is the value of the decedent's gross estate. Property of a nonresident estate over which this state has jurisdiction for estate tax purposes includes real property situated in this state and tangible personal property having an actual situs in this state. The amount of any estate tax imposed under this subsection shall also be reduced, but not below zero, by the amount of any tax that is imposed under chapter 216 and that is actually paid to this state.

Sec. 55. Subdivision (3) of subsection (b) of section 12-392 of the general statutes, as amended by section 70 of public act 05-251, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(3) (A) A tax return shall be filed, in the case of every decedent who died prior to January 1, 2005, and at the time of death was (i) a resident of this state, or (ii) a nonresident of this state whose gross estate includes any real property situated in this state or tangible personal property having an actual situs in this state, whenever the personal representative of the estate is required by the laws of the United States to file a federal estate tax return.

(B) A tax return shall be filed, in the case of every decedent who dies on or after January 1, 2005, and at the time of death was (i) a resident of this state, or (ii) a nonresident of this state whose gross estate includes any real property situated in this state or tangible personal property having an actual situs in this state. If the decedent's Connecticut taxable estate is over two million dollars, such tax return shall be filed with the Commissioner of Revenue Services and a copy of such return shall be filed with the court of probate for the district within which the decedent resided at the date of his or her death or, if the decedent died a nonresident of this state, the court of probate for the district within which such real property or tangible personal

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property is situated. If the decedent's Connecticut taxable estate is two million dollars or less, such return shall be filed with the court of probate for the district within which the decedent resided at the date of his or her death or, if the decedent died a nonresident of this state, the court of probate for the district within which such real property or tangible personal property is situated, and no such return shall be filed with the Commissioner of Revenue Services. The judge of probate for the district in which such return is filed shall review each such return and shall issue a written opinion to the estate representative in each case in which the judge determines that the estate is not subject to tax under this chapter.

(C) The duly authorized executor or administrator shall file the return. If there is more than one executor or administrator, the return shall be made jointly by all. If there is no executor or administrator appointed, qualified and acting, each person in actual or constructive possession of any property of the decedent is constituted an executor for purposes of the tax and shall make and file a return. If in any case the executor is unable to make a complete return as to any part of the gross estate, the executor shall provide all the information available to him with respect to such property, including a full description, and the name of every person holding a legal or beneficial interest in the property. If the executor is unable to make a return as to any property, each person holding a legal or equitable interest in such property shall, upon notice from the commissioner, make a return as to that part of the gross estate.

(D) On or before the last day of the month next succeeding each calendar quarter, and commencing with the calendar quarter ending September 30, 2005, each court of probate shall file with the commissioner a report for the calendar quarter in such form as the commissioner may prescribe. The report shall pertain to returns filed with the court of probate during the calendar quarter.

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Sec. 56. Subdivision (1) of subsection (b) of section 45a-107 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage, and applicable to estates of decedents dying on or after January 1, 2005*):

(1) The basis for costs shall be (A) the gross estate for succession tax purposes, as provided in section 12-349, the inventory, including all supplements thereto, or the [gross estate] Connecticut taxable estate, as defined in section 12-391, as amended by section 69 of public act 05-251, for estate tax purposes, as provided in chapters 217 and 218, whichever is greater, plus (B) all damages recovered for injuries resulting in death minus any hospital and medical expenses for treatment of such injuries resulting in death minus any hospital and medical expenses for treatment of such injuries that are not reimbursable by medical insurance and minus the attorney's fees and other costs and expenses of recovering such damages. Any portion of the basis for costs that is determined by property passing to the surviving spouse shall be reduced by fifty per cent. Except as provided in subdivision (3) of this subsection, in no case shall the minimum cost be less than twenty-five dollars.

Sec. 57. Subsection (e) of section 12-398 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) Any person shall be entitled to a certificate of release of lien with respect to the interest of the decedent in such real property, if either the court of probate for the district within which the decedent resided at the date of his death or, if the decedent died a nonresident of this state, for the district within which real estate or tangible personal property of the decedent is situated, or the Commissioner of Revenue Services finds, upon evidence satisfactory to said court or said commissioner, as the case may be, that payment of the tax imposed under this chapter with respect to the interest of the decedent in such

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real property is adequately assured, or that no tax imposed under this chapter is due. If the decedent's Connecticut taxable estate is two million dollars or less, the certificate of release of lien shall be issued by the court of probate. Such certificate may be recorded in the office of the town clerk of the town within which such real property is situated, and it shall be conclusive proof that such real property has been released from the operation of such lien. The commissioner may adopt regulations in accordance with the provisions of chapter 54 that establish procedures to be followed by a court of probate or by said commissioner, as the case may be, for issuing certificates of release of lien, and that establish the requirements and conditions that must be satisfied in order for a court of probate or for the commissioner, as the case may be, to find that the payment of such tax is adequately assured or that no tax imposed under this chapter is due.

Sec. 58. (NEW) (*Effective from passage and applicable to taxable years commencing, gifts made, and estates of decedents dying on or after January 1, 2006*) The provisions of chapters 217, 228c and 229 of the general statutes shall apply to parties to a civil union recognized under the laws of this state as if federal income tax law and federal estate and gift tax law recognized such a civil union in the same manner as Connecticut law.

Sec. 59. Section 88 of public act 05-251 is repealed and the following is substituted in lieu thereof (*Effective September 1, 2005*):

(a) [Every domestic] Notwithstanding any provision of the general statutes, each insurer [or insurance company] authorized to issue policies of liability [or workers' compensation] insurance in the state shall, upon the filing of any [personal injury or workers' compensation] claim for damages because of bodily injury or death for a resident of this state, provide notice of such claim to the Commissioner of Administrative Services for the purposes of identifying potential liabilities to the [State of Connecticut. No such

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insurer or insurance company shall be required to provide such notice to any other state agency] state that the commissioner is authorized to collect pursuant to the general statutes. The content of such notice and the manner of its transmission shall be determined by the department in consultation with the insurers, except that insurers may provide such required notification directly to the commissioner or through a central reporting organization to which the insurer subscribes.

(b) The state shall maintain, as confidential, any information obtained, collected, prepared or received pursuant to this section. The state shall not store or maintain any information provided [in such notice] pursuant to this section unless the state identifies the claimant as having a potential liability to the [State of Connecticut] state. [No domestic insurer or insurance company shall issue payment on any claim until twenty-five days after the notice required under this section has been provided.]

(c) The commissioner shall reimburse insurers or central reporting organizations, as applicable, for the reasonable documented costs, as determined by the commissioner, incurred for compliance with this section.

[(b)] (d) [Any] Each insurer, [or insurance company,] its directors, agents, and employees and each central reporting [organizations and their respective] organization, its agents and employees, authorized by an insurer to act on its behalf, [who release information or withhold payments in accordance with the provisions of this section shall be immune from any liability] that provide or attempt to provide data pursuant to the provisions of this section shall be immune from any liability under any law to any person or entity for any alleged or actual damages that occur as a result of providing or attempting to provide data pursuant to this section, provided said damages are not caused by intentional, wilful or wanton misconduct. Compliance with the requirements of this section shall not subject any insurer, its directors,

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agents, employees and insureds, or any central reporting organization, its agents and employees, authorized by an insurer to act on its behalf, to any claims brought pursuant to sections 38a-816, 38a-975 to 38a-999a, inclusive, or section 42-110b, or any penalty pursuant to section 38a-15.

(e) Information provided by or obtained from an insurer or the central reporting organization pursuant to this section shall not be subject to disclosure under section 1-210.

Sec. 60. Section 18-81r of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(a) For the purposes of this section, "ombudsman services" includes (1) the receipt of complaints by the ombudsman from inmates in the custody of the Department of Correction including inmates housed in other states, regarding decisions, actions and omissions, policies, procedures, rules and regulations of the department, (2) investigating such complaints, rendering a decision on the merits of each complaint and communicating the decision to the complainant, (3) recommending to the Commissioner of Correction a resolution of any complaint found to have merit, (4) recommending policy revisions to the department, and (5) publishing a quarterly report of all ombudsman services activities.

(b) The [Commissioner of Correction] Department of Administrative Services shall contract for the provision of ombudsman services and shall annually report the name of the person or persons with whom [the department] he or she has so contracted to the joint standing committee of the General Assembly having cognizance of matters relating to the Department of Correction in accordance with the provisions of section 11-4a.

(c) Prior to any person in the custody of the Commissioner of

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Correction obtaining ombudsman services, such person shall have reasonably pursued a resolution of the complaint through any existing internal grievance or appellate procedures of the Department of Correction.

(d) All oral and written communications, and records relating thereto, between an inmate and the ombudsman or a member of the ombudsman's staff, including, but not limited to, the identity of a complainant, the details of a complaint and the investigative findings and conclusions of the ombudsman shall be confidential and shall not be disclosed without the consent of the inmate, except that the ombudsman may disclose without the consent of the inmate (1) such communications or records as may be necessary in order for the ombudsman to conduct an investigation and support any recommendations the ombudsman may make, or (2) the formal disposition of an inmate's complaint when requested in writing by a court hearing such inmate's application for a writ of habeas corpus that was filed subsequent to an adverse finding by the ombudsman on such inmate's complaint.

(e) Notwithstanding the provisions of subsection (d) of this section, whenever in the course of providing ombudsman services, the ombudsman or a member of the ombudsman's staff becomes aware of the commission or planned commission of a criminal act or a threat to the health and safety of any individual or the security of a correctional facility, the ombudsman shall notify the Commissioner of Correction or a facility administrator of such act or threat and the nature and target thereof.

(f) If the commissioner has a reasonable belief that an inmate has made or provided to the ombudsman an oral or written communication concerning a safety or security threat within the Department of Correction or directed against an employee of the department, the ombudsman shall provide to the commissioner all oral

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or written communications relevant to such threat.

Sec. 61. (*Effective July 1, 2005*) (a) The sum of \$150,000 appropriated to the Office of Criminal Justice Policy and Planning, from the General Fund, for the fiscal year ending June 30, 2007, for Personal Services, shall be transferred to the Office of Policy and Management, for said fiscal year, for Personal Services.

(b) The sum of \$32,000 appropriated to the Office of Criminal Justice Policy and Planning, from the General Fund, for the fiscal year ending June 30, 2007, for Other Expenses, shall be transferred to the Office of Policy and Management, for said fiscal year, for Other Expenses.

(c) The sum of \$18,000 appropriated to the Office of Criminal Justice Policy and Planning, from the General Fund, for the fiscal year ending June 30, 2007, for Equipment, shall be transferred to the Office of Policy and Management, for said fiscal year, for Equipment.

Sec. 62. (*Effective July 1, 2005*) (a) The sum of \$60,000 appropriated to the Military Department, for the fiscal year ending June 30, 2006, for Military Assistance, and the sum of \$60,000 appropriated to the Military Department, for the fiscal year ending June 30, 2007, for Military Assistance, shall be transferred to the Department of Veterans' Affairs, for Personal Services, for said fiscal years, for the veterans' contact list and registry.

(b) The sum of \$278,886 appropriated to the Department of Correction, for the fiscal year ending June 30, 2006, for correctional ombudsman services, and the sum of \$286,137 appropriated to the Department of Correction, for the fiscal year ending June 30, 2007, for correctional ombudsman services, shall be transferred to the Department of Administrative Services, for Other Expenses, for said fiscal years, for correctional ombudsman services.

Sec. 63. (NEW) (*Effective July 1, 2005*) Any costs associated with

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administering the provisions of public act 05-228, including fringe benefit costs, shall be paid from the account established by section 6 of public act 05-228.

Sec. 64. Subdivision (2) of subsection (a) of section 10a-77a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(2) (A) For each of the fiscal years ending June 30, 2000, to June 30, [2014] 2006, inclusive, as part of the state contract with donors of endowment fund eligible gifts, the Department of Higher Education, in accordance with section 10a-8b, shall deposit in the Endowment Fund for the Community-Technical College System a grant in an amount equal to half of the total amount of endowment fund eligible gifts received by or for the benefit of the community-technical college system as a whole and each regional community-technical college for the calendar year ending the December thirty-first preceding the commencement of such fiscal year, as certified by the chairperson of the board of trustees by February fifteenth to ~~[(A)]~~ (i) the Secretary of the Office of Policy and Management, ~~[(B)]~~ (ii) the joint standing committee of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies, and ~~[(C)]~~ (iii) the Commissioner of Higher Education, provided such sums do not exceed the endowment fund state grant maximum commitment for the fiscal year in which the grant is made.

(B) For each of the fiscal years ending June 30, 2007, to June 30, 2014, inclusive, as part of the state contract with donors of endowment fund eligible gifts, the Department of Higher Education, in accordance with section 10a-8b, shall deposit in the Endowment Fund for the Community-Technical College System a grant in an amount equal to one-quarter of the total amount of endowment fund eligible gifts received by or for the benefit of the community-technical college system as a whole and each regional community-technical college for

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the calendar year ending the December thirty-first preceding the commencement of such fiscal year, as certified by the chairperson of the board of trustees by February fifteenth to (i) the Secretary of the Office of Policy and Management, (ii) the joint standing committee of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies, and (iii) the Commissioner of Higher Education, provided such sums do not exceed the endowment fund state grant maximum commitment for the fiscal year in which the grant is made. Commitments by donors to make endowment fund eligible gifts for two or more years that meet the criteria set forth in this subdivision and that are made for the period prior to December 31, 2004, but ending before December 31, 2012, shall continue to be matched by the Department of Higher Education in an amount equal to one-half of the total amount of endowment fund eligible gifts received through the commitment.

(C) In any such fiscal year in which the total of the eligible gifts received by the community-technical colleges exceeds the endowment fund state grant maximum commitment for such fiscal year the amount in excess of such endowment fund state grant maximum commitment shall be carried forward and be eligible for a matching state grant in any succeeding fiscal year from the fiscal year ending June 30, 2000, to the fiscal year ending June 30, 2014, inclusive, subject to the endowment fund state grant maximum commitment. Any endowment fund eligible gifts that are not included in the total amount of endowment fund eligible gifts certified by the chairperson of the board of trustees pursuant to this subdivision may be carried forward and be eligible for a matching state grant in any succeeding fiscal year from the fiscal year ending June 30, 2000, to the fiscal year ending June 30, 2014, inclusive, subject to the endowment fund state matching grant commitment for such fiscal year.

Sec. 65. Subdivision (2) of subsection (b) of section 10a-109i of the

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general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(2) (A) For each of the fiscal years ending June 30, 1999, to June 30, [2014] 2006, inclusive, as part of the state contract with donors of endowment fund eligible gifts, the Department of Higher Education, in accordance with section 10a-8b shall deposit in the endowment fund for the university a grant in an amount equal to half of the total amount of endowment fund eligible gifts, except as provided in this subparagraph, received by the university or for the benefit of the university for the calendar year ending the December thirty-first preceding the commencement of such fiscal year, as certified by the chairperson of the board of trustees by February fifteenth to (i) the Secretary of the Office of Policy and Management, (ii) the joint standing committee of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies, and (iii) the Commissioner of Higher Education, provided such sums do not exceed the endowment fund state grant maximum commitment for the fiscal year in which the grant is made. For the fiscal years ending June 30, 1999, and June 30, 2000, the Department of Higher Education shall deposit in the endowment fund for the university grants in total amounts which shall not exceed the endowment fund state grant, as defined in subdivision (7) of section 10a-109c of the general statutes, revision of 1958, revised to January 1, 1997, and which shall be equal to the amounts certified by the chairperson of the board of trustees for each such fiscal year of endowment fund eligible gifts received by the university or for the benefit of the university and for which written commitments were made prior to July 1, 1997. For the fiscal year ending June 30, 1999, the funds required to be deposited in the endowment fund pursuant to this subparagraph shall be appropriated to the university for such purpose and not appropriated to the fund established pursuant to section 10a-8b.

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(B) For each of the fiscal years ending June 30, 2007, to June 30, 2014, inclusive, as part of the state contract with donors of endowment fund eligible gifts, the Department of Higher Education, in accordance with section 10a-8b shall deposit in the endowment fund for the university a grant in an amount equal to one-quarter of the total amount of endowment fund eligible gifts, except as provided in this subdivision, received by the university or for the benefit of the university for the calendar year ending the December thirty-first preceding the commencement of such fiscal year, as certified by the chairperson of the board of trustees by February fifteenth to (i) the Secretary of the Office of Policy and Management, (ii) the joint standing committee of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies, and (iii) the Commissioner of Higher Education, provided such sums do not exceed the endowment fund state grant maximum commitment for the fiscal year in which the grant is made. Commitments by donors to make endowment fund eligible gifts for two or more years that meet the criteria set forth in this subdivision and that are made for the period prior to December 31, 2004, but ending before December 31, 2012, shall continue to be matched by the Department of Higher Education in an amount equal to one-half of the total amount of endowment fund eligible gifts received through the commitment.

(C) In any such fiscal year in which the eligible gifts received by the university exceed the endowment fund state grant maximum commitment for such fiscal year the amount in excess of such endowment fund state grant maximum commitment for such fiscal year, shall be carried forward and be eligible for a matching state grant in any succeeding fiscal year from the fiscal year ending June 30, 1999, to the fiscal year ending June 30, 2014, inclusive, subject to the endowment fund state grant maximum commitment for such fiscal year. Any endowment fund eligible gifts that are not included in the total amount of endowment fund eligible gifts certified by the

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chairperson of the board of trustees pursuant to this subparagraph may be carried forward and be eligible for a matching state grant in any succeeding fiscal year from the fiscal year ending June 30, 2000, to the fiscal year ending June 30, 2014, inclusive, subject to the endowment fund state matching grant maximum commitment for such fiscal year.

Sec. 66. Subdivision (2) of subsection (a) of section 10a-143a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(2) (A) For each of the fiscal years ending June 30, 2000, to June 30, [2014] 2006, inclusive, as part of the state contract with donors of endowment fund eligible gifts, the Department of Higher Education, in accordance with section 10a-8b, shall deposit in the Endowment Fund for Charter Oak State College a grant in an amount equal to half of the total amount of endowment fund eligible gifts received by or for the benefit of Charter Oak State College for the calendar year ending the December thirty-first preceding the commencement of such fiscal year, as certified by the chairperson of the Board for State Academic Awards by February fifteenth to [(A)] (i) the Secretary of the Office of Policy and Management, [(B)] (ii) the joint standing committee of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies, and [(C)] (iii) the Commissioner of Higher Education, provided such sums do not exceed the endowment fund state grant maximum commitment for the fiscal year in which the grant is made.

(B) For each of the fiscal years ending June 30, 2007, to June 30, 2014, inclusive, as part of the state contract with donors of endowment fund eligible gifts, the Department of Higher Education, in accordance with section 10a-8b, shall deposit in the Endowment Fund for Charter Oak State College a grant in an amount equal to one-quarter of the total amount of endowment fund eligible gifts received by or for the benefit

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of Charter Oak State College for the calendar year ending the December thirty-first preceding the commencement of such fiscal year, as certified by the chairperson of the Board for State Academic Awards by February fifteenth to (i) the Secretary of the Office of Policy and Management, (ii) the joint standing committee of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies, and (iii) the Commissioner of Higher Education, provided such sums do not exceed the endowment fund state grant maximum commitment for the fiscal year in which the grant is made. Commitments by donors to make endowment fund eligible gifts for two or more years that meet the criteria set forth in this subdivision and that are made for the period prior to December 31, 2004, but ending before December 31, 2012, shall continue to be matched by the Department of Higher Education in an amount equal to one-half of the total amount of endowment fund eligible gifts received through the commitment.

(C) In any such fiscal year in which the total of the eligible gifts received by Charter Oak State College exceeds the endowment fund state grant maximum commitment for such fiscal year the amount in excess of such endowment fund state grant maximum commitment shall be carried forward and be eligible for a matching state grant in any succeeding fiscal year from the fiscal year ending June 30, 2000, to the fiscal year ending June 30, 2014, inclusive, subject to the endowment fund state grant maximum commitment. Any endowment fund eligible gifts that are not included in the total amount of endowment fund eligible gifts certified by the chairperson of the Board for State Academic Awards pursuant to this subdivision may be carried forward and be eligible for a matching state grant in any succeeding fiscal year from the fiscal year ending June 30, 2000, to the fiscal year ending June 30, 2014, inclusive, subject to the endowment fund state matching grant maximum commitment for such fiscal year.

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Sec. 67. Subdivision (2) of subsection (a) of section 10a-99a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(2) (A) For each of the fiscal years ending June 30, 2000, to June 30, [2014] 2006, inclusive, as part of the state contract with donors of endowment fund eligible gifts, the Department of Higher Education, in accordance with section 10a-8b, shall deposit in the Endowment Fund for the Connecticut State University System a grant in an amount equal to half of the total amount of endowment fund eligible gifts received by or for the benefit of the Connecticut State University system as a whole and each state university for the calendar year ending the December thirty-first preceding the commencement of such fiscal year, as certified by the chairperson of the board of trustees by February fifteenth to [(A)] (i) the Secretary of the Office of Policy and Management, [(B)] (ii) the joint standing committee of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies, and [(C)] (iii) the Commissioner of Higher Education, provided such sums do not exceed the endowment fund state grant maximum commitment for the fiscal year in which the grant is made.

(B) For each of the fiscal years ending June 30, 2007, to June 30, 2014, inclusive, as part of the state contract with donors of endowment fund eligible gifts, the Department of Higher Education, in accordance with section 10a-8b, shall deposit in the Endowment Fund for the Connecticut State University System a grant in an amount equal to one-quarter of the total amount of endowment fund eligible gifts received by or for the benefit of the Connecticut State University system as a whole and each state university for the calendar year ending the December thirty-first preceding the commencement of such fiscal year, as certified by the chairperson of the board of trustees by February fifteenth to (i) the Secretary of the Office of Policy and

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Management, (ii) the joint standing committee of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies, and (iii) the Commissioner of Higher Education, provided such sums do not exceed the endowment fund state grant maximum commitment for the fiscal year in which the grant is made. Commitments by donors to make endowment fund eligible gifts for two or more years that meet the criteria set forth in this subdivision and that are made for the period prior to December 31, 2004, but ending before December 31, 2012, shall continue to be matched by the Department of Higher Education in an amount equal to one-half of the total amount of endowment fund eligible gifts received through the commitment.

(C) In any such fiscal year in which the total of the eligible gifts received by the Connecticut State University system as a whole and each state university exceed the endowment fund state grant maximum commitment for such fiscal year the amount in excess of such endowment fund state grant maximum commitment shall be carried forward and be eligible for a matching state grant in any succeeding fiscal year from the fiscal year ending June 30, 2000, to the fiscal year ending June 30, 2014, inclusive, subject to the endowment fund state grant maximum commitment. Any endowment fund eligible gifts that are not included in the total amount of endowment fund eligible gifts certified by the chairperson of the board of trustees pursuant to this subdivision may be carried forward and be eligible for a matching state grant in any succeeding fiscal year from the fiscal year ending June 30, 2000, to the fiscal year ending June 30, 2014, inclusive, subject to the endowment fund state matching grant maximum commitment for such fiscal year.

Sec. 68. (NEW) (*Effective from passage*) Notwithstanding the provisions of sections 10a-77a, 10a-99a, 10a-109c, 10a-109i and 10a-143a of the general statutes, as amended by this act, no funds shall be

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appropriated to the Department of Higher Education for grants pursuant to subdivision (2) of subsection (a) of section 10a-77a, subdivision (2) of subsection (a) of section 10a-99a, subdivision (2) of subsection (b) of section 10a-109i and subdivision (2) of subsection (a) of section 10a-143a of the general statutes, as amended by this act: (1) Until such time as the amount in the Budget Reserve Fund, established in section 4-30a of the general statutes, equals ten per cent of the net General Fund appropriations for the fiscal year in progress, (2) the amount of the grants appropriated shall be reduced proportionately if the amount available is less than the amount required for such grants, and (3) the amount of funds available to be appropriated during any fiscal year for such grants shall not exceed twenty-five million dollars.

Sec. 69. Section 48 of public act 00-192, as amended by section 16 of public act 00-1 of the June special session, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The \$6,000,000 appropriated to the Office of Policy and Management in section 35 of special act 00-13 for Arts Grants shall be distributed as follows: (1) Hartford's Mark Twain Days, Inc. \$300,000, (2) Washington Indian Museum \$400,000, (3) Westport Country Playhouse \$400,000, (4) Norwalk Maritime Museum \$700,000, (5) Mattatuck Museum \$55,000, (6) Colebrook Historic Town Hall \$500,000, (7) Dudley Farm Foundation \$25,000, (8) Basic Cultural Resources Grant in the State Library \$100,000, (9) Office of Policy and Management for the development and distribution of a CD Rom on Civics and the Connecticut State Legislative process \$75,000, (10) Hamden Arts Council and Center \$500,000, (11) Sterling Opera House \$200,000, (12) Stamford Cultural Development Center \$225,000, (13) Park Road Playhouse, Inc. \$100,000, (14) Downtown Cabaret Theater of Bridgeport \$100,000, (15) Antiquarian and Landmark Society/Butler-McCook Homestead \$100,000, (16) East Hartford Fine Arts Commission \$100,000, (17) Almira Stephan Memorial Playhouse

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\$50,000, (18) Putnam Board of Education \$95,000, (19) Ansonia Nature Center Regional Arts Program \$100,000, (20) City of Danbury \$30,000, (21) City of Danbury Palace Theater \$250,000, (22) Bristol/School Industry Partnership and Bristol Padaeia \$225,000, (23) Arts of Tolland, Inc. \$25,000, (24) New Britain Museum of American Art \$600,000, (25) Town of Rocky Hill-construct public fountain, \$50,000, (26) CT Outdoor Historic Drama \$75,000, (27) Town of Newington, [Budney Museum and Visitors Cultural Center \$50,000] Deming-Young Farmhouse restoration \$10,000; Lucy Robbins Welles Library cultural programs \$20,000; Newington Public School cultural programs \$20,000, (28) CT Consortium for Law and Citizenship Education, Inc. \$25,000, (29) Colchester Arts Commission \$50,000, (30) Town of Ellington Arts Commission \$75,000, (31) Town of Plainville, Library Sculpture for Outdoor Reading \$50,000, (32) Spirit of Broadway Theater-Norwich \$50,000, (33) Montville Town Hall Renovation Committee-Historic Preservation \$25,000, (34) Town of Portland-Historical Quarry and Commercial Park \$50,000, (35) Windsor Locks Historical Society \$50,000, (36) Vernon Arts Commission \$50,000, (37) Town of Guilford Parks and Recreation Committee for Cultural and Arts 2000 Celebration Committee \$45,000, and (38) Greater New Britain Arts Alliance \$100,000.

Sec. 70. (*Effective July 1, 2005*) Not later than October 1, 2005, the Commissioner of Higher Education, in collaboration with the Board of Trustees for Community-Technical Colleges, the Board of Trustees of The University of Connecticut, the Board of Trustees of the Connecticut State University System, the Connecticut Conference of Independent Colleges and representatives from college and university faculty, the Association of American Publishers and Textbook Publishers and campus bookstores, shall convene a Textbook Summit, during which they shall examine factors relating to the cost and use of textbooks and supplemental instructional materials required for courses at postsecondary institutions. The constituent units of the state

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system of higher education shall develop recommendations governing the use of textbooks and shall, not later than January 1, 2006, report on such recommendations, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to higher education and employment advancement.

Sec. 71. (*Effective July 1, 2005*) Any funds appropriated to the Judicial Department for the delivery of civil legal services to the poor by nonprofit corporations whose principal purpose is the delivery of such services shall be deposited in a separate account and distributed to the organization that administers the program for the use of interest earned on lawyers' clients' funds accounts established under section 51-81c of the general statutes. The organization shall make grants-in-aid to nonprofit organizations providing civil legal representation to poor people in Connecticut, using the same criteria used for the distribution of funds under said section 51-81c.

Sec. 72. Subsection (a) of section 33 of public act 05-251 is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(a) Up to ~~[\$250,000]~~ \$650,000 of the unexpended balance of funds appropriated to the Commission on Culture and Tourism in section 1 of public act 04-216, for State-Wide Marketing, shall not lapse on June 30, 2005, and such funds shall continue to be available for expenditure for such purpose during the fiscal year ending June 30, 2006.

Sec. 73. (*Effective from passage*) The unexpended balance of funds appropriated to the Department of Public Safety, for the fiscal year ending June 30, 2005, for Other Expenses, shall not lapse on July 1, 2005, and such funds shall continue to be available for expenditure for such purpose during the fiscal year ending June 30, 2006.

Sec. 74. Subsection (b) of section 51 of public act 05-251 is repealed

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and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(b) Up to \$90,000 of the unexpended balance of funds appropriated to the Department of Mental Health and Addiction Services, in section 11 of public act 03-1 of the June special session, as amended by section 1 of public act 04-216, for Housing Supports and Services, shall not lapse on June 30, 2005, and such funds shall continue to be available for social worker support at Common Ground in Willimantic during the fiscal year ending June 30, [2007] 2006.

Sec. 75. (*Effective July 1, 2005*) The unexpended balance of funds appropriated to the Department of Correction, in section 11 of public act 03-1 of the June 30 special session, as amended by section 1 of public act 04-216, for Other Expenses, shall not lapse on June 30, 2005, and such funds shall be available for expenditure during the fiscal year ending June 30, 2006.

Sec. 76. (*Effective July 1, 2005*) Funds appropriated to the Teachers' Retirement Board in subsection (a) of section 49 of public act 05-251, for Retirement Contributions, shall not lapse on June 30, 2005, and shall continue to be available for expenditure for such purpose as follows: The sum of \$50,000,000 shall be available during the fiscal year ending June 30, 2006; the sum of \$50,000,000 shall be available during the fiscal year ending June 30, 2007.

Sec. 77. Subsection (c) of section 10-264*l* of the general statutes, as amended by section 3 of public act 05-2 and sections 25 and 36 of public act 05-245, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(c) (1) The maximum amount each interdistrict magnet school program, except those described in subparagraph (A) of subdivision (3) of this subsection, shall be eligible to receive per enrolled student shall be determined as follows: (A) For each participating district

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whose magnet school program enrollment is equal to or less than thirty per cent of the magnet school program total enrollment, ninety per cent of the foundation as defined in subdivision (9) of section 10-262f; (B) for each participating district whose magnet school program enrollment is greater than thirty per cent but less than or equal to sixty per cent of the magnet school program total enrollment, a percentage between sixty and ninety per cent of said foundation that is inversely proportional to the percentage of magnet school program students from such district; and (C) for each participating district whose magnet school program enrollment is greater than sixty per cent but less than or equal to ninety per cent of the magnet school program total enrollment, a percentage between zero and sixty per cent of said foundation that is inversely proportional to the percentage of magnet school program students from such district. The amounts so determined shall be proportionately adjusted, if necessary, within the limit of the available appropriation, and in no case shall any grant pursuant to this section exceed the reasonable operating budget of the magnet school program, less revenues from other sources. Any magnet school program operating less than full-time but at least half-time shall be eligible to receive a grant equal to sixty-five per cent of the grant amount determined pursuant to this subsection.

(2) For fiscal years ending June 30, 2003, and each fiscal year thereafter, the commissioner may, within available appropriations, provide supplemental grants for the purposes of enhancing educational programs in such interdistrict magnet schools, including, but not limited to, summer school programs, as the commissioner determines. Such grants shall be made after the commissioner has reviewed and approved the total operating budget for such schools, including all revenue and expenditure estimates.

(3) (A) Each interdistrict magnet school operated by a regional educational service center that enrolls less than fifty-five per cent of the

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school's students from a single town shall receive a per pupil grant in the amount of six thousand two hundred fifty dollars for the fiscal year ending June 30, 2006, and in the amount of six thousand five hundred dollars for the fiscal year ending June 30, 2007, and for each fiscal year thereafter.

(B) Each interdistrict magnet school operated by a regional educational service center that enrolls at least fifty-five per cent of the school's students from a single town shall receive a per pupil grant in an amount that is at least three thousand dollars for the fiscal year ending June 30, 2006, and for each fiscal year thereafter.

Sec. 78. Section 10-266aa of the general statutes is amended by adding subsection (m) as follows (*Effective July 1, 2005*):

(NEW) (m) Within available appropriations, the commissioner may make grants to regional education service centers which provide summer school educational programs approved by the commissioner to students participating in the program.

Sec. 79. Section 10-264l of the general statutes, as amended by section 3 of public act 05-2 and sections 25 and 36 of public act 05-245, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(a) The Department of Education shall, within available appropriations, establish a grant program to assist local and regional boards of education, regional educational service centers, the Board of Trustees of the Community-Technical Colleges on behalf of Manchester Community College, and cooperative arrangements pursuant to section 10-158a with the operation of interdistrict magnet school programs. All interdistrict magnet schools shall be operated in conformance with the same laws and regulations applicable to public schools. For the purposes of this section "an interdistrict magnet school

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program" means a program which (1) supports racial, ethnic and economic diversity, (2) offers a special and high quality curriculum, and (3) requires students who are enrolled to attend at least half-time. An interdistrict magnet school program does not include a regional vocational agriculture school, a regional vocational-technical school or a regional special education center. On and after July 1, 2000, the governing authority for each interdistrict magnet school program that is in operation prior to July 1, 2005, shall restrict the number of students that may enroll in the program from a participating district to eighty per cent of the total enrollment of the program. The governing authority for each interdistrict magnet school program that begins operations on or after July 1, 2005, shall (A) restrict the number of students that may enroll in the program from a participating district to seventy-five per cent of the total enrollment of the program, and (B) maintain such a school enrollment that at least twenty-five per cent but not more than seventy-five per cent of the students enrolled are pupils of racial minorities, as defined in section 10-226a.

(b) Applications for interdistrict magnet school program operating grants awarded pursuant to this section shall be submitted annually to the Commissioner of Education at such time and in such manner as the commissioner prescribes. In determining whether an application shall be approved and funds awarded pursuant to this section, the commissioner shall consider, but such consideration shall not be limited to: (1) Whether the program offered by the school is likely to increase student achievement; (2) whether the program is likely to reduce racial, ethnic and economic isolation; (3) the percentage of the student enrollment in the program from each participating district; and (4) the proposed operating budget and the sources of funding for the interdistrict magnet school. If requested by the commissioner, the applicant shall meet with the commissioner or the commissioner's designee to discuss the budget and sources of funding. The commissioner shall not award a grant to a program that is in operation

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prior to July 1, 2005, if more than eighty per cent of its total enrollment is from one school district, except that the commissioner may award a grant for good cause, for any one year, on behalf of an otherwise eligible magnet school program, if more than eighty per cent of the total enrollment is from one district. The commissioner shall not award a grant to a program that begins operations on or after July 1, 2005, if more than seventy-five per cent of its total enrollment is from one school district or if less than twenty-five or more than seventy-five per cent of the students enrolled are pupils of racial minorities, as defined in section 10-226a, except that the commissioner may award a grant for good cause, for one year, on behalf of an otherwise eligible interdistrict magnet school program, if more than seventy-five per cent of the total enrollment is from one district or less than twenty-five or more than seventy-five per cent of the students enrolled are pupils of racial minorities. The commissioner may not award grants pursuant to such an exception for a second consecutive year.

(c) (1) The maximum amount each interdistrict magnet school program, except those described in subparagraph (A) of subdivision (3) of this subsection, shall be eligible to receive per enrolled student shall be determined as follows: (A) For each participating district whose magnet school program enrollment is equal to or less than thirty per cent of the magnet school program total enrollment, ninety per cent of the foundation as defined in subdivision (9) of section 10-262f; (B) for each participating district whose magnet school program enrollment is greater than thirty per cent but less than or equal to sixty per cent of the magnet school program total enrollment, a percentage between sixty and ninety per cent of said foundation that is inversely proportional to the percentage of magnet school program students from such district; and (C) for each participating district whose magnet school program enrollment is greater than sixty per cent but less than or equal to ninety per cent of the magnet school program total enrollment, a percentage between zero and sixty per cent of said

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foundation that is inversely proportional to the percentage of magnet school program students from such district. The amounts so determined shall be proportionately adjusted, if necessary, within the limit of the available appropriation, and in no case shall any grant pursuant to this section exceed the reasonable operating budget of the magnet school program, less revenues from other sources. Any magnet school program operating less than full-time but at least half-time shall be eligible to receive a grant equal to sixty-five per cent of the grant amount determined pursuant to this subsection.

(2) For the fiscal year ending June 30, 2003, and each fiscal year thereafter, the commissioner may, within available appropriations, provide supplemental grants for the purposes of enhancing educational programs in such interdistrict magnet schools as the commissioner determines. Such grants shall be made after the commissioner has reviewed and approved the total operating budget for such schools, including all revenue and expenditure estimates.

(3) (A) Each interdistrict magnet school operated by a regional educational service center that enrolls less than fifty-five per cent of the school's students from a single town shall receive a per pupil grant in the amount of six thousand two hundred fifty dollars for the fiscal year ending June 30, 2006, and in the amount of six thousand five hundred dollars for the fiscal year ending June 30, 2007, and for each fiscal year thereafter.

(B) Each interdistrict magnet school operated by a regional educational service center that enrolls at least fifty-five per cent of the school's students from a single town shall receive a per pupil grant in an amount that is at least three thousand dollars for the fiscal year ending June 30, 2006, and for each fiscal year thereafter.

(d) Grants made pursuant to this section shall be paid as follows: Fifty per cent by September first and the balance by January first of

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each fiscal year. The January first payment shall be adjusted to reflect actual interdistrict magnet school program enrollment as of the preceding October first, if the actual level of enrollment is lower than the projected enrollment stated in the approved grant application.

(e) The Department of Education may retain up to one-half of one per cent of the amount appropriated for purposes of this section for program evaluation and administration.

[(e)] (f) Each local or regional school district in which an interdistrict magnet school is located shall provide the same kind of transportation to its children enrolled in such interdistrict magnet school as it provides to its children enrolled in other public schools in such local or regional school district. The parent or guardian of a child denied the transportation services required to be provided pursuant to this subsection may appeal such denial in the manner provided in sections 10-186 and 10-187.

[(f)] (g) On or before October fifteenth of each year, the Commissioner of Education shall determine if interdistrict magnet school enrollment is below the number of students for which funds were appropriated. If the commissioner determines that the enrollment is below such number, the additional funds shall not lapse but shall be used by the commissioner for grants for interdistrict cooperative programs pursuant to section 10-74d.

[(g)] (h) In the case of a student identified as requiring special education, the school district in which the student resides shall: (1) Hold the planning and placement team meeting for such student and shall invite representatives from the interdistrict magnet school to participate in such meeting; and (2) pay the interdistrict magnet school an amount equal to the difference between the reasonable cost of educating such student and the sum of the amount received by the interdistrict magnet school for such student pursuant to subsection (c)

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of this section and amounts received from other state, federal, local or private sources calculated on a per pupil basis. Such school district shall be eligible for reimbursement pursuant to section 10-76g. If a student requiring special education attends an interdistrict magnet school on a full-time basis, such interdistrict magnet school shall be responsible for ensuring that such student receives the services mandated by the student's individualized education program whether such services are provided by the interdistrict magnet school or by the school district in which the student resides.

[(h)] (i) Nothing in this section shall be construed to prohibit the enrollment of nonpublic school students in an interdistrict magnet school program that operates less than full-time, provided (1) such students constitute no more than five per cent of the full-time equivalent enrollment in such magnet school program, and (2) such students are not counted for purposes of determining the amount of grants pursuant to this section and section 10-264i.

Sec. 80. (*Effective July 1, 2005*) Sections 44 and 45 of public act 05-280 shall take effect July 1, 2005.

Sec. 81. Subsection (a) of section 68 of public act 05-280 is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(a) The Commissioner of Public Health, in conjunction with the chairpersons of the joint standing committee of the General Assembly having cognizance of matters relating to public health, shall convene a working group to study whether the state should contract for the development of a program or enter into an existing program, that allows Connecticut residents to purchase prescription drugs through pharmacies located in Canada or other countries. The working group shall include, but not be limited to, the Commissioner of Public Health, or the commissioner's designee, the Commissioner of Consumer Protection, or the commissioner's designee, the Commissioner of Social

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Services, or the commissioner's designee, the chairpersons of the joint standing committee of the General Assembly having cognizance of matters relating to public health, or their designees, the Attorney General or the Attorney General's designee, a representative of the Office of Policy and Management and any other person the Commissioner of Public Health and the chairpersons of the joint standing committee of the General Assembly having cognizance of matters relating to public health deem necessary.

Sec. 82. Section 53-341b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(a) No person, firm or corporation shall sell or deliver body armor to another person unless the transferee meets in person with the transferor to accomplish the sale or delivery.

(b) The provisions of subsection (a) of this section shall not apply to the sale or delivery of body armor to a sworn member or authorized official of an organized local police department, [or of] the Division of State Police within the Department of Public Safety or the Division of Criminal Justice, to an authorized official of a municipality or the Department of Administrative Services that purchases body armor on behalf of an organized local police department, [or said] the Division of State Police within the Department of Public Safety or the Division of Criminal Justice, to an authorized official of the Judicial Branch who purchases body armor on behalf of a probation officer or to a member of the National Guard or the armed forces reserve.

(c) As used in this section, "body armor" means any material designed to be worn on the body and to provide bullet penetration resistance.

(d) Any person, firm or corporation that violates the provisions of this section shall be guilty of a class B misdemeanor.

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Sec. 83. Subsection (a) of section 17b-802 of the general statutes, as amended by section 39 of public act 05-280, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(a) The Commissioner of Social Services shall establish, within available appropriations, and administer a security deposit guarantee program for persons who (1) (A) are recipients of temporary family assistance, aid under the state supplement program, or state-administered general assistance, or (B) have a documented showing of financial need, and (2) (A) are residing in emergency shelters or other emergency housing, cannot remain in permanent housing due to any reason specified in subsection (a) of section 17b-808, or are served a notice to quit in a summary process action instituted pursuant to chapter 832, or (B) have a rental assistance program or federal Section 8 certificate or voucher. Under such program, the Commissioner of Social Services may provide security deposit guarantees for use by such persons in lieu of a security deposit on a rental dwelling unit. Eligible persons may receive a security deposit guarantee in an amount not to exceed the equivalent of two months' rent on such rental unit. No person may apply for and receive a security deposit guarantee more than once in any eighteen-month period without the express authorization of the Commissioner of Social Services, except as provided in subsection (b) of this section. The Commissioner of Social Services may deny eligibility for the security deposit guarantee program to an applicant [who has made more than two claims in a] for whom the commissioner has paid two or more claims by landlords during the immediately preceding five-year period. The Commissioner of Social Services may establish priorities for providing security deposit guarantees to eligible persons described in subparagraphs (A) and (B) of subdivision (2) of this subsection in order to administer the program within available appropriations.

Sec. 84. (NEW) (*Effective from passage*) (a) There is established a

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Geospatial Information Systems Council consisting of the following members, or their designees: (1) The Secretary of the Office of Policy and Management; (2) the Commissioners of Environmental Protection, Economic and Community Development, Transportation, Public Safety, Public Health, Public Works, Agriculture, Emergency Management and Homeland Security and Social Services; (3) the Chief Information Officer of the Department of Information Technology; (4) the Chancellor of the Connecticut State University system; (5) the president of The University of Connecticut; (6) the Executive Director of the Connecticut Siting Council; (7) one member who is a user of geospatial information systems appointed by the president pro tempore of the Senate representing a municipality with a population of more than sixty thousand; (8) one member who is a user of geospatial information systems appointed by the minority leader of the Senate representing a regional planning agency; (9) one member who is a user of geospatial information systems appointed by the Governor representing a municipality with a population of less than sixty thousand but more than thirty thousand; (10) one member who is a user of geospatial information systems appointed by the speaker of the House of Representatives representing a municipality with a population of less than thirty thousand; (11) one member appointed by the minority leader of the House of Representatives who is a user of geospatial information systems; (12) the chairperson of the Public Utility Control Authority; (13) the Adjutant General of the Military Department; and (14) any other persons the council deems necessary appointed by the council. The Governor shall select the chairperson from among the members. The chairperson shall administer the affairs of the council. Vacancies shall be filled by appointment by the authority making the appointment. Members shall receive no compensation for their services on said council, but shall be reimbursed for necessary expenses incurred in the performance of their duties. Said council shall hold one meeting each month and such additional meetings as may be prescribed by council rules. In addition,

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special meetings may be called by the chairperson or by any three members upon delivery of forty-eight hours written notice to each member.

(b) The council, within available appropriations, shall coordinate a uniform geospatial information system capacity for municipalities, regional planning agencies, the state and others, as needed, which shall include provisions for (1) creation, maintenance and dissemination of geographic information or imagery that may be used to (A) precisely identify certain locations or areas, or (B) create maps or information profiles in graphic or electronic form about particular locations or areas, and (2) promotion of a forum in which geospatial information may be centralized and distributed. In establishing such capacity, the council shall consult with municipalities, regional planning agencies, state agencies and other users of geospatial information system technology. The purpose of any such system shall be to provide guidance or assistance to municipal and state officials in the areas of land use planning, transportation, economic development, environmental, cultural and natural resources management, the delivery of public services and other areas, as necessary.

(c) The council may apply for federal grants and may accept and expend such grants on behalf of the state through the Office of Policy and Management.

(d) The council, within available appropriations, shall administer a program of technical assistance to municipalities and regional planning agencies to develop geospatial information systems and shall periodically recommend improvements to the geospatial information system provided for in subsection (b) of this section.

(e) On or before January 1, 2006, and annually thereafter, the council shall submit, in accordance with section 11-4a of the general statutes, a report on activities under this section to the joint standing committee

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of the General Assembly having cognizance of matters relating to planning and development.

Sec. 85. (*Effective from passage*) On or before January 15, 2006, the Secretary of the Office of Policy and Management, in consultation with the Commissioner of Environmental Protection, the Council on Soil and Water Conservation, regional planning agencies organized under the provisions of chapter 127 of the general statutes, regional councils of governments and regional councils of elected officials organized under the provisions of chapter 50 of the general statutes, the Agricultural Extension Services of The University of Connecticut, the Connecticut Chapter of the American Planning Association, the Center of Land Use Education and Research at The University of Connecticut and the Rural Development Council, shall prepare a report on land use training and education available to members of local land uses agencies. Such report shall include a survey of existing programs and their utilization and recommendations, if any, for enhancements and additions to such programs including changes in state law.

Sec. 86. Section 29-224a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

Each crane or hoisting equipment owner or operator shall immediately report any accident involving a crane or hoisting equipment he owns or operates to the board. Upon receipt of any such report, the board may cause a full investigation and inspection of such crane or hoisting equipment to determine the cause of the accident and may take any action it deems appropriate if, after notice and opportunity for hearing, it determines that a violation of any provision of this chapter or any regulations adopted thereunder exists.

Sec. 87. Section 29-224b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

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The commissioner or any employee of the Department of Public Safety, while engaged in the performance of his duties, may enter at all reasonable hours into and upon any premises in or on which a crane or hoisting equipment is located for the purpose of carrying out the provisions of this chapter and the regulations adopted thereunder.

Sec. 88. Section 29-225 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(a) The board may suspend or revoke a crane operator's license, a hoisting equipment operator's license or an apprentice's certificate after notice and hearing upon a finding that the holder has demonstrated incompetence or has been guilty of negligence in the performance of his work.

(b) The board may suspend or revoke a crane owner's registration after notice and hearing upon a finding that the holder has failed to properly maintain his crane or has permitted the operation of his crane in an unsafe manner.

(c) The board may impose a civil penalty of not more than one thousand dollars on any crane or hoisting equipment owner or operator who violates any provision of this chapter or any regulations adopted thereunder.

Sec. 89. Section 22a-449 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Commissioner of Environmental Protection shall, to the extent possible, immediately, whenever there is discharge, spillage, uncontrolled loss, seepage or filtration of oil or petroleum or chemical liquids or solid, liquid or gaseous products or hazardous wastes upon any land or into any of the waters of the state or into any offshore or coastal waters, which may result in pollution of the waters of the state, damage to beaches, wetlands, stream banks or coastal areas, or

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damage to sewers or utility conduits or other public or private property or which may create an emergency, cause such discharge, spillage, uncontrolled loss, seepage or filtration to be contained and removed or otherwise mitigated by whatever method said commissioner considers best and most expedient under the circumstances. The commissioner shall also (1) determine the person, firm or corporation responsible for causing such discharge, spillage, uncontrolled loss, seepage or filtration, and (2) send notice, in writing, to the chief executive officer and the local director of health of the municipality in which such discharge, spillage, uncontrolled loss, seepage or filtration occurs of such occurrence. Such notification shall be sent not later than twenty-four hours after the commissioner becomes aware of the contamination.

(b) The commissioner may: (1) License terminals in the state for the loading or unloading of oil or petroleum or chemical liquids or solid, liquid or gaseous products or hazardous wastes and shall adopt, in accordance with chapter 54, reasonable regulations in connection therewith for the purposes of identifying terminals subject to licensure and protecting the public health and safety and for preventing the discharge, spillage, uncontrolled loss, seepage or filtration of oil or petroleum or chemical liquids or solid, liquid or gaseous products or hazardous wastes. Each license issued under this section shall be valid for a period of not more than three years commencing July first, unless sooner revoked by the commissioner, and there shall be charged for each such license or renewal thereof fees established by regulation sufficient to cover the reasonable cost to the state of inspecting and licensing such terminals; (2) provide by regulations for the establishment and maintenance in operating condition and position of suitable equipment to contain as far as possible the discharge, spillage, uncontrolled loss, seepage or filtration of any oil or petroleum or chemical liquids or solid, liquid or gaseous products or hazardous wastes; (3) inspect periodically all hoses, gaskets, tanks, pipelines and

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other equipment used in connection with the transfer, transportation or storage of oil or petroleum or chemical liquids or solid, liquid or gaseous products or hazardous wastes to make certain that they are in good operating condition, and order the renewal of any such equipment found unfit for further use. No person shall commence operation of any such terminal in this state on or after July 1, 1993, without a license issued by the commissioner. Any person who operates any such terminal without a license issued by the commissioner shall be fined not more than five thousand dollars per day during any period of unlicensed operation.

(c) The commissioner may establish such programs and adopt, in accordance with chapter 54, and enforce such regulations as he deems necessary to carry out the intent of sections 22a-133a to 22a-133j, inclusive, sections 22a-448 to 22a-454, inclusive, and Subtitle C of the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.), as amended from time to time, except that actions pursuant to the state's hazardous waste program shall be brought under the provisions of sections 22a-131 and 22a-131a.

(d) The Commissioner of Environmental Protection in consultation with the Commissioner of Public Safety may establish by regulations adopted in accordance with the provisions of chapter 54 standards and criteria for the nonresidential underground storage of oil, petroleum and chemical liquids which may include but not be limited to standards and criteria for the design, installation, operation, maintenance and monitoring of facilities for the underground storage and handling of such liquids. [Each nonresidential underground storage facility which, pursuant to regulations adopted pursuant to this section, submits notification of installation to the commissioner after July 1, 1990, shall submit a notification fee of one hundred dollars per tank.] The Commissioner of Environmental Protection may establish such programs and adopt, in accordance with chapter 54, and

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enforce such regulations as he deems necessary to carry out the intent of Subtitle I of the Resource Conservation and Recovery Act of 1976 (42 USC 6901, et seq.), as amended from time to time.

(e) The fee for the inspection of each nonresidential underground storage facility which, pursuant to regulations adopted pursuant to this section, submits notification to the commissioner shall be one hundred dollars per tank, provided such fee may not be charged more than once every five years.

(f) The Commissioner of Environmental Protection may adopt regulations, in accordance with the provisions of chapter 54, to establish (1) requirements for the inspection of nonresidential underground storage tank systems for compliance with the requirements of this chapter, including, but not limited to, the minimum frequency, method and content of inspections, and maintenance and disclosure of results, (2) a program to authorize persons to (A) perform inspections, including, but not limited to, education and training requirements for such persons, and whether or not such persons may be employed by the owner or operator of the subject nonresidential underground storage tank system, (B) determine whether the violations for which a nonresidential underground storage tank system has been taken out of service pursuant to subsection (g) of this section have been corrected, which regulations may include, but not be limited to, a prohibition for an owner or operator of any such system from placing such system back into service pursuant to subsection (g) of this section after the regulations take effect or additional requirements for an owner or operator of any such system, and (C) requirements, in addition to the requirements contained in subsection (g) of this section, relating to the prohibition of deliveries to and the use of nonresidential underground storage tank systems that are not in compliance with section 22a-449o or with the requirements of this section and any regulations adopted under this

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section.

(g) (1) If the commissioner determines that there is a release from a nonresidential underground storage tank system or that such system (A) is not designed, constructed, installed and operated in accordance with section 22a-449o or regulations adopted pursuant to this section, (B) fails to have or operate proper release detection equipment in accordance with regulations adopted pursuant to this section, or (C) fails to have or operate proper overfill and spill protection measures or equipment in accordance with regulations adopted pursuant to this section, then the commissioner may require the owner or operator of the nonresidential underground storage tank system to pump out the contents of its system, and the commissioner may place a notice on a system that is plainly visible, indicating that the system is not in compliance with the requirements applicable to nonresidential underground storage tank systems and that such system cannot be used and deliveries to such system cannot be accepted, or the commissioner may disable the use of such system by placing a disabling device on the system that prohibits deliveries to such system. Any action pursuant to this subdivision shall not be based solely on requirements relating to reporting or recordkeeping. No person shall make deliveries to any nonresidential underground storage tank system bearing the notice described in this subdivision or on which the commissioner has placed a disabling device. The owner or operator of such system shall ensure that any such system is not used for dispensing a product or receiving deliveries while any notice or disabling device has been placed upon such system. Except as provided in subdivision (3) of this subsection, no person or municipality shall remove, alter, deface or tamper with any notice or disabling device placed by the commissioner pursuant to this subdivision.

(2) Not later than two business days after placing a notice or

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disabling device on a nonresidential underground storage tank system pursuant to subdivision (1) of this subsection, the commissioner shall provide the owner or operator of the affected underground storage tank system with an opportunity for a hearing. Any such hearing shall be limited to whether the violation upon which the commissioner took action under subdivision (1) of this subsection occurred and whether such violation is continuing.

(3) A nonresidential underground storage tank system upon which a notice or disabling device has been placed pursuant to subdivision (1) of this subsection shall not be put back into service and shall not be used for dispensing a product or receiving deliveries until the violations that caused the notice or disabling device to be placed have been corrected to the satisfaction of (A) the commissioner, or (B) a person who, pursuant to regulations adopted pursuant to subsection (f) of this section, has been authorized by the commissioner to determine whether such violations have been corrected. The commissioner shall determine whether any applicable violation has been corrected not later than twenty-four hours after being contacted by the owner or operator of the underground storage tank system that any such violation has been fully corrected. Notwithstanding the provisions of this subdivision, until the commissioner authorizes persons to determine whether violations have been corrected pursuant to regulations adopted pursuant to subsection (f) of this section, the owner or operator of an underground storage tank system upon which a notice or a disabling device has been placed by the commissioner may place such system back into service, where, not later than twenty-four hours after being contacted by the owner or operator, the commissioner has not determined whether any applicable violation has been corrected and on the day any such system is returned to service or the next business day in the event such day is a Saturday, Sunday or legal holiday, the owner or operator provides the commissioner with a written affidavit fully describing all actions taken

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to correct the violations that caused a notice or disabling device to be placed upon such system and certifying that all such violations were fully corrected before any such system was returned to service.

(4) Nothing in this subsection shall affect the authority of the commissioner under any other statute or regulation.

(h) The person submitting a notification of installation for a nonresidential underground storage tank or underground storage tank system pursuant to regulations adopted pursuant to this section shall submit with such notification a notification fee of one hundred dollars per tank.

[(f)] (i) Any moneys collected for the issuance or renewal of a license, pursuant to subsection (b) of this section or regulations adopted pursuant to said subsection, shall be deposited in the General Fund.

Sec. 90. Section 22a-449a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

As used in this section and sections 22a-449c to 22a-449m, inclusive, and section 95 of this act:

(1) "Petroleum" means crude oil, crude oil fractions and refined petroleum fractions, including gasoline, kerosene, heating oils and diesel fuels;

(2) "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing of petroleum from any underground storage tank or underground storage tank system;

(3) "Responsible party" means (A) for an application or request for payment or reimbursement received by the board before July 1, 2005,

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or for a determination regarding a person's status as a responsible party or a third party with respect to a specific release or suspected release made by the board before July 1, 2005, any person [or entity, including the state and any political subdivision of the state, which] who owns or operates an underground storage tank or underground storage tank system from which a release or suspected release emanates, (B) for an application or request for payment or reimbursement received by the board on or after July 1, 2005, any person who (i) at any time owns, leases, uses or has an interest in the real property on which an underground storage tank system is or was located from which there is or has been a release or suspected release, regardless of when the release or suspected release occurred, or whether such person owned, leased, used or had an interest in the real property at the time the release or suspected release occurred, or whether such person owned, operated, leased or used the underground storage tank system from which the release or suspected release occurred, (ii) at any time owns, leases, operates, uses, or has an interest in an underground storage tank system from which there is or has been a release or suspected release, regardless of when the release or suspected release occurred or whether such person owned, leased, operated, used or had an interest in the underground storage tank system at the time the release or suspected release occurred, or (iii) is affiliated with a person described in subclause (i) or (ii) of this subparagraph through a direct or indirect familial relationship or any contractual, corporate or financial relationship;

(4) "Underground storage tank" means a tank or combination of tanks, including underground pipes connected thereto, used to contain an accumulation of petroleum, whose volume is ten per cent or more beneath the surface of the ground, including the volume of underground pipes connected thereto;

(5) "Underground storage tank system" means an underground

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storage tank and any associated ancillary equipment and containment system; [and]

(6) "Residential underground heating oil storage tank system" means (A) an underground storage tank system used in connection with residential real property composed of four residential units or fewer, or (B) a storage tank system and any associated ancillary equipment used in connection with residential real property composed of four residential units or fewer; and

(7) "Person" means any individual, firm, partnership, association, syndicate, company, trust, corporation, limited liability company, municipality, agency or political or administrative subdivision of the state, or other legal entity of any kind.

Sec. 91. Section 22a-449c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) (1) There is established an account to be known as the "underground storage tank petroleum clean-up account". The underground storage tank petroleum clean-up account shall be an account of the Environmental Quality Fund. Notwithstanding any provision of the general statutes to the contrary, any moneys collected shall be deposited in the Environmental Quality Fund and credited to the underground storage tank petroleum clean-up account. Any balance remaining in said account at the end of any fiscal year shall be carried forward in said account for the fiscal year next succeeding.

(2) The account shall be used by the Commissioner of Environmental Protection to provide money for reimbursement or payment pursuant to section 22a-449f, as amended by this act, to responsible parties or parties supplying goods or services, [or both, to responsible parties] for costs, expenses and other obligations paid or incurred, as the case may be, as a result of releases, and suspected

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releases, costs of investigation and remediation of releases and suspected releases, and [third party] for claims by a person other than a responsible party for bodily injury, property damage and damage to natural resources that have been finally adjudicated or settled with the prior written consent of the board. The commissioner may also make payment from the account to an assignee who is in the business of receiving assignments of amounts approved by the board, but not yet paid from the account, provided the party making any such assignment, using a form approved by the commissioner, directs the commissioner to pay such assignee, that no cost of any assignment shall be borne by the account and that the state and its agencies shall not bear any liability with respect to any such assignment.

(3) Notwithstanding the provisions of this section regarding reimbursements of parties pursuant to section 22a-449f, as amended by this act, regulations promulgated pursuant to section 22a-449e, as amended by this act, and regardless of when an application for payment or reimbursement from the account may have been submitted to the board, [after] payment or reimbursement shall be made in accordance with the following: (A) After June 1, 2004, no payment or reimbursement shall be made for any costs, expenses and other obligations paid or incurred for remediation, including any monitoring to determine the effectiveness of the remediation, of a release to levels more stringent than or beyond those specified in the remediation standards established pursuant to section 22a-133k, except to the extent the applicant demonstrates that it has been directed otherwise, in writing, by the [Department of Environmental Protection] commissioner; (B) after June 1, 2005, no payment or reimbursement from the account shall be made to any person for diminution in property value or interest; and (C) after June 1, 2005, no payment or reimbursement from the account shall be made for attorneys' fees or other costs of legal representation paid or incurred as a result of a release or suspected release (i) in excess of five thousand

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dollars to any responsible party, (ii) in excess of ten thousand dollars to any person other than a responsible party, and (iii) by a responsible party regarding the defense of claims brought by another person. In addition, notwithstanding the provisions of this section regarding reimbursements of parties pursuant to section 22a-449f, as amended by this act, the responsible party [for a release] shall bear all costs of the release that are less than ten thousand dollars [or] and all persons shall bear all costs of the release that are more than one million dollars, except that for any such release which was reported to the department prior to December 31, 1987, and for which more than five hundred thousand dollars has been expended by the responsible party to remediate such release prior to June 19, 1991, the responsible party for the release shall bear all costs of such release which are less than ten thousand dollars or more than five million dollars, provided the portion of any reimbursement or payment in excess of three million dollars may, at the discretion of the commissioner, be made in annual payments for up to a five-year period. There shall be allocated to the department annually, for administrative costs, two million dollars.

(b) There is established a subaccount within the underground storage tank petroleum clean-up account to be known as the "residential underground heating oil storage tank system clean-up subaccount" to be used solely for the provision of reimbursements under sections 22a-449l and 22a-449n, for the remediation of contamination attributed to residential underground heating oil storage tank systems. The subaccount shall hold the proceeds of the bond funds allocated pursuant to section 51 of public act 00-167*.

(c) There is established a subaccount within the underground storage tank petroleum clean-up account to be known as the "pay for performance subaccount" with which the commissioner may implement a program, in consultation with the board, in which reimbursement or repayment in accordance with this section is based

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upon the achievement of environmental milestones or results. The commissioner, with the approval of the board, may enter into contracts to implement any such program.

(d) (1) If an initial application or request for payment or reimbursement is received by the board before July 1, 2005, no supplemental application or request for payment or reimbursement shall be submitted to the board on or after October 1, 2009, regarding costs, expenses or other obligations paid or incurred in response to the release or suspected release noted in any such initial application or request for payment or reimbursement. The provisions of this subdivision shall apply regardless of whether the cost, expense or other obligation was paid or incurred before October 1, 2009, and no reimbursement or payment from the account shall be ordered by the board or made by the commissioner regarding any such supplemental application or request for payment or reimbursement received by the board on or after the October 1, 2009, deadline established in this subdivision.

(2) If an initial application or request for payment or reimbursement is received by the board on or after July 1, 2005, no supplemental application or request for payment or reimbursement shall be submitted to the board more than five years after the date that the initial application or request for payment or reimbursement was received by the board, regarding costs, expenses or other obligations paid or incurred in response to the release or suspected release noted in such initial application or request for payment or reimbursement. The provisions of this subdivision shall apply regardless of whether a cost, expense or other obligation was paid or incurred before the expiration of the five-year deadline established in this subdivision and no reimbursement or payment from the account shall be ordered by the board or made by the commissioner regarding any such supplemental application or request for payment or reimbursement

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received by the board after the five-year deadline established in this subdivision.

(3) Notwithstanding the provisions of subsection (i) of section 22a-449f, as amended by this act, if an application or request for payment or reimbursement is not brought before the board for a decision not later than six months after having been received by the board, then six months shall be added to the deadline applicable pursuant to subdivision (1) or (2) of this subsection, provided no more than two years shall be added to the deadline established pursuant to subdivision (1) or (2) of this subsection regardless of whether one or more applications or requests for payment or reimbursement have been received by the board but have not been brought before the board for a decision not later than six months after receipt. In addition, if the commissioner determines that an application or request for payment or reimbursement is ready for decision by the board and such application or request has been placed on the agenda for the meeting of the board, but cannot be brought before the board because the board is unable to meet or cannot act on such application or request, the deadlines established pursuant to subdivision (1) or (2) of this subsection shall also be extended only for that period that the board is unable to meet or is unable to act on such application or request.

(4) The provisions of this subsection shall not apply to annual groundwater remedial actions, including the preparation of a groundwater remedial action progress report, performed pursuant to subdivision (6) of section 95 of this act. Notwithstanding the provisions of this subsection, the board may continue to receive applications or requests for payment or reimbursement and provided all other requirements have been met, may order payment or reimbursement from the account for such activities.

(e) (1) Any person who has insurance, or a contract or other agreement to provide payment or reimbursement for any costs,

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expense or other obligation paid or incurred in response to a release or suspected release may submit an application or request seeking payment or reimbursement from the account to the board, provided any such application or request for payment or reimbursement shall be subject to all applicable requirements, including, but not limited to, subdivision (7) of subsection (c) of section 22a-449f, as amended by this act.

(2) Any person who at any time receives or expects to receive payment or reimbursement from any source other than the account for any cost, expense, obligation, damage or injury for which such person has received or has applied for payment or reimbursement from the account, shall notify the board, in writing, of such supplemental or expected payment and shall, not more than thirty days after receiving such supplemental payment, repay the underground storage tank petroleum clean-up fund all such amounts received from any other source.

(3) If the board determines that a person is seeking or has sought payment or reimbursement for any cost, expense, obligation, damage or injury from the account and that payment or reimbursement for any such cost, expense, obligation, damage or injury is actually or potentially available to any such person from any source other than the account, the board may impose any conditions it deems reasonable regarding any amount it orders to be paid from the account.

Sec. 92. Section 22a-449d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There is established an Underground Storage Tank Petroleum Clean-Up Account Review Board. [to review applications for reimbursements and payments from the account established under section 22a-449c.] Upon application for reimbursement or payment pursuant to section 22a-449f, the board shall determine, [if a release

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occurred and damage resulted from such release and the amount of any such damage] based on the provisions of sections 22a-449a to 22a-449i, inclusive, as amended by this act, and all regulations adopted pursuant to said sections 22a-449a to 22a-449i, inclusive, whether or not to order payment or reimbursement from the account. The board shall have the authority to order payment from the residential underground heating oil storage tank system clean-up subaccount to registered contractors pursuant to section 22a-449l, or to owners pursuant to section 22a-449n, for reasonable costs associated with the remediation of a residential underground heating oil storage tank system based on the guidelines established pursuant to subsection (c) of this section; hold hearings, administer oaths, subpoena witnesses and documents through its chairperson when authorized by the board; designate an agent to perform such duties of the board as it deems necessary except the duty to render a final decision to order reimbursement or payment from the account; and provide by notice, printed on any form, that any false statement made thereof or pursuant thereto is punishable pursuant to section 53a-157b.

(b) The board shall consist of the Commissioners of Environmental Protection and Revenue Services, the Secretary of the Office of Policy and Management and the State Fire Marshal, or their designees; one member representing the Connecticut Petroleum Council, appointed by the speaker of the House of Representatives; one member representing the Service Station Dealers Association, appointed by the majority leader of the Senate; one member of the public, appointed by the majority leader of the House of Representatives; one member representing the Independent Connecticut Petroleum Association, appointed by the president pro tempore of the Senate; one member representing the [Connecticut Gasoline Retailers Association] Gasoline and Automotive Service Dealers of America, Inc., appointed by the minority leader of the House of Representatives; one member representing a municipality with a population greater than one

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hundred thousand, appointed by the Governor; one member representing a municipality with a population of less than one hundred thousand, appointed by the minority leader of the Senate; one member representing a small manufacturing company which employs fewer than seventy-five persons, appointed by the speaker of the House of Representatives; one member experienced in the delivery, installation, and removal of residential underground petroleum storage tanks and remediation of contamination from such tanks, appointed by the president pro tempore of the Senate; and one member who is an environmental professional licensed under section 22a-133v and is experienced in investigating and remediating contamination attributable to underground petroleum storage tanks, appointed by the Governor. The board shall annually elect one of its members to serve as chairperson.

(c) Not later than July 1, 2000, the board shall establish guidelines for determining what costs are reasonable for payment under sections 22a-449l and 22a-449n and shall establish requirements for financial assurance, training and performance standards for registered contractors, as defined in said sections 22a-449l and 22a-449n. The board shall make payment pursuant to section 22a-449n to the owner at a rate not to exceed one hundred fifty-seven dollars per ton of contaminated soil removed which shall be considered as full payment for all eligible costs for remediation. For any claim filed pursuant to section 22a-449n where no contaminated soil is removed the board shall reimburse eligible costs in accordance with the guidelines pursuant to this section.

(d) To the extent that funds are available in the residential underground heating oil storage tank system clean-up subaccount, the board may order payment from such subaccount to registered contractors for reimbursement of eligible costs for services associated with the remediation of a residential underground heating oil storage

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tank system prior to July 1, 2001, to owners of such systems for payment for eligible costs incurred after July 1, 2001. No such payment shall be authorized unless the board deems the costs reasonable based on the guidelines established pursuant to subsection (c) of this section. Notwithstanding the provisions of this subsection, if the board determines that the owner may not receive reimbursement payment from the contractor, the board may, if reimbursement has not been sent to the contractor, directly reimburse the owner of such system for eligible costs incurred by the owner and paid to the registered contractor for services associated with a remediation of a system prior to July 1, 2001.

Sec. 93. Section 22a-449e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Commissioner of Environmental Protection, after consultation with the members of the [review] board established by section 22a-449d, as amended by this act, shall adopt regulations in accordance with the provisions of chapter 54 setting forth procedures for reimbursement and payment from the account established under section 22a-449c, as amended by this act. Such regulations shall include such provisions as the commissioner deems necessary to carry out the purposes of sections 22a-449a to 22a-449h, inclusive, as amended by this act, including, but not limited to, provisions for (1) notification of eligible parties of the existence of the account; (2) records required for submission of claims and reimbursement and payment; (3) periodic and partial reimbursement and payment to enable responsible parties to meet interim costs, expenses and obligations; and (4) reimbursement and payment for costs, expenses and obligations incurred in connection with releases or suspected releases, and incurred after July 5, 1989, for releases discovered before or after said date provided reimbursement and payment shall not be made for costs, expenses and obligations incurred by a responsible party on or before said date.

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(b) (1) The commissioner, in accordance with the procedures set forth in subdivision (2) of this subsection, may prescribe a schedule for the maximum or range of amounts to be paid from the account for labor, equipment, materials, services or other costs, expenses or obligations paid or incurred as a result of a release or suspected release. Such schedule shall not be a regulation, as defined in section 4-166 and the adoption, modification, repeal or use of such schedule shall not be subject to the provisions of chapter 54 concerning a regulation. The amounts in any such schedule may be less than and shall be not more than the usual, customary and reasonable amounts charged, as determined by the commissioner. Notwithstanding the provisions of sections 22a-449a to 22a-449j, inclusive, as amended by this act, or any regulation adopted by the commissioner pursuant to this section, upon adoption of any such schedule, the amount to be paid from the account for any labor, equipment, materials, services or other costs, expenses or other obligations, shall not exceed the amount established in any such schedule and such schedule may serve as guidance with respect to any costs, expenses or other obligations paid or incurred before the adoption of such schedule.

(2) The commissioner shall adopt, revise or revoke said schedule in accordance with the provisions of this subsection. After consultation with the board, the commissioner shall publish notice of intent to adopt, revise or revoke the schedule, or any portion thereof, in a newspaper having substantial circulation in the affected area. There shall be a comment period of thirty days following publication of such notice during which interested persons may submit written comments to the commissioner. The commissioner shall publish notice of the adoption, revision or revocation of the schedule, or part thereof, in a newspaper having substantial circulation in the affected area. The commissioner shall, upon request, review and shall make any revisions the commissioner deems necessary to such schedule not more than once every two years or may do so more frequently as the

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commissioner deems necessary. The commissioner, after consultation with the board, may revise or revoke the schedule, in whole or in part, using the procedures specified in this subsection. Any person may request that the commissioner adopt, revise or revoke the schedule in accordance with this subsection.

(c) Upon adoption of a schedule by the commissioner pursuant to subsection (b) of this section, the requirements concerning obtaining three bids for services rendered contained in regulations adopted pursuant to this section shall not apply, provided that the schedule includes the subject services.

(d) An environmental professional, who has a currently valid and effective license issued pursuant to section 22a-133v, shall use a seal, as provided for in regulations adopted pursuant to section 22a-133v, to provide written approval required under section 22a-449c, as amended by this act, section 22a-449f, as amended by this act, and section 95 of this act, and any approval without a seal shall not constitute an approval of a licensed environmental professional. The regulations adopted pursuant to section 22a-133v regarding the use of a seal and the rules of professional conduct shall apply to the duties of a licensed environmental professional contained in sections 22a-449a to 22a-449i, inclusive, as amended by this act, and section 95 of this act.

Sec. 94. Section 22a-449f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) A responsible party may apply to the Underground Storage Tank Petroleum Clean-Up Account Review Board established under section 22a-449d, as amended by this act, for reimbursement for costs paid and payment of costs incurred as a result of a release, or a suspected release, including costs of investigating and remediating a release, or a suspected release, incurred or paid by [a responsible] such party who is determined not to have been liable for any such release. If

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a person [or entity,] other than a responsible party, claims to have suffered [damage or personal injury] bodily injury, property damage or damage to natural resources from a release, [and] the person with such claim shall make reasonable attempts to provide written notice to the responsible party of such claim and if such person cannot provide such notice or if the responsible party [denies there was a release or] does not apply to the board for payment of such claim not later than sixty days after receipt of such notice or such other time as may be agreed to by the parties, the person [or entity] holding such claim may apply to the board for payment for such damage or [personal] bodily injury.

(b) (1) In addition to all other applicable requirements, a person seeking payment or reimbursement from the account shall demonstrate that when the total costs, expenses or other obligations in response to a release or suspected release (A) are two hundred fifty thousand dollars or less, that all labor, equipment and materials provided after October 1, 2005, and all services and activities undertaken after October 1, 2005, shall be approved, in writing, either by the commissioner or by a licensed environmental professional with a currently valid and effective license issued pursuant to section 22a-133v; and (B) exceeds two hundred fifty thousand dollars, that all labor, equipment and materials provided after October 1, 2005, and all services and activities undertaken after October 1, 2005, shall be approved, in writing, by the commissioner or that the commissioner has authorized, in writing, an environmental professional with a currently valid and effective license issued pursuant to section 22a-133v to approve, in writing, such labor, equipment, materials, services and activities, in lieu of a written approval by the commissioner. The provisions of this subsection shall apply to all costs, expenses or other obligations for which a person is seeking payment or reimbursement from the account and the board shall not order and the commissioner shall not make payment or reimbursement from the account for any

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cost, expense or other obligation, unless the person seeking such payment or reimbursement includes with an application or with a request for payment or reimbursement all written approvals required by this subdivision.

(2) The fees charged by a licensed environmental professional regarding labor or services rendered in response to a release or suspected release may be included in any application or request for payment or reimbursement submitted to the board. The amount to be paid or reimbursed from the account for such fees may also be established in the schedule adopted by the commissioner pursuant to subsection (b) of section 22a-449e, as amended by this act.

(3) Providing it is true and accurate, a licensed environmental professional shall submit the following certification regarding any approval provided under subdivision (1) of this subsection and section 95 of this act: "I hereby agree that all of the labor, equipment, materials, services, and activities described in or covered by this certification was appropriate under the circumstances to abate an emergency or was performed as part of a plan specifically designed to ensure that the release or suspected release is or has been investigated in accordance with prevailing standards and guidelines and remediated consistent with and to achieve compliance with the remediation standards adopted under section 22a-133k of the general statutes."

(c) The board shall order reimbursement or payment from the account for any cost paid or incurred, as the case may be, if, (1) such cost is or was incurred after July 5, 1989, (2) [the] a responsible party was or would have been required to demonstrate financial responsibility under 40 CFR Part 280.90 et seq. as said regulation was published in the Federal Register of October 26, 1988, for the underground storage tank or underground storage tank system from which the release emanated, whether or not such [owner] party is required to comply with said requirements on the date any such cost is

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incurred, provided if the state is the responsible party, the board may order payment from the account without regard to whether the state was or would have been required to demonstrate financial responsibility under said sections 40 CFR Part 280.90 et seq., (3) after the release, if any, the responsible party incurred a cost, expense or obligation for investigation, cleanup or for claims of [third parties] a person other than a responsible party resulting from [a] the release, provided any [third party] such claim shall be required to be finally adjudicated or settled with the prior written approval of the board before an application for reimbursement or payment is made, (4) the board determines that the cost, [is for damage that was incurred as a result of the release,] expense or other obligation is reasonable and that [the] there are not grounds for recovery specified in [subsection (b)] subdivision (1) or (3) of subsection (g) of this section, [do not exist at the time such determination is made,] (5) the responsible party notified the [board] commissioner of the release in accordance with regulations adopted pursuant to section 22a-449, as amended by this act, or, where such regulations are not applicable, as soon as practicable, [of the release,] and notified the board, as soon as practicable, of any [third party] claim by a person other than a responsible party, resulting from the release, [in accordance with the regulations adopted pursuant to section 22a-449e, and] (6) the [applicant] responsible party, or, if a person other than a responsible party applies for payment or reimbursement from the account, then such person demonstrates the remediation, including any monitoring to determine the effectiveness of the remediation, for which payment or reimbursement is sought is not more stringent than that required by the remediation standards established pursuant to section 22a-133k, except to the extent the [applicant] responsible party or such person demonstrates that it has been directed otherwise, in writing, by the [Department of Environmental Protection] commissioner, (7) the responsible party, or, if a person other than a responsible party applies for payment or reimbursement from the account, then such person demonstrates that

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it does not have insurance, or a contract or other agreement to provide payment or reimbursement for any cost, expense or other obligation incurred in response to a release or suspected release, or if there is any such insurance, contract or other agreement, that any insurance coverage has been denied or is insufficient to cover the costs, expenses or other obligations, paid or incurred or that any contract or other agreement is not able to or is insufficient to cover the costs, expenses or other obligations, paid or incurred, for which payment or reimbursement is sought from the account, (8) the responsible party demonstrates and the board determines that one of the milestones noted in section 95 of this act has been completed, (9) the board determines what, if any, reductions to the amounts sought from the account should be made based upon the compliance evaluations performed pursuant to subsection (d) of this section, and (10) if at the time any application or request for payment or reimbursement, including any supplemental application or request, is submitted to the board, there is no underground storage tank system dispensing petroleum on the property where the release or suspected release emanated or occurred, then the responsible party demonstrates, in addition to all other applicable requirements, that lack of compliance with provisions of the general statutes and regulations governing underground storage tank systems was not a proximate cause of the release or suspected release and that there are not grounds for recovery specified in subdivision (2) of subsection (g) of this section. In acting on an application or a request for payment or reimbursement, the board, using funds from the [underground storage tank petroleum clean-up] account, may contract with experts, including, but not limited to, attorneys and medical professionals, to better evaluate and defend against claims and negotiate [third party] claims by persons other than responsible parties. The costs of the board for experts shall not be charged to the amount allocated to the Department of Environmental Protection pursuant to section 22a-449c, as amended by this act. If a person other than a responsible party applies to the board

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claiming to have suffered bodily injury, property damage or damage to natural resources, the board shall order reimbursement or payment from the account if such person demonstrates that subdivisions (1), (2), (6) and (7) of this subsection are satisfied, the board determines that as a result of a release or suspected release such person has suffered bodily injury, property damage or damage to natural resources, that the costs, expenses or other obligations incurred are reasonable and the person submitting such claim demonstrates that it has attempted to or has provided written notice of its claim to the responsible party as required in subsection (a) of this section and that the responsible party has not applied to the board for payment or reimbursement of this claim.

(d) (1) Except as provided in this subsection, if at the time any application or request for payment or reimbursement is submitted to the board, including any supplemental application or request, there is an underground storage tank system dispensing petroleum on the property where the release or suspected release emanated or occurred, such application or request shall not be deemed complete and shall not be acted upon by the board unless such application or request includes a summary of the compliance status of all the underground storage tank systems on the subject property. Any such summary shall include an evaluation of compliance with the design, construction, installation, notification, general operating, release detecting, system upgrading, abandonment and removal date requirements of the regulations adopted pursuant to sections 22a-449, as amended by this act, and 22a-449o and shall be prepared by an independent consultant on a form prescribed by or acceptable to the commissioner. The summary shall be based on an evaluation of said underground storage tank systems performed not more than one hundred eighty days before the board receives an application or a request for reimbursement or payment, except that with respect to any provision of the subject regulations regarding record keeping, periodic monitoring or testing, the summary

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shall be based on an evaluation of a one year period terminating within one hundred eighty days prior to the board's receipt of an application or a request for payment or reimbursement. The summary shall also include a full description of all corrective measures that have been taken or that are being taken with regard to any noncompliance identified in the compliance evaluation performed pursuant to this subdivision.

(2) With respect to any initial application or request for payment or reimbursement regarding a release or suspected release the provisions of subdivision (1) of this subsection shall apply only to applications or requests received on or after January 1, 2006. With respect to any supplemental application or request for payment or reimbursement regarding a release or suspected release, the provisions of subdivision (1) of this subsection shall apply to each application or request submitted to the board on or after January 1, 2006, regardless of when the initial application or request was submitted, except that submission of a compliance summary shall not be required if at the time a supplemental application or request is submitted, less than one year has passed since the performance of a compliance evaluation submitted with any prior application or request.

(3) The cost of hiring an independent consultant to perform a compliance evaluation, as required by this subsection, shall be eligible for payment or reimbursement from the account up to a maximum of one thousand dollars per compliance evaluation, provided the evaluation is in conformance with the requirements of this subsection and includes all underground storage tank systems on the property where a release or suspected release emanated or occurred. If the schedule adopted by the commissioner pursuant to subsection (b) of section 22a-449e, as amended by this act, includes an amount for performing a compliance evaluation, upon adoption of any such schedule, the amount eligible for payment or reimbursement for

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performing a compliance evaluation shall be the amount prescribed in any such schedule.

(4) Nothing in this subsection shall affect the continued applicability of any decision of the board to (A) deny reimbursement or payment from the account, or (B) provide only partial payment or reimbursement regarding all applications or requests for payment or reimbursement from the account. Any such decision shall remain in effect and shall not be subject to reconsideration or reevaluation as a result of this subsection.

(5) Except as provided for in this subdivision, if at the time any application or request for payment or reimbursement, including any supplemental application or request, is submitted, there is no underground storage tank system dispensing petroleum on the property where the release or suspected release emanated or occurred, any such application or request shall be subject to the provisions of subdivision (10) of subsection (c) of this section, even where a prior application or request was subject to the provisions of this subsection. The provisions of this subdivision shall not apply to an application or request for payment or reimbursement for annual groundwater remedial actions, including the preparation of a groundwater remedial action progress report, performed pursuant to subdivision (6) of section 95 of this act.

(e) (1) If the compliance evaluation summary performed pursuant to subsection (d) of this section indicates that any of the violations noted in this subdivision exist with respect to any underground storage tank or underground storage tank system on the property at which a release or suspected release occurred and any such violations have not been fully corrected by the time an application or request for reimbursement is submitted to the board, the board shall reduce any payment or amount to be reimbursed as follows: (A) A one hundred per cent reduction of the payment or amount to be reimbursed for failure to

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meet the tank or piping construction requirements of section 22a-449o or the regulations adopted pursuant to section 22a-449, as amended by this act, or for failure to report the release to the commissioner as required by this section, (B) a seventy-five per cent reduction of the payment or amount to be reimbursed for failure to have properly functioning cathodic protection, spill prevention, overflow prevention, or release detection as required by the regulations adopted pursuant to section 22a-449, as amended by this act. Notwithstanding the provisions of this subsection, the board may reduce any amount to be paid or reimbursed based on any other violation of the provisions of the general statutes or regulations of Connecticut state agencies regarding ownership or operation of an underground storage tank system.

(2) Nothing in this subsection and no determination by the board of any issue of fact or law shall affect the authority of the commissioner under any other statute or regulations, including, but not limited to, taking any enforcement action based upon the violations identified in any compliance evaluation performed pursuant to subsection (d) of this section.

[(b) (1) For all work or services performed or materials provided after October 1, 2004, the board shall not order payment or reimbursement from the account for any cost paid or incurred, unless the application or preauthorization request seeking payment or reimbursement is received by the board within one hundred eighty days of the date that such work or services were rendered or performed or the date that any material was provided.]

[(2)] (f) (1) For all work or services performed or materials provided before October 1, 2004, the board shall not order payment or reimbursement from the account for any cost paid or incurred, unless when seeking payment or reimbursement, the application or [preauthorization request seeking payment or reimbursement] any

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submission regarding work, services or materials that have been pre-authorized by the board is received by the board on or before April 1, 2005.

[(3)] (2) For purposes of this subsection, work or services shall be deemed rendered or performed on the date such work is rendered or performed and a material shall be deemed provided on the date a material is made available for use.

(3) After the effective date of this section, the board shall not order payment or reimbursement from the account for any cost, expense or other obligation, paid or incurred, unless the application or request for payment or reimbursement is received by the board not later than one year after the completion of all or substantially all of the work or activities necessary to prepare the plan or report required by the milestones set forth in section 95 of this act.

[(c)] (g) The Attorney General, upon the request of the board [,] or the commissioner, may institute an action in the superior court for the judicial district of Hartford to recover the amounts specified in this section from [the responsible party] any person who owns or operates an underground storage tank system at the time a release emanates or occurs from such system or any person who owns the real property on which a release emanates or occurs, provided such person owned the real property at or any time after the release emanates or occurs until the time that a final remediation action report is submitted by a licensed environmental professional or approved by the commissioner pursuant to subdivision (7) of section 95 of this act, if: (1) Prior to the occurrence of the release, the underground storage tank or underground storage tank system from which the release emanated was required by regulations adopted under section 22a-449, as amended by this act, to [be the subject of] to submit a notification to the [Commissioner of Environmental Protection] commissioner but [the responsible party knowingly and intentionally failed to notify the

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commissioner] no such notification was provided; (2) the release results from a reckless, wilful, wanton or intentional act or omission of [a responsible party] such person or a negligent act or omission of such person that constitutes noncompliance with the general statutes or regulations governing the installation, operation and maintenance of underground storage tanks; or (3) the release occurs from an underground storage tank or system which is not in compliance with [an] a final order issued by the commissioner pursuant to this chapter or [with the general statutes and regulations governing the installation, operation and maintenance of underground storage tanks and such lack of compliance was a proximate cause of such release] a final judgment issued by a court concerning non-compliance with a requirement of this chapter; or (4) payment has been made from the account, including payment to the commissioner pursuant to subsection (i) of this section, to a person other than a person against whom an action may be brought pursuant to this subsection. All costs to the state relating to actions to recover such payments, including, but not limited to, reasonable attorneys' fees, shall initially be paid from the underground storage tank petroleum clean-up account. In any recovery the board or the commissioner is entitled to recover from [a responsible party] such person (A) all payments made [by the board] from the account with respect to a release or suspected release, [including, but not limited to, payments to third parties,] (B) all payments made by the [Department of Environmental Protection] commissioner pursuant to subsection [(d)] (i) of this section with respect to a release or suspected release, (C) interest on such payments at a rate of ten per cent per year from the date such payments were made, and (D) all costs of the state relating to actions to recover such payments, including, but not limited to, reasonable attorneys' fees. All actions brought pursuant to this section shall have precedence in the order of trial, as provided in section 52-191. If the Attorney General has filed an action against a person seeking recovery of the amounts specified in this subsection or if the commissioner sends a person a

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demand letter regarding costs incurred by the state pursuant to section 22a-451, any such person against whom an action has been brought or who receives a demand letter shall not submit an application or request for payment or reimbursement to the board seeking payment or reimbursement of any such amount sought by the Attorney General or by the commissioner. If any such application or request for payment or reimbursement is submitted, the board shall not take any action regarding any such application or request.

[(d)] (h) The [review] board shall render its decision not more than ninety days after receipt of an application from a [responsible party or a third party] person, provided, in the case of a second or subsequent application, the board shall render its decision not more than forty-five days after receipt of such application. A copy of the decision shall be sent to the [Commissioner of Environmental Protection] commissioner and the [applicant or responsible party] person seeking payment or reimbursement by certified mail, return receipt requested. The [Commissioner of Environmental Protection] commissioner or any person aggrieved by the decision of the board may, within twenty days from the date of issuance of such decision, request a hearing before the board in accordance with the provisions of chapter 54. After such hearing, the board shall consider the information submitted to it and affirm or modify its decision on the application. A copy of the affirmed or modified decision shall be sent to [the applicant or responsible party] all parties to the hearing by certified mail, return receipt requested. Once the board renders a decision regarding an application or request for payment or reimbursement and no hearing has been requested pursuant to this subsection regarding any such decision, the costs, expenses or other obligations addressed by any such decision shall not be resubmitted in any other application or request.

[(e)] (i) Whenever the commissioner determines that as a result of a

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release, as defined in section 22a-449a, as amended by this act, or a suspected release, a clean-up is necessary, including, but not limited to, actions to prevent or abate pollution or a potential source of pollution and to provide potable drinking water, the commissioner may undertake such actions using not more than one million dollars from the underground storage tank petroleum clean-up account for each release or suspected release from an underground storage tank or an underground storage tank system for which the responsible party is the state or for which [the] a responsible party was or would have been required to demonstrate financial responsibility under 40 CFR Part 280.90 et seq., as said regulation was published in the Federal Register of October 26, 1988. [In addition, if a responsible party refuses to pay the first ten thousand dollars of third party claims, and has not already paid ten thousand dollars of costs resulting from the release or suspected release, the commissioner shall, upon order of the board pursuant to this section, make payment or reimbursement of the first ten thousand dollars of third party claims, provided (1) no more than ten thousand dollars of third party claims shall be paid pursuant to this subsection for each release or suspected release from an underground storage tank system for which the responsible party is the state or for which the responsible party was or would have been required to demonstrate financial responsibility under 40 CFR Part 280.90 et seq., as said regulation was published in the Federal Register of October 26, 1988, and (2) that the board shall be entitled to recover such ten thousand dollars, notwithstanding the existence of the conditions specified in subdivisions (1) to (3), inclusive, of subsection (b) of this section.]

(j) (1) If through an initial application or request for payment or reimbursement received by the board before June 1, 2005, the board has determined that a person has paid or incurred costs, expenses or other obligations that are eligible for payment or reimbursement from the account, with respect to any supplemental application or request

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for payment or reimbursement the following shall apply. The commissioner may identify a category of activities, costs, expenses, or other obligations that are less than one hundred thousand dollars for which, in lieu of full payment, the board may approve a percentage of the costs, expenses or other obligations paid or incurred. In making any such recommendation to the board, the commissioner shall consider the amounts previously paid from the account and any other information the commissioner deems relevant. Any such percentage shall be not more than, but may be less than, ninety per cent of the average amount, as determined by the commissioner, previously paid from the account for any activity, cost, expense or obligation. The board shall approve or disapprove, but shall not modify, payment of the percentage recommended by the commissioner pursuant to this subdivision. The commissioner may, using the procedures specified in this subdivision, recommend changes to any percentage previously approved by the board under this subdivision.

(2) If the board approves payment of the percentage recommended by the commissioner, a person with a supplemental application or request for payment or reimbursement may agree to accept the percentage payment approved by the board. Any such acceptance shall be in writing, signed by the person seeking payment or reimbursement and shall acknowledge that the person is agreeing to accept less than the full amount sought by such person for the costs, expenses or other obligations covered by such acceptance. If the commissioner has prescribed forms, any such acceptance shall be made using the forms prescribed by the commissioner. Once a completed written acceptance is received, the board shall, not later than ninety days after receiving such acceptance, determine whether to order payment or reimbursement from the account. Any such determination by the board shall be limited to whether the costs, expenses or other obligations are within those for which the board has approved payment pursuant to subdivision (1) of this subsection.

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(3) Any amount ordered to be paid or reimbursed by the board shall be considered full payment for any such activity, expense or other obligation and a person shall not seek any additional reimbursement from the account for any such activity, expense or other obligation. The categories or activities for which the commissioner recommends payment of a percentage pursuant to this subsection may constitute all or a portion of the amounts sought in a supplemental application or supplemental request for payment or reimbursement.

(k) Notification to the commissioner pursuant to regulations adopted pursuant to section 22a-449, as amended by this act, shall constitute compliance with any regulation adopted pursuant to section 22a-449e, as amended by this act, regarding notification to the board of a release.

Sec. 95. (NEW) (*Effective from passage*) Notwithstanding any provision of sections 22a-449a to 22a-449i, inclusive, of the general statutes, as amended by this act, or any regulation adopted pursuant to said sections, except as provided for in subdivision (6) of this section, with respect to the investigation and remediation of a release, the underground storage tank clean-up account established pursuant to section 22a-449c of the general statutes, as amended by this act, shall be used to provide payment or reimbursement only when any of the following milestones are completed:

(1) A release response report prepared by an environmental professional, as defined in section 22a-133v of the general statutes, has been submitted to the Commissioner of Environmental Protection which report describes: (A) All initial response actions taken that are necessary to prevent an on-going release and to mitigate an explosion, fire or other safety hazard resulting from the release, (B) the results of an initial site investigation that determines the presence and extent of free product from the release, the potential for or existence of groundwater pollution from the release which threatens the quality of

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drinking water well or wells, and whether the release has resulted in soil vapors or indoor air that threatens public health, and (C) all interim actions taken and proposed to remove such free product to the extent technically practicable, to provide potable water to any person whose drinking water has been polluted by a substance from the release which is above the groundwater protection criteria or above a level determined by the Commissioner of Public Health to be an unacceptable risk of injury to the health or safety of persons using such groundwater as a public or private source of water for drinking or other personal or domestic uses, whichever is more stringent, and to mitigate any risk to public health from polluted soil vapor or indoor air resulting from the release.

(2) An interim remedial action report approved, in writing, by a licensed environmental professional has been submitted to the Commissioner of Environmental Protection or an interim remedial action report has been approved, in writing, by the commissioner. Such interim remedial action report shall describe in detail all interim remedial action taken to: (A) Remove free product to the maximum extent technically practicable; (B) ensure that all persons whose drinking water was polluted by the release have been provided potable water; and (C) ensure that soil vapors which pose a risk to public health are prevented from migrating into any overlying buildings.

(3) An investigation report and remedial action plan approved, in writing, by a licensed environmental professional has been submitted to the Commissioner of Environmental Protection, or an investigation report and remedial action plan has been approved, in writing, by the commissioner. Such investigation report and remedial action plan shall include a detailed description of an investigation which determines the existing and potential extent and degree of soil, surface water, soil vapor and groundwater pollution, on and off-site, resulting from the

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release and describes all actions proposed to remediate soil, surface water, air or groundwater polluted by the release in accordance with the regulations adopted pursuant to section 22a-133k of the general statutes.

(4) A soil remedial action report approved, in writing, by a licensed environmental professional has been submitted to the Commissioner of Environmental Protection, or a soil remedial action report has been approved, in writing, by the commissioner. Such soil remedial action report shall describe in detail the extent of soil pollution resulting from the release, all remedial actions taken to abate such soil pollution, and all documentation that demonstrates that such soil pollution has been remediated in accordance with the regulations adopted pursuant to section 22a-133k of the general statutes.

(5) A groundwater remedial action progress report approved, in writing, by a licensed environmental professional has been submitted to the Commissioner of Environmental Protection or a groundwater remedial action progress report has been approved, in writing, by the commissioner. Such report may only be submitted after all construction necessary to implement the approved groundwater remedial actions have been completed and that the groundwater remedial actions have been operated and monitored for one year. Such report shall include a detailed description of the remedial actions, the results of groundwater or any other monitoring conducted, an analysis of whether the remedial actions are effective, and a proposal for any changes in the groundwater remedial actions and monitoring that may be necessary to achieve compliance with the regulations adopted pursuant to section 22a-133k of the general statutes.

(6) An annual groundwater remedial action progress report approved, in writing, by a licensed environmental professional has been submitted to the Commissioner of Environmental Protection or approved, in writing, by the commissioner. Such report shall include a

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detailed description of the remedial actions, the results of groundwater or any other monitoring conducted for the year covered by the report, an analysis of whether the remedial actions are effective, and a proposal for any changes in the groundwater remedial actions and monitoring that may be necessary to achieve compliance with the regulations adopted pursuant to section 22a-133k of the general statutes. A responsible party of section 22a-449f of the general statutes, as amended by this act, may submit to the board up to, but not more than, four separate applications or requests for payment or reimbursement in a calendar year regarding costs, expenses or obligations paid or incurred concerning annual groundwater monitoring or compliance with this subdivision.

(7) A final remedial action report approved by a licensed environmental professional has been submitted to the Commissioner of Environmental Protection, or a final remedial action report has been approved, in writing, by the commissioner that documents that the release has been investigated in accordance with prevailing standards and guidelines and that the soil, surface water, groundwater and air polluted by the release has been remediated in accordance with the regulations adopted pursuant to section 22a-133k of the general statutes.

(8) The Commissioner of Environmental Protection may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, establishing milestones for investigation and remediation of releases or suspected releases from underground storage tank systems, including milestones that differ from those set forth in this section. Upon the adoption of such regulations, the milestones for investigation and remediation for which payment or reimbursement is available from the account shall be those set forth in the regulations.

(9) This section shall apply to an application or request for

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reimbursement or payment received by the board on or after October 1, 2005, regardless of when the release or suspected release occurred, whether actions in response to the release or suspected release have already occurred or whether prior applications or requests seeking payment or reimbursement have already been submitted to the board.

Sec. 96. (*Effective from passage*) Not later than one hundred eighty days after the effective date of this section, the Commissioner of Environmental Protection, in consultation with the board, shall develop and implement a plan for processing applications submitted to the board, with emphasis on applications that were submitted before June 30, 2005. Such plan may include, but need not be limited to, expedited procedures for processing certain categories of applications, identifying, providing notice of and processing incomplete applications, and providing assistance to applicants on how to submit complete applications. At six-month intervals, until July 31, 2007, the commissioner shall provide the board with updates regarding the implementation of such plan. On or before July 31, 2007, the commissioner shall prepare a report describing the progress regarding processing of applications that were submitted before June 30, 2005, estimated results achieved by utilizing new or revised procedures, the number and amount of applications pending and any recommendations for further improvements. Prior to implementing the plan required by this section, the commissioner shall seek comment from the public.

Sec. 97. Section 25 of public act 05-175 is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

Sections 22-150, 22-154 to 22-159, inclusive, 22-162, 22-162a, 22-173, 22-175 to 22-180, inclusive, 22-182, 22-184, 22-185, 22-189, 22-190, 22-195, [and] 22-197 and 22-198 to 22-201, inclusive, of the general statutes are repealed.

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Sec. 98. Section 17a-485d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(a) The Department of Mental Health and Addiction Services, in consultation with the Department of Social Services, shall conduct a study concerning the implementation of adult rehabilitation services under Medicaid. Not later than February 1, 2002, the departments shall jointly submit a report of their findings and recommendations to the Governor and to the joint standing committees of the General Assembly having cognizance of matters relating to public health, human services and appropriations and the budgets of state agencies, in accordance with the provisions of section 11-4a. The report shall include, but not be limited to, an implementation plan, a cost benefit analysis and a description of the plan's impact on existing services.

(b) The Department of Mental Health and Addiction Services and the Department of Social Services shall conduct a study concerning the advisability of entering into an interagency agreement pursuant to which the Department of Mental Health and Addiction Services would provide clinical management of mental health services, including, but not limited to, review and authorization of services, implementation of quality assurance and improvement initiatives and provision of case management services, for aged, blind or disabled adults enrolled in the Medicaid program to the extent permitted under federal law. Not later than February 1, 2002, the departments shall jointly submit a report of their findings and recommendations to the Governor and to the joint standing committees of the General Assembly having cognizance of matters relating to public health, human services and appropriations and the budgets of state agencies, in accordance with the provisions of section 11-4a.

(c) The Commissioner of Social Services shall take such action as may be necessary to amend the Medicaid state plan to provide for coverage of optional adult rehabilitation services supplied by

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providers of mental health services or substance abuse rehabilitation services for adults with serious and persistent mental illness or who have alcoholism or other substance abuse conditions, that are certified by the Department of Mental Health and Addiction Services. For the fiscal years ending June 30, 2004, and June 30, 2005, up to three million dollars in each such fiscal year of any moneys received by the state as federal reimbursement for optional Medicaid adult rehabilitation services shall be credited to the Community Mental Health Restoration subaccount within the account established under section 17a-485 and shall be available for use for the purposes of the subaccount. The Commissioner of Social Services shall adopt regulations, in accordance with the provisions of chapter 54, to implement optional rehabilitation services under the Medicaid program. The commissioner shall implement policies and procedures to administer such services while in the process of adopting such policies or procedures in regulation form, provided notice of intention to adopt the regulations is printed in the Connecticut Law Journal within forty-five days of implementation, and any such policies or procedures shall be valid until the time final regulations are effective.

(d) Not later than February 1, 2006, the Commissioner of Mental Health and Addiction Services, in consultation with the Commissioners of Children and Families and Social Services shall report, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to public health, human services and appropriations and the budgets of state agencies, on any moneys received by the state as federal Medicaid reimbursement for providing coverage of optional rehabilitation services for children and adults.

[[d]] (e) The Commissioner of Mental Health and Addiction Services shall have the authority to certify providers of mental health or substance abuse rehabilitation services for adults with serious and

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persistent mental illness or who have alcoholism or other substance abuse conditions for the purpose of coverage of optional rehabilitation services. The Commissioner of Mental Health and Addiction Services shall adopt regulations, in accordance with the provisions of chapter 54, for purposes of certification of such providers. The commissioner shall implement policies and procedures for purposes of such certification while in the process of adopting such policies or procedures in regulation form, provided notice of intention to adopt the regulations is printed in the Connecticut Law Journal no later than twenty days after implementation and any such policies and procedures shall be valid until the time the regulations are effective.

Sec. 99. Section 1 of special act 05-13 is amended to read as follows (*Effective from passage*):

The Commissioner of Higher Education, in consultation with the Office of Workforce Competitiveness, shall review the inclusion of nanotechnology, molecular manufacturing and advanced and developing technologies at institutions of higher education. Not later than January 1, 2006, the [board] Office of Workforce Competitiveness and the commissioner shall report their findings to the joint standing committee of the General Assembly having cognizance of matters relating to higher education and employment advancement, in accordance with the provisions of section 11-4a of the general statutes.

Sec. 100. Section 35 of public act 05-245 is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(a) For the fiscal year ending June 30, 2006, the distribution of priority school district grants pursuant to subsection (a) of section 10-266p of the general statutes shall be as follows: (1) For priority school districts in the amount of [~~\$34,538,308~~] \$34,925,166, (2) for school readiness in the amount of [~~\$48,516,500~~] \$48,129,642, (3) for early reading success in the amount of \$19,747,286, (4) for extended school

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building hours in the amount of \$2,994,752, and (5) for school accountability in the amount of \$3,499,699.

(b) For the fiscal year ending June 30, 2007, the distribution of priority school district grants pursuant to subsection (a) of section 10-266p of the general statutes shall be as follows: (1) For priority school districts in the amount of [~~\$35,862,269~~] \$36,513,547, (2) for school readiness in the amount of [~~\$51,006,500~~] \$50,355,222, (3) for early reading success in the amount of \$19,747,286, (4) for extended school building hours in the amount of \$2,994,752, and (5) for school accountability in the amount of \$3,499,699.

Sec. 101. Subsection (e) of section 17a-485c of the general statutes, as amended by section 32 of public act 05-280, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(e) Not later than October 1, 2005, the Secretary of the Office of Policy and Management and the Commissioner of Mental Health and Addiction Services shall enter into a memorandum of understanding with the Departments of Social Services, Children and Families and Economic and Community Development and the Connecticut Housing Finance Authority. The memorandum of understanding shall provide that: (1) A collaborative plan shall be submitted with specific timetables to create up to five hundred dwelling units of supportive housing under the Next Steps Initiative; (2) the Department of Social Services may provide subsidies, including, but not limited to, project-based rental subsidy certificates during the term of any mortgage loan, that may include payments to fund reasonable repair and replacement reserves; (3) the Connecticut Housing Finance Authority and the Department of Economic and Community Development [shall] may provide grants, mortgage loans or tax credits, or any combination thereof that offer a viable financing package, including capitalized operating reserves; (4) [after January 1, 2006, the State Treasurer and the Secretary of the Office of Policy and Management may enter into a

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debt service agreement to provide funding for debt service costs for Section 501 (c)(3) of the Internal Revenue Code bonds issued by the Connecticut Housing Finance Authority; (5)] the Departments of Mental Health and Addiction Services, Social Services and Children and Families [shall] may provide annual grants to the projects for supportive services during the term of any mortgage loan; [and (6)] (5) there shall be a plan for private and federal predevelopment financing and financing from nonstate sources for grants and loans from private investment through federal and state tax credit programs and federal project-based rental subsidies; and (6) the parties to the memorandum of understanding may include such other provisions to the memorandum of understanding that the parties find: (A) Necessary to assure the effectuation of the Supportive Housing Initiative, and (B) appropriate for repayment of state assistance to the state, as a result of payment of mortgage loans by the Connecticut Housing Finance Authority from federal or other sources of revenue, if any. Not later than January 1, 2006, the Connecticut Housing Finance Authority shall issue one or more requests for proposals by persons or entities interested in participating in such initiative with priority given to applicants that include organizations deemed qualified to provide services by the Departments of Mental Health and Addiction Services, Social Services and Children and Families. The Connecticut Housing Finance Authority shall review and underwrite projects developed under the Supportive Housing Initiative. For purposes of this subsection, "state assistance" means a payment by the state of actual debt service, comprised of principal, interest, interest rate swap payments, liquidity fees, letter of credit fees, trustee fees, and other similar bond-related expenses.

Sec. 102. Section 33 of public act 05-280 is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(a) For purposes of this section "state assistance" means a payment

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by the state of actual debt service, comprised [on] of principal, interest, [and reasonable operating reserves] interest rate swap payments, liquidity fees, letter of credit fees, trustee fees, and other similar bond-related expenses.

(b) [The] On and after January 1, 2006, the State Bond Commission may authorize the State Treasurer and the Secretary of the Office of Policy and Management to enter into a contract or contracts to provide state assistance on bonds issued by the Connecticut Housing Finance Authority as provided in this section. If so authorized by the State Bond Commission, the state, acting by and through the Secretary of the Office of Policy and Management and State Treasurer, [may] shall enter into a contract or contracts with the Connecticut Housing Finance Authority that provide the state shall pay [actual debt service, comprised on principal, interest and reasonable operating repair and replacement reserves to the authority on] to said authority state assistance on bonds issued by said authority for purposes of providing funds for mortgage loans made by [the] said authority pursuant to the provisions of section 17a-485c of the general statutes, as amended by this act, funds for reasonable repair and replacement reserves and costs of issuance in an aggregate principal amount not to exceed seventy million dollars. [Any such contract entered into pursuant to this section shall include provisions that the Secretary of the Office of Policy and Management and the State Treasurer find: (1) Necessary to assure the effectuation of the Supportive Housing Initiative, (2) appropriate for repayment of the state assistance to the state as a result of payment of mortgage loans made by the authority from federal or other sources of revenues, if any, and (3) in the best interests of the state to allow that such state assistance be paid by the state directly to the trustee or paying agent for any bonds or refunding bonds, as applicable, with respect to which the state assistance is provided.] Any provision of such a contract entered into providing for payments equal to annual debt service shall [be deemed a] constitute a full faith and

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credit obligation of the state and as part of the contract of the state with the holders of any bonds or refunding bonds, as applicable, [and] appropriation of all amounts necessary to meet punctually the terms of such [provision] contract is hereby made and the State Treasurer shall pay such [amount] amounts as the same become due. The Connecticut Housing Finance Authority may pledge such state assistance as security for the payment of such bonds or refunding bonds issued by said authority. Any bonds so issued for the Supportive Housing Initiative by the Connecticut Housing Finance Authority and at any time outstanding may at any time or from time to time be refunded, in whole or in part, by the Connecticut Housing Finance Authority by the issuance of its refunding bonds in such amounts as the authority may deem necessary or appropriate but not exceeding an amount sufficient to refund the principal amount of the bonds to be so refunded, any unpaid interest thereon, and any premiums, commissions and costs of issuance necessary to be paid in connection therewith. [Any such refunding may be effected whether the bonds to be refunded shall have matured or shall thereafter mature.] The state, acting by and through the Office of Policy and Management and the State Treasurer and without further authorization, may execute an amendment to any contract providing state assistance as required in connection with such refunding bonds.

(c) Notwithstanding any contract entered into by the state with the Connecticut Housing Finance Authority for state assistance the bonds or refunding bonds to which such state assistance applies shall not constitute bonds or notes issued or guaranteed by the state within the meaning of section 3-21.

Sec. 103. Section 102 of public act 05-280 is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

The Commissioner of Children and Families shall have the authority to certify providers of behavioral health Medicaid [early

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periodic screening, detection and treatment] Early and Periodic Screening, Diagnostic and Treatment Services and rehabilitation services for HUSKY Plan Part A for the purpose of coverage of Medicaid [early periodic screening, detection and treatment] Early and Periodic Screening, Diagnostic and Treatment Services or optional rehabilitation services. The Commissioner of Children and Families may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, for purposes of certification of such providers. The commissioner may implement policies and procedures for purposes of such certification while in the process of adopting such policies or procedures in regulation form, provided notice of intention to adopt the regulations is printed in the Connecticut Law Journal not later than twenty days after implementation and any such policies and procedures shall be valid until the time the regulations are effective.

Sec. 104. Section 16 of public act 05-286 is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Notwithstanding any provision of the general statutes, any contract for legal services between [a state agency] the Attorney General and any person, firm or corporation that is entered into on or after January 1, 2006, and that will or that can reasonably be expected to result in attorney's fees, including, but not limited to, contingent fees paid to such person, firm or corporation in the amount of two hundred fifty thousand dollars or more shall be subject to requests for proposals or requests for qualifications and negotiation procedures.

(b) Not later than October 1, 2005, the Attorney General shall establish requests for proposals or requests for qualifications and negotiation procedures for use by any state agency to enter into a contract described in subsection (a) of this section.

[(c) No contract described in subsection (a) of this section shall be valid without the prior approval of the substance and form of such

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contract by the Attorney General.]

Sec. 105. (NEW) (*Effective from passage*) (a) Any person who is a member of the State Ethics Commission on June 30, 2005, may serve as a member of the Citizen's Ethics Advisory Board, created pursuant to subsection (a) of section 1-80 of the general statutes, as amended by section 2 of public act 05-183, from July 1, 2005, until September 30, 2005. Any such member who serves from July 1, 2005, until September 30, 2005, shall be considered to be filling a vacancy as provided in subsection (c) of section 1-80 of the general statutes, as amended by section 2 of public act 05-183, and shall be eligible for appointment to one full four-year term thereafter. In the event that a vacancy occurs on the board during the period commencing July 1, 2005, until September 30, 2005, such position on the board shall remain vacant until October 1, 2005, unless an appointment is made pursuant to subsection (b) of this section.

(b) From July 1, 2005, until September 30, 2005, in the event the Citizen's Ethics Advisory Board does not have enough members to constitute a quorum, the Governor may appoint members to serve until and including September 30, 2005, provided the president pro tempore of the Senate and the speaker of the House of Representatives approve such appointments. Any such member who serves from July 1, 2005, until September 30, 2005, shall be considered to be filling a vacancy as provided in subsection (c) of section 1-80 of the general statutes, as amended by section 2 of public act 05-183, and shall be eligible for appointment to one full four-year term thereafter.

Sec. 106. Subsection (c) of section 1-81 of the general statutes, as amended by section 3 of public act 05-183, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(c) The executive director, described in subsection (b) of this section, shall be appointed by the Citizen's Ethics Advisory Board for an open-

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ended term. Such appointment shall not be made until all the initial board members appointed to terms commencing on October 1, 2005, are appointed by their respective appointing authorities, pursuant to subsection (a) of section 1-80, as amended by section 2 of public act 05-183. The board shall annually evaluate the performance of such executive director, in writing, and may remove the executive director, in accordance with the provisions of chapter 67.

Sec. 107. (NEW) (*Effective from passage*) Any probable cause hearing initiated pursuant to chapter 10 of the general statutes on or before June 30, 2005, that is not concluded by such date shall be continued on or after July 1, 2005.

Sec. 108. Subsection (g) of section 1-81 of the general statutes, as amended by section 3 of public act 05-183, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(g) The Citizen's Ethics Advisory Board shall adopt regulations in accordance with chapter 54 to carry out the purposes of this part. Such regulations shall not be deemed to govern the conduct of any judge trial referee in the performance of such judge trial referee's duties pursuant to this chapter.

Sec. 109. Subsection (a) of section 1-92 of the general statutes, as amended by section 16 of public act 05-183, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(a) The Citizen's Ethics Advisory Board shall adopt regulations in accordance with chapter 54 to carry out the purposes of this part. Such regulations shall not be deemed to govern the conduct of any judge trial referee in the performance of such judge trial referee's duties pursuant to this chapter. Not later than January 1, 1992, the board shall adopt regulations which further clarify the meaning of the terms "directly and personally received" and "major life event", as used in

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subsection (e) of section 1-79 and subsection (g) of section 1-91.

Sec. 110. Section 29-252a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(a) The State Building Code, including any amendment to said code adopted by the State Building Inspector and Codes and Standards Committee, shall be the building code for all state agencies.

(b) (1) No state building or structure or addition to a state building or structure; [, that] (A) That exceeds the threshold limits contained in section 29-276b and requires an independent structural review under said section, or (B) that includes residential occupancies for twenty-five or more persons, shall be constructed [or altered] until an application has been filed by the commissioner of an agency authorized to contract for the construction of buildings under the provisions of section 4b-1 or 4b-51 with the State Building Inspector and a building permit issued by the State Building Inspector. Two copies of the plans and specifications for the building, structure or addition to be constructed [or altered] shall accompany the application. The commissioner of any such agency shall certify that such plans and specifications are in substantial compliance with the provisions of the State Building Code and, where applicable, with the provisions of the State Fire Safety Code. The State Building Inspector shall review the plans and specifications for the building, structure or addition to be constructed [or altered] to verify their compliance with the requirements of the State Building Code and, [within] not later than thirty days [of] after the date of application, shall issue or refuse to issue the building permit, in whole or in part. The State Building Inspector may request that the State Fire Marshal review such plans to verify their compliance with the State Fire Safety Code.

(2) On and after July 1, 1999, the State Building Inspector shall assess an education fee on each building permit application. During

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the fiscal year commencing July 1, 1999, the amount of such fee shall be sixteen cents per one thousand dollars of construction value as declared on the building permit application, and the State Building Inspector shall remit such fees, quarterly, to the Department of Public Safety, for deposit in the General Fund. Upon deposit in the General Fund, the amount of such fees shall be credited to the appropriation to the Department of Public Safety and shall be used for the code training and educational programs established pursuant to section 29-251c. On and after July 1, 2000, the assessment shall be made in accordance with regulations adopted pursuant to subsection (d) of section 29-251c.

(c) All state agencies authorized to contract for the construction of any buildings or the alteration of any existing buildings under the provisions of section 4b-1 or 4b-51 shall be responsible for substantial compliance with the provisions of the State Building Code, the State Fire Safety Code and the regulations lawfully adopted under said codes for such building or alteration to such building, as the case may be. Such agencies shall apply to the State Building Inspector for a certificate of occupancy for all buildings or alterations of existing buildings for which a building permit is required under subsection (b) of this section and shall certify compliance with the State Building Code, the State Fire Safety Code and the regulations lawfully adopted under said codes for such building or alteration to such building, as the case may be, to the State Building Inspector prior to occupancy or use of the facility.

(d) (1) No state building or structure erected or altered on and after July 1, 1989, for which a building permit has been issued pursuant to subsection (b) of this section, shall be occupied or used in whole or in part, until a certificate of occupancy has been issued by the State Building Inspector, certifying that such building or structure substantially conforms to the provisions of the State Building Code and the regulations lawfully adopted under said code and the State

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Fire Marshal has verified substantial compliance with the State Fire Safety Code and the regulations lawfully adopted under said code for such building or alteration to such building, as the case may be.

(2) No state building or structure erected or altered on and after July 1, 1989, for which a building permit has not been issued pursuant to subsection (b) of this section shall be occupied or used in whole or in part, until the commissioner of the agency erecting or altering the building or structure certifies to the State Building Inspector that the building or structure substantially complies with the provisions of the State Building Code, the State Fire Safety Code and the regulations lawfully adopted under said codes for such building or alteration to such building, as the case may be.

(e) The State Building Inspector or [the] said inspector's designee [of the inspector shall] may inspect or cause to be inspected any construction of buildings or alteration of existing buildings by state agencies, except that said inspector or designee shall inspect or cause an inspection if the building being constructed includes residential occupancies for twenty-five or more persons. The State Building Inspector may order any state agency to comply with the State Building Code.

(f) The joint standing committee of the General Assembly having cognizance of matters relating to the Department of Public Safety may annually review the implementation date in subsection (b) of this section, to determine the need, if any, for revision.

(g) Any person aggrieved by any refusal to issue a building permit or certificate of occupancy under the provisions of this section or by an order to comply with the State Building Code or the State Fire Safety Code may appeal, de novo, to the Codes and Standards Committee not later than seven days after the issuance of any such refusal or order.

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(h) State agencies shall be exempt from the permit requirements of section 29-263 and the certificate of occupancy requirement under section 29-265.

Sec. 111. Subdivision (1) of subsection (i) of section 14-227a of the general statutes, as amended by section 28 of public act 05-218, is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(1) The Commissioner of Motor Vehicles shall permit a person whose license has been suspended in accordance with the provisions of subparagraph (C)(ii) of subdivision (2) of subsection (g) of this section to operate a [passenger] motor vehicle if (A) such person has served not less than one year of such suspension, and (B) such person has installed an approved ignition interlock device in each motor vehicle owned or to be operated by such person. No person whose license is suspended by the commissioner for any other reason shall be eligible to operate a motor vehicle equipped with an approved ignition interlock device.

Sec. 112. Subsection (a) of section 14-227j of the general statutes, as amended by section 29 of public act 05-218, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For the purposes of this section and section 14-227k: "Ignition interlock device" means a device installed in a [passenger] motor vehicle that measures the blood alcohol content of the operator and disallows the mechanical operation of such motor vehicle until the blood alcohol content of such operator is less than twenty-five thousandths of one per cent.

Sec. 113. (*Effective from passage*) Sections 1 to 8, inclusive, of public act 05-228 shall take effect October 1, 2005.

Sec. 114. Subdivision (8) of section 1 of public act 05-286 is repealed

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and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(8) "Privatization contract" means an agreement or series of agreements between a state contracting agency and a person, in which such person agrees to provide services valued at five hundred thousand dollars or more over the life of the contract that are substantially similar to and in lieu of services provided, in whole or in part, by employees of such agency or by employees of another state agency for such state agency. [and that results in the layoff, transfer or reassignment of any state employee.] "Privatization contract" does not include the renewal, modification, extension or rebidding of a privatization agreement in effect on or before the effective date of this section, an agreement to only provide legal services, litigation support or management or financial consulting. [or a consultant-services agreement to provide professional architectural or design services on a project-by-project basis for only a period of time.]

Sec. 115. Subsection (a) of section 14 of public act 05-286 is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

(a) From the effective date of this section, until June 30, 2007, no state agency may enter into a privatization contract unless such contract constitutes an emergency procurement, as defined in section 1 of public act 05-286. From June 30, 2007, until July 1, 2009, any privatization contract entered into by a state agency shall include the following provisions:

(1) The contractor shall offer available employee positions pursuant to the contract to qualified regular employees of the agency whose state employment is terminated because of such privatization contract provided such employees satisfy the hiring criteria of the contractor;

(2) The contractor shall not engage in discriminatory employment practices, as described in section 46a-60 of the general statutes, and

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shall take affirmative steps to provide such equal opportunity for all such persons;

(3) The contractor shall submit to performance audits of such contract by the Auditors of Public Accounts on a periodic basis, as determined by the Auditors of Public Accounts;

(4) The contractor shall pay a minimum wage rate for employee positions with duties that are substantially similar to the duties performed by a regular agency, which rate shall be the lesser of step one of the grade or classification under which the comparable regular agency employee is paid, or the standard private sector wage rate for said position as determined by the Labor Commissioner in accordance with section 31-57f of the general statutes;

(5) Such contract shall not become effective until the contractor and the state agency have complied with the provisions of this act and the procurement code adopted in accordance with section 3 of [this act] public act 05-286;

(6) The contractor shall submit quarterly payroll records to the Labor Department, listing the name, address, Social Security number, hours worked and the hourly wage paid for each employee in the previous quarter.

Sec. 116. Section 145 of public act 03-6 of the June 30 special session, as amended by section 1 of public act 04-244, is repealed. (*Effective from passage*)

Sec. 117. Sections 12-802b and 46b-149d of the general statutes are repealed. (*Effective July 1, 2005*)

Approved June 30, 2005