



Substitute House Bill No. 6977

Public Act No. 05-288

AN ACT CONCERNING THE REVISOR'S TECHNICAL CORRECTIONS AND CERTAIN OTHER CHANGES TO THE GENERAL STATUTES AND CERTAIN PUBLIC ACTS.

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

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 Subsection (b) of section 1-1g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) As used in subsection (a) of this section, "general intellectual functioning" means the results obtained by assessment with one or more of the individually administered general intelligence tests developed for that purpose and standardized on a significantly adequate population and administered by a person or persons formally trained in test administration; "significantly subaverage" means an intelligence quotient more than two standard deviations below the mean for the test; "adaptive behavior" means the effectiveness or degree with which an individual meets the standards of personal independence and social responsibility expected for the individual's age and cultural group; and "developmental period" means the period of time between birth and the eighteenth birthday.

Sec. 2. Subsection (c) of section 1-58 of the general statutes is

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repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) If the notarial act is performed by a person other than one described in subsections (a) and (b) of this section, there is sufficient proof of the authority of that person to act if the clerk of a court of record in the place in which the notarial act is performed certifies to the official character of that person and to his authority to perform the notarial act.

Sec. 3. Subsection (b) of section 1-226 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Any such public agency may adopt rules governing such recording, photography or the use of such broadcasting equipment for radio and television stations but, in the absence of the adoption of such rules and regulations by such public agency prior to the meeting, such recording, photography or the use of such radio and television equipment shall be permitted as provided in subsection (a) of this section.

Sec. 4. Subsection (c) of section 2-32b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) The estimate required by subsection (b) of this section shall be the estimated cost to local governments for the first fiscal year in which the bill takes effect. If such bill does not take effect on the first day of the fiscal year, the estimate shall also indicate the estimated cost to local governments for the next following fiscal year. If a bill is amended by the report of a committee on conference in such a manner as to result in a cost to local governments, the Office of Fiscal Analysis shall append an estimate of such cost to the report before the report is

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made to either house of the General Assembly.

Sec. 5. Section 3-13c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Trust funds as used in sections 3-13 to 3-13e, inclusive, and 3-31b shall be construed to include Connecticut Municipal Employees' Retirement Fund A, Connecticut Municipal Employees' Retirement Fund B, Soldiers, Sailors and Marines Fund, State's [Attorney] Attorneys' Retirement Fund, Teachers' Annuity Fund, Teachers' Pension Fund, Teachers' Survivorship and Dependency Fund, School Fund, State Employees Retirement Fund, the Hospital Insurance Fund, Policemen and Firemen Survivor's Benefit Fund and all other trust funds administered, held or invested by the Treasurer.

Sec. 6. Subsection (b) of section 3-21b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) The provisions of subsection (a) of this section shall not apply to any consolidated amounts, as defined in section 8-37rr.

Sec. 7. Subsection (a) of section 3-25 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Except as provided in subsections (b) and (c) of this section, the Treasurer shall pay out the public moneys only upon the order of the General Assembly, of the Senate, of the House of Representatives, of the several courts when legally authorized or of the Comptroller for accounts legally adjusted by him or when he is authorized to order for the payment of money from the Treasury. He shall pay no warrant or order for the disbursement of public money until the same has been registered in the office of the Comptroller. The Comptroller shall not issue any warrant, draft or order except upon (1) an adequate

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expenditure voucher which shall be retained in his office for the period provided by law, (2) certification by an expending agency which retains an adequate expenditure voucher in accordance with such procedures as the Comptroller may prescribe, or (3) upon certification by the chief executive officer of a constituent unit of the state system of higher education, provided, in the case of the Connecticut State University system, the certification may be made by the chief executive officer of a state university, as provided in subsection (b) of section 3-117.

Sec. 8. Subsection (a) of section 3-119 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Comptroller shall pay all salaries and wages not less than ten calendar days [nor] or more than fifteen calendar days after the close of the payroll period in which the services were rendered, except as provided in subsections (b) and (c) of this section, but shall draw no order in payment for any service of which the payroll officer of the state has official knowledge without the signed statement of the latter that all employees listed on the payroll of each agency have been duly appointed to authorized positions and have rendered the services for which payment is to be made. The Comptroller is authorized to develop, install and operate a comprehensive fully documented electronic system for effective personnel data, for payment of compensation to all state employees and officers and for maintenance of a chronological and permanent record of compensation paid to each employee and officer for the state employees retirement system and other purposes. The Comptroller is authorized to establish an accounting procedure to implement this section.

Sec. 9. Subsection (b) of section 4-7 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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(b) (1) Except as provided in subdivision (2) of this subsection, if a vacancy occurs in the office of any department head while the General Assembly is in regular session, the Governor shall, within thirty calendar days of the occurrence of the vacancy, submit his nomination to fill the vacancy to either house of the General Assembly. The house to which the nomination is submitted shall immediately refer the nomination to its committee on executive nominations, which shall report thereon by resolution within ten legislative days from the date of reference. Such house shall confirm or reject said nomination. If such house, by resolution, confirms the nomination within thirty calendar days after it is submitted, the nominee shall forthwith take office to serve at the pleasure of the Governor but no longer than the original appointee could have served under his appointment. If such house rejects the nomination within thirty calendar days after it is submitted, the Governor shall, within thirty calendar days, submit another nomination to either house of the General Assembly, provided, if any nomination is submitted less than thirty calendar days before the date established by the Constitution for adjournment of the General Assembly, and the house to which it is submitted fails to confirm or reject the nomination before its adjournment on said date, the procedure prescribed in subsection (c) of this section shall be followed.

(2) If a vacancy occurs in the office of any department head prior to the first day of March during the first regular session of the General Assembly following the election of a new Governor, the nominee of the newly elected Governor may exercise the powers and duties of the office as provided in section 4-8, as designate, until the nomination is confirmed or rejected pursuant to subdivision (1) of this subsection.

Sec. 10. Subsection (b) of section 4-20 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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(b) All state officers, state employees and other persons, other than those listed in subsection (a) of this section, who in the opinion of the board should be bonded, shall be bonded, the amount, condition and form to be determined by the board. Bonds taken pursuant to this subsection shall be purchased by the board, at the request of the Comptroller at state expense from a company or companies authorized to issue such bonds and having an office and licensed to do business in this state. The Comptroller may, at any time, request that any such bond be cancelled or terminated and any rebate of premium thereon shall be returned to the Comptroller for deposit in the General Fund.

Sec. 11. Subsection (b) of section 4-58a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Any employee of a state institution who is a member of its regular or volunteer fire department or institutional fire brigade who is injured or dies as a result of responding to, working at or returning from a fire outside of such institution, in accordance with an agreement entered into under subsection (a) of this section with the municipality in which the fire occurred, shall be deemed to have been injured in the course of his employment and he and his estate shall be entitled to all the benefits of title 5 and chapter 568, provided the superintendent of such institution shall have authorized his service at such fire.

Sec. 12. Subsection (b) of section 4-67m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) The goals, objectives and measures developed for each such agency pursuant to subsection (a) of this section shall be implemented for the biennium beginning July 1, 1993. The Office of Policy and Management, in consultation with each such agency, shall review and

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revise such goals, objectives and measures for each biennium thereafter.

Sec. 13. Subsection (a) of section 4-85 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Before an appropriation becomes available for expenditure, each budgeted agency shall submit to the Governor through the Secretary of the Office of Policy and Management, not less than twenty days before the beginning of the fiscal year for which such appropriation was made, a requisition for the allotment of the amount estimated to be necessary to carry out the purposes of such appropriation during each quarter of such fiscal year. Appropriations for capital outlays may be allotted in any manner the Governor deems advisable. Such requisition shall contain any further information required by the Secretary of the Office of Policy and Management. The Governor shall approve such requisitions, subject to the provisions of subsection (b) of this section.

Sec. 14. Subsection (c) of section 4-85 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) If a plan submitted in accordance with subsection (b) of this section indicates that a reduction of more than three per cent of the total appropriation from any fund or more than five per cent of any appropriation is required to prevent a deficit, the Governor may request that the Finance Advisory Committee approve any such reduction, provided any modification which would result in a reduction of more than five per cent of total appropriations shall require the approval of the General Assembly.

Sec. 15. Subsection (a) of section 4-168 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from*

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passage):

(a) Except as provided in subsection (g) of this section, an agency, prior to adopting a proposed regulation, shall: (1) Give at least thirty days' notice by publication in the Connecticut Law Journal of its intended action. The notice shall include (A) either a statement of the terms or of the substance of the proposed regulation or a description sufficiently detailed so as to apprise persons likely to be affected of the issues and subjects involved in the proposed regulation, (B) a statement of the purposes for which the regulation is proposed, (C) a reference to the statutory authority for the proposed regulation, and (D) when, where and how interested persons may present their views on the proposed regulation; (2) give notice by mail to each joint standing committee of the General Assembly having cognizance of the subject matter of the proposed regulation; (3) give notice by mail to all persons who have made requests to the agency for advance notice of its regulation-making proceedings. The agency may charge a reasonable fee for such notice based on the estimated cost of providing the service; (4) provide a copy of the proposed regulation to persons requesting it. The agency may charge a reasonable fee for copies in accordance with the provisions of section 1-212; (5) following publication of the notice in the Connecticut Law Journal, prepare a fiscal note, including (A) an estimate of the cost or of the revenue impact on the state or any municipality of the state, and (B) if applicable, the regulatory flexibility analysis prepared under section 4-168a. The governing body of any municipality, if requested, shall provide the agency, within twenty working days, with any information that may be necessary for analysis in preparation of such fiscal note; (6) afford all interested persons reasonable opportunity to submit data, views or arguments, orally at a hearing granted under subdivision (7) of this subsection or in writing, and to inspect and copy the fiscal note prepared pursuant to subdivision (5) of this subsection; (7) grant an opportunity to present oral argument if requested by

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fifteen persons, by a governmental subdivision or agency or by an association having not less than fifteen members, if notice of the request is received by the agency within fourteen days after the date of publication of the notice; and (8) consider fully all written and oral submissions respecting the proposed regulation and revise the fiscal note in accordance with the provisions of subdivision (5) of this subsection to indicate any changes made in the proposed regulation. No regulation shall be found invalid due to the failure of an agency to give notice to each committee of cognizance pursuant to subdivision (2) of this subsection, provided one such committee has been so notified.

Sec. 16. Subsection (g) of section 4-168 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(g) If an agency finds (1) that technical amendments to an existing regulation are necessary because of (A) the statutory transfer of functions, powers or duties from the agency named in the existing regulation to another agency, (B) a change in the name of the agency, (C) the renumbering of the section of the general statutes containing the statutory authority for the regulation, or (D) a correction in the numbering of the regulation, and no substantive changes are proposed, or (2) that the repeal of a regulation is necessary because the section of the general statutes under which the regulation has been adopted has been repealed and has not been transferred or reenacted, it may elect to comply with the requirements of subsection (a) of this section or may proceed without prior notice or hearing. Any such amendments to or repeal of a regulation shall be submitted in the form and manner prescribed in subsection (b) of section 4-170, to the Attorney General, as provided in section 4-169, and to the standing legislative regulation review committee, as provided in section 4-170, for approval and upon approval shall be filed in the office of the

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Secretary of the State with, in the case of renumbering of sections only, a correlated table of the former and new section numbers.

Sec. 17. Subsection (c) of section 4-170 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) The committee shall review all proposed regulations and, in its discretion, may hold public hearings thereon, and may approve, disapprove or reject without prejudice, in whole or in part, any such regulation. If the committee fails to so approve, disapprove or reject without prejudice a proposed regulation, within sixty-five days after the date of submission as provided in subsection (b) of this section, the committee shall be deemed to have approved the proposed regulation for purposes of this section.

Sec. 18. Subsections (a) and (b) of section 4-173 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Commission on Official Legal Publications shall publish and distribute a compilation of all effective regulations adopted by all state agencies subsequent to October 27, 1970, except regulations adopted pursuant to subsection [(e)] (f) of section 4-168. Such publication may be a supplement to or revision of the most current compilation, and shall be published at least semiannually. The Commission on Official Legal Publications may omit from such compilation (1) any regulation that is incorporated by reference into a Connecticut regulation and published by or otherwise available in printed form from a federal agency, a government agency of another state or a commercial publishing company, [or] (2) any regulation that is too expensive to publish, or (3) any regulation the publication of which would be unduly cumbersome. If [such] the commission omits a regulation from the compilation, it shall publish in the compilation a notice identifying

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the omitted regulation, stating the general subject matter of the regulation and stating an address, telephone number and any other information needed to obtain a copy of the regulation. Such address and telephone number shall be kept current in each semiannual publication of the compilation. The commission shall publish any regulation that has been omitted from publication under subdivision (2) of this subsection as soon as the commission has sufficient funds.

(b) The Commission on Official Legal Publications shall in addition cause to be published in the Connecticut Law Journal at least monthly the text of all regulations received by [such] the commission from the office of the Secretary of the State pursuant to section 4-172 during the preceding month. The commission may omit from the Connecticut Law Journal (1) any regulation submitted in accordance with subsection [(f)] (g) of section 4-168, for the purposes of renumbering sections only, if a correlated table of the former and new section numbers is published in lieu of the full text, (2) any regulation that is incorporated by reference into a Connecticut regulation and published by or otherwise available in printed form from a federal agency, a government agency of another state or a commercial publishing company, and (3) any regulation the publication of which would be too expensive or unduly cumbersome. If [such] the commission omits a regulation from publication in the Connecticut Law Journal under subdivision (2) or (3) of this subsection, the commission shall publish in the Connecticut Law Journal a notice identifying the omitted regulation, stating the general subject matter of the regulation and stating an address, telephone number and any other information needed to obtain a copy of the regulation.

Sec. 19. Subsection (c) of section 4a-67h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Not later than January 1, 2005, and annually thereafter, the

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department shall: (1) Develop and maintain information about environmentally preferable products, services and practices procured through the department, including, but not limited to, products, services and practices that minimize global warming impact and recycled products; (2) provide assistance with the implementation of the procedures developed pursuant to subsection (b) of this section and provide information to agencies about the use of environmentally preferable products and services; and (3) monitor the use of environmentally preferable products, services and practices and recycled products by state agencies. Such information compiled pursuant to this subsection shall designate those products, services or practices that cost the same as or less than other similar products, services or practices.

Sec. 20. Subsection (b) of section 4a-72 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) As used in subdivision (3) of subsection (a) of this section, "good faith dispute" means: (1) A contention by the state that goods delivered or services rendered were: (A) Of less quantity or quality than ordered or specified by contract; (B) faulty; or (C) installed improperly; or (2) any other reason giving cause for the withholding of payment by the state until such dispute is settled.

Sec. 21. Subsection (b) of section 4b-23 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) On or before December first of each even-numbered year, the Commissioner of Public Works shall provide the Secretary of the Office of Policy and Management with a review of the plans and requests submitted pursuant to subsection (a) of this section for consistency with realistic cost factors, space requirements, space

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standards, implementation schedules, priority needs, objectives of the Commissioner of Public Works in carrying out his responsibilities under section 4b-30 and the need for the maintenance, improvement and replacement of state facilities.

Sec. 22. Subsection (a) of section 4b-52 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) (1) No repairs, alterations or additions involving expense to the state of five hundred thousand dollars or less or, in the case of repairs, alterations or additions to a building rented or occupied by a constituent unit of the state system of higher education, two million dollars or less shall be made to any state building or premises occupied by any state officer, department, institution, board, commission or council of the state government and no contract for any construction, repairs, alteration or addition shall be entered into without the prior approval of the Commissioner of Public Works, except repairs, alterations or additions to a building under the supervision and control of the Joint Committee on Legislative Management and repairs, alterations or additions to a building under the supervision of The University of Connecticut. Repairs, alterations or additions which are made pursuant to such approval of the Commissioner of Public Works shall conform to all guidelines and procedures established by the Department of Public Works for agency-administered projects. (2) Notwithstanding the provisions of subdivision (1) of this subsection, repairs, alterations or additions involving expense to the state of one hundred thousand dollars or less may be made to any state building or premises under the supervision of the Office of the Chief Court Administrator or a constituent unit of the state system of higher education, under the terms of section 4b-11, and any contract for any such construction, repairs or alteration may be entered into by the Office of the Chief Court Administrator or a constituent unit of the

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state system of higher education without the approval of the Commissioner of Public Works.

Sec. 23. Subsection (d) of section 4b-53 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) The Connecticut Commission on Culture and Tourism shall, with respect to a work of art in any project under subsection (b) of this section, be responsible for the selection of any artist, artisan or craftsperson, review of any design or plan, and execution, completion, acceptance and placement of such work of art, provided any work of art to be located in any building under the supervision, security, utilization and control of the Joint Committee on Legislative Management shall be approved by said committee. The Commissioner of Public Works, in consultation with said commission, (1) shall be responsible for the contractual arrangements with any such artist, artisan or craftsperson, and (2) shall [prescribe] adopt regulations concerning implementation of the purposes of subsection (b) of this section and this subsection.

Sec. 24. Subsection (b) of section 4b-58 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) In determining fair and reasonable compensation to be paid in accordance with subsection (a) of this section, the commissioner shall consider, in the following order of importance, the professional competence of the consultant, the technical merits of the proposal, the ability of the firm to perform the required services within the time and budgetary limits of the contract and the price for which the services are to be rendered.

Sec. 25. Subsections (c) and (d) of section 5-142 of the general

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statutes are repealed and the following is substituted in lieu thereof
(*Effective from passage*):

(c) If a member of the Division of State Police within the Department of Public Safety who is not subject to the federal Insurance Contributions Act for such employment becomes or became disabled on or after July 1, 1979, and (1) the disability is not compensable under the terms of subsection (a) of this section and he elects or elected to receive disability retirement benefits under the provisions of section 5-169 or [section] 5-192p, or (2) he elects or elected to receive such disability retirement benefits in lieu of benefits otherwise available under subsection (a) of this section, the member shall be eligible to receive benefits under the provisions of subsection (d) of this section. Notwithstanding any [other] provision of the general statutes, the benefits granted under subsection (d) of this section shall be deemed to be federal Social Security disability benefits for purposes of calculating the maximum benefits available under the provisions of section 5-169 or 5-192p. Any disability Social Security benefits payable to or on behalf of such member shall also be recognized for purposes of calculating such maximum benefits. For the purposes of this subsection, "disability" means any medically determinable injury or physical or mental impairment which permanently prevents the discharge of normal police functions by any member of the Division of State Police, provided the Commissioner of Public Safety cannot find a suitable position within the agency for such member. The determination as to whether a member is so disabled shall be made by the board of physicians established under section 5-169. Notwithstanding any provisions to the contrary in section 5-169, the maximum benefit limitation as set forth in subdivisions (1) and (2) of subsection (g) of section 5-169 shall apply to any member receiving the new benefits provided by subsection (d) of this section.

(d) Commencing on May 8, 1984, or the date of disability, if later,

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each such disabled member of the Division of State Police within the Department of Public Safety shall receive a monthly allowance payable by the state employees retirement system, so long as the member remains so disabled, as follows: (1) To a disabled member, a monthly allowance of three hundred dollars for his lifetime; (2) if such disabled member is married, an additional monthly allowance of two hundred fifty dollars payable to the member and payable for the member's lifetime or until the spouse's divorce from the member; (3) if there are less than three dependent children, a monthly allowance of two hundred fifty dollars payable to the member for each child until each such child reaches the age of eighteen or until the child's marriage if such occurs earlier; (4) if there are three or more dependent children, a monthly allowance of five hundred and seventy-five dollars payable to the member but deemed to be divided equally among them. As each such dependent child reaches the age of eighteen years, or marries, if such occurs earlier, the child's share shall be deemed divided equally among the remaining surviving children, provided each child's share shall not exceed two hundred fifty dollars; when the shares payable on behalf of all but one of such dependent children have ceased, the disability benefit payable on behalf of the remaining child shall be two hundred fifty dollars. These benefits shall be integrated with the benefits of section 5-169 or 5-192p as if they were federal Social Security disability benefits in order to determine the maximum benefits payable to such disabled member. These benefits shall be subject to increases as provided in subsection (e) of this section. All benefits provided under this subsection shall be discontinued at the earlier of the member's recovery from disability or the member's death. If a disabled member dies, the survivor benefits provided under sections 5-146 to 5-150, inclusive, shall be payable.

Sec. 26. Subsection (b) of section 5-158b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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(b) The sum to be paid to the retirement system by a state employee under subsection (a) of this section shall be without interest and may be made in accordance with a payment schedule as may be established by the State Employees Retirement Commission.

Sec. 27. Subsection (f) of section 5-160 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) A temporary, emergency or provisional employee may elect to become a member, effective on the first day of the pay period following the date his election is received by the Retirement Commission. At any time not later than the date six months after his membership becomes mandatory under subsection (a) or (d) of this section, such employee may elect to make retirement contributions for his salary received during the period, not in excess of twelve months, prior to the effective date of his membership, without interest. Such contributions shall be paid within six months after his membership becomes mandatory.

Sec. 28. Subsection (e) of section 5-161 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) Except as provided in subsection (c) of section 5-180, [(c),] a member absent from state service without pay shall make no contributions during his absence.

Sec. 29. Subsection (d) of section 5-164 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) A duly appointed and acting messenger or assistant messenger of any constituent court of the Judicial Department who has reached his retirement date may be reemployed, pursuant to section 51-78, in

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the service of the court in which he has been a messenger at the salary paid him at the time of his retirement. Such reemployment shall continue until such time as the judges of said court terminate the same. Subsection (b) [above] of this section does not apply to any such messenger.

Sec. 30. Subsection (d) of section 5-164a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) Upon the subsequent retirement of a member who has made an election under subsection (a) of this section, or upon the expiration of the term of office of a member of the General Assembly who has made an election under subsection (b) of this section, his retirement income shall be recomputed on the basis of his total period of credited state service, excluding any period for which a retirement salary was paid under subdivision (1) or (2) of subsection (c) of this section, and with his base salary recomputed on the basis of his three highest-paid years of his total state service.

Sec. 31. Subsection (b) of section 5-165 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Notwithstanding the provisions of subsection (a) of this section, a temporary minimum shall apply whenever the Retirement Commission adopts revised factors which could result in a smaller benefit to a member than would have been payable under the previously existing factors. Such minimum shall be determined as follows: (1) The benefit the member had earned as of the date of the change in factors shall be calculated, based on his final earnings and service as of that date; (2) any early retirement reduction in such benefit shall be based upon his age, as determined on the date benefits will commence, and his type of retirement; and (3) the option factor

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shall be determined utilizing the factors in effect prior to such change, but based on appropriate ages as of the date benefits will commence. If such minimum results in a larger benefit, the larger benefit shall be payable.

Sec. 32. Section 5-166 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Except as provided in section 5-163a, a member who leaves state service before he is eligible for retirement but after completing at least ten years of state service, of which at least five years shall have immediately preceded the date of his leaving state service, shall continue to be a member, and shall be eligible for a retirement income as provided in section 5-162, but on a reduced actuarial basis as determined by the Retirement Commission, upon reaching his fifty-fifth birthday. Such vested retirement income shall not be subject to divestiture by subsequent employment unless the member withdraws his retirement contribution.

(b) (1) A member who leaves state service before he is eligible for retirement may elect to withdraw all of his retirement contributions, without interest, in lieu of any other benefits under this chapter. (2) Notwithstanding the provisions of subdivision (1) of this subsection, if such departure from state service or withdrawal of contributions occurs on or after October 1, 1982, the withdrawal of contributions shall include interest credited from January 1, 1982, or the first July first following the date of actual contribution, whichever is later, to the July first coincident with or preceding the date the employee leaves state service or withdraws contributions, whichever is later. Such interest shall be credited at the rate of five per cent per year. In addition, for the partial year during which the employee leaves state service or withdraws contributions, interest shall be credited at the rate of five-twelfths of one per cent multiplied by the full number of months completed during that year, such interest rate to be applied to

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the value of contributions as of the first day of that year. A member who so leaves before completing the service requirements of subsection (a) of this section and without so electing shall be conclusively presumed to have made such an election if he is not reemployed by the state within five years; provided, if such member has not requested such withdrawal within ten years after he left state service, or if his contributions are less than ten dollars and such election is not made within six months after he leaves state service, his contributions shall revert to the retirement fund. At any time thereafter, upon application by the member, his contributions plus credited interest, if any, may be withdrawn and paid to him.

(c) Retroactive Social Security taxes deducted from contributions previously made by a member because of the retroactive effective date of the Social Security Agreement shall be excluded in determining the amount of any payment under subsection (b) of this section.

(d) A member who leaves state service before he is eligible for retirement and before completing the service requirement of subsection (a) of this section shall thereupon lose his status as a member.

(e) A member who is eligible for retirement when he leaves state service may not elect to withdraw his retirement contributions in lieu of receiving retirement income payments at such time as they are payable, provided any such member who is eligible to participate in or is a participating member of the Connecticut teachers' retirement system may elect to have transferred to such system his contributions and earned interest in the state employees retirement system for credit pursuant to the requirements of the teachers' retirement system.

Sec. 33. Subsections (a) and (b) of section 5-167 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

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(a) A former member who withdrew his retirement contributions and who is reemployed in state service within five years after he left state service, or who is reemployed and due to such reemployment is covered by the provisions of the tier I plan as determined under subsection (a) of section 5-192e, may elect to return his withdrawn contributions and interest paid on such contributions to the state, with interest as provided in subsection (c) [below] of this section. Service can be restored only if payments commence within two years after reemployment or on or before January 1, 1985, if later.

(b) A member who was in state service before September 1, 1939, but did not become a member before September 1, 1941, may elect to make retirement contributions in the amount which would have been due from him from September 1, 1939, to the date of his election, had he been a member throughout this period, with interest as provided in subsection (c) [below] of this section.

Sec. 34. Subsection (h) of section 5-169 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(h) As of each anniversary date, as defined in section 5-162d, of such retired employee, the benefits provided under this section shall be subject to the following adjustments: (1) The benefits provided in subsections (a) and (b) of this section shall be subject to the increase provided in section 5-162d or [section] 5-162h, whichever is appropriate; (2) the net maximum benefit provided in subdivision (2) of subsection (g) of this section shall be subject to the increase provided in section 5-162d or [section] 5-162h, whichever is appropriate; (3) this subdivision shall apply only to the maximum benefit provided in subdivision (1) of subsection (g) of this section which shall only be considered if the member had outside earned salary or wages. The salary as described in subdivision (1) of subsection (g) of this section shall be increased by the percentage

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compensation increase that would have applied to an employee in the position and "step" of the member, at the date of disability had that employee continued to be employed and continued automatic progression to the maximum "step" for his classification. On the date of recomputation of benefits, the offsets for workers' compensation and federal Social Security shall be increased by that same percentage or the percentage increase granted under the cost-of-living provision of the Workers' Compensation Act and the Social Security Act respectively, whichever is less. This offset amount shall be adjusted to reflect any change in these benefits other than those resulting from the cost-of-living provisions of the Workers' Compensation Act or the Social Security Act. In no case shall the offset be greater than the actual benefits paid. Outside earned salary or wages shall reflect actual amounts earned during the preceding calendar year. In no event shall the application of this subdivision and subdivision (1) of subsection (g) of this section result in an income from all sources that would be less than the income that would have been paid had the member remained in service and progressed to the maximum "step" for his classification; (4) except as specifically indicated in subdivision (3) of this subsection, the maximum disability income determined under subsection (g) of this section will not be affected, when the workers' compensation benefits or the Social Security benefits are increased by cost-of-living provisions in the Workers' Compensation Act or the Social Security Act; (5) the maximum disability income under subdivision (2) of subsection (g) of this section will be recalculated if either the workers' compensation benefits or the Social Security benefits are decreased or discontinued. Any such recalculated maximum shall not reflect any increases arising after the initial application of the offset because of the cost-of-living provisions in the Workers' Compensation Act or the Social Security Act, except as specifically indicated in subdivision (3) of this subsection.

Sec. 35. Subsection (b) of section 5-170 of the general statutes is

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repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Retirement income payments made to a member receiving disability payments and necessary medical and hospital expenses under the provisions of the Workers' Compensation Act, as set forth in chapter 568, shall be reduced for any period for which such disability payments are being made or have been made, except as provided in subsection (c) [below] of this section. The amount of each reduced retirement income payment shall be determined in accordance with section 5-169. Unless the Retirement Commission has waived the overpayment in accordance with section 5-156c, in any case in which a member has received retirement income payments in excess of his entitlement under this subsection, the Comptroller shall act to recover such overpayments by any appropriate means, including (1) withholding such sums from future retirement income payments in accordance with regulations to be adopted by the Retirement Commission in accordance with the provisions of chapter 54, and (2) petitioning the workers' compensation commissioner having jurisdiction of the member's workers' compensation claim for an order reducing the member's workers' compensation award by the amount of such overpayment. The commissioner may enter such order notwithstanding the provisions of section 31-320.

Sec. 36. Subsection (n) of section 5-200 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(n) Any interested employee [] or his representative or any appointing authority may submit to the commissioner written data, views [] or arguments or a request for a hearing in regard to specified position classifications or allocation of a class of positions to the compensation schedule. Within two months after the commissioner shall have received such data, views or arguments or shall have held

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any requested hearing, he shall forward to such employee, representative or appointing authority his written decision thereon, together with all written materials submitted to him by the interested employee or his representative and such other information as he considers appropriate.

Sec. 37. Subsection (a) of section 7-34a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Town clerks shall receive, for recording any document, ten dollars for the first page and five dollars for each subsequent page or fractional part thereof, a page being not more than eight and one-half by fourteen inches. Town clerks shall receive, for recording the information contained in a certificate of registration for the practice of any of the healing arts, five dollars. Town clerks shall receive, for recording documents conforming to, or substantially similar to, section 47-36c, which are clearly entitled "statutory form" in the heading of such documents, as follows: For the first page of a warranty deed, a quitclaim deed, a mortgage deed, or an assignment of mortgage, ten dollars; for each additional page of such documents, five dollars; and for each marginal notation of an assignment of mortgage, subsequent to the first two assignments, one dollar. Town clerks shall receive, for recording any document with respect to which certain data must be submitted by each town clerk to the [Commissioner of Revenue Services] Secretary of the Office of Policy and Management in accordance with section 10-261b, the sum of two dollars in addition to the recording fee. Any person who offers any written document for recording in the office of any town clerk, which document fails to have legibly typed, printed or stamped directly beneath the signatures the names of the persons who executed such document, the names of any witnesses thereto and the name of the officer before whom the same was acknowledged, shall pay one dollar in addition to the regular fee.

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Town clerks shall receive, for recording any deed, except a mortgage deed, conveying title to real estate, which deed does not contain the current mailing address of the grantee, the sum of five dollars in addition to the regular recording fee. Town clerks shall receive, for filing any document, five dollars; [] for receiving and keeping a survey or map, legally filed in the town clerk's office, five dollars; and for indexing such survey or map, in accordance with section 7-32, five dollars, except with respect to indexing any such survey or map pertaining to a subdivision of land as defined in section 8-18, in which event town clerks shall receive fifteen dollars for each such indexing. Town clerks shall receive, for a copy of any document either recorded or filed in their offices, one dollar for each page or fractional part thereof, as the case may be; for certifying any copy of the same, one dollar; [] for making a copy of any survey or map, the actual cost thereof; and for certifying such copy of a survey or map, one dollar. Town clerks shall receive, for recording the commission and oath of a notary public, ten dollars; and for certifying under seal to the official character of a notary, two dollars.

Sec. 38. Section 7-69 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

No person except a licensed embalmer or funeral director licensed by the department, or licensed in a state having a reciprocal agreement on file with the department and complying with the terms of such agreement, shall remove the body of a deceased person, except that once [a dead body] the body of a deceased person has been embalmed or prepared in accordance with the Public Health Code and applicable provisions of the general statutes, a licensed embalmer or funeral director may authorize an unlicensed employee to transport such body. No person except a licensed embalmer or funeral director licensed by the department, or licensed in a state having a reciprocal agreement on file with the department, shall remove the body of any

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deceased person from this state to another state until a burial transit removal permit has been issued in accordance with section 7-65. No burial transit removal permit shall be issued unless the death certificate has been signed by a licensed embalmer or funeral director licensed by the department, or licensed in a state having a reciprocal agreement on file with the department and complying with the terms of such agreement. In the case of a deceased person who, at the time of death, had a communicable disease specified by the Public Health Code, the permit shall certify that the body was prepared in accordance with the regulations of the Public Health Code. Such permit shall be sufficient to permit the burial of such deceased person in any town in this state other than the town in which such person died, without a burial permit from the registrar of the town where such person is to be buried. If the body of a deceased person is brought into the state for burial and is accompanied by a burial transit removal permit issued by the legally constituted authorities of the state from which [it] such body was brought, such permit shall be received as sufficient authority for burial; [but] except that, if [it] such body is not accompanied by such permit, [then] the person or persons in charge of [it] such body shall apply for a burial permit to the registrar of vital statistics of the town in which [it] such body is to be buried, and such registrar shall issue such permit when furnished with such information as to the identity of the deceased person and the cause of death as is required by section 7-62b concerning a person dying in this state. Any person who violates any provision of this section, or who knowingly signs a false permit or knowingly allows a false permit to be used in lieu of a permit required by this section, shall be fined not more than five hundred dollars or imprisoned not more than six months, or both.

Sec. 39. Section 7-137c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any municipality may appropriate funds to extend or cause to have

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extended water mains (1) into areas to be used for industrial or commercial purposes or partly for industrial or commercial purposes and partly for residential purposes, or (2) into residential areas or into areas zoned for residential use. Notwithstanding the provisions of any special act, the municipality may pay the cost of such extension or may require each owner of property which abuts any such main to reimburse the municipality such owner's proportionate share of the cost of such extension at such time and by such rule as the municipality by ordinance determines. Whenever the municipality and the Commissioner of Environmental Protection may concur in determining the need for such extension in response to a community pollution problem, as defined [by] in section 22a-423, or in response to a bacterial contamination problem, the municipality may waive any such reimbursement to the municipality. In the case of land zoned for other than commercial or industrial purposes or classified, pursuant to sections 12-107a to 12-107e, inclusive, as farm land, forest land or open space land, on the last-completed grand list of the municipality in which such land is located, which exceeds by more than one hundred per cent the size of the smallest lot permitted in the lowest density residential zone allowed under zoning regulations, or in the case of a town having no zoning regulations, a lot size of one acre in area and one hundred fifty feet in frontage, assessment of such excess land shall be deferred until such time as such excess land shall be built upon or a building permit issued therefor or until approval of a subdivision plan of such excess property by the planning commission having jurisdiction, whichever event occurs first, at which time assessment may be made as [herein] provided in this section. The municipality shall place a caveat on the land records in each instance where an assessment is deferred. Such share shall represent a reasonable proportion of the total cost of such water mains, including materials, installation, pumping stations, service connections, curb, sidewalk and highway repairs and the cost of installation of gate-valves or shutoffs, if any; except that, if residential or agricultural property or property

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zoned for residential or agricultural use abuts lines of construction of water mains to be used for industrial or commercial purposes or partly for industrial or commercial purposes, and such property is not being used for such purposes, the proportionate share of the owners of such property shall be computed on a front-foot or other equitable basis for a standard or minimum size main. Such shares shall be proportioned in such a way as to ultimately leave the municipality free of any of the cost of the extension of the water main and expenses incidental thereto, except where any portion of such water service is to be used for a municipal purpose in which instance the municipality shall contribute a fair proportion of the expense representing such proportionate municipal share. Within sixty days of an assessment under this section, the owner of any property so assessed may appeal to the superior court for the judicial district within which such land is situated from the valuation of his assessment, by service of process made in accordance with the provisions of section [52-67] 52-57. Such appeal shall be a privileged case and shall not stay any proceeding under this section. The court shall have the power to grant such relief as to justice and equity appertains, upon such terms and in such manner and form as appears equitable.

Sec. 40. Section 7-148b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Except as provided in subsection (c) of this section, any town, city or borough may, through its legislative body, create a fair rent commission to make studies and investigations, conduct hearings and receive complaints relative to rental charges on housing accommodations, except those accommodations rented on a seasonal basis, within its jurisdiction, which term shall include mobile manufactured homes and mobile manufactured home park lots, in order to control and eliminate excessive rental charges on such accommodations, and to carry out the provisions of sections 7-148b to

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7-148f, inclusive, section 47a-20 and subsection (b) of section 47a-23c. The commission, for such purposes, may compel the attendance of persons at hearings, issue subpoenas and administer oaths, issue orders and continue, review, amend, terminate or suspend any of its orders and decisions. The commission may be empowered to retain legal counsel to advise it.

(b) For purposes of subsection (a) of this section, "seasonal basis" means housing accommodations rented for a period or periods aggregating not more than one hundred twenty days in any one calendar year.

(c) Any town, city or borough in which the number of renter-occupied dwelling units is greater than five thousand, as determined by the most recent decennial census, and which does not have a fair rent commission on October 1, 1989, shall, on or before June 1, 1990, conduct a public hearing or public hearings and decide by majority vote of its legislative body whether to create a fair rent commission as provided in subsection (a) of this section. Any such town, city or borough which fails to act pursuant to the requirements of this subsection shall, not later than June 1, 1991, create such fair rent commission.

(d) Any two or more towns, cities or boroughs not subject to the requirements of subsection (c) of this section may, through their legislative bodies, create a joint fair rent commission.

Sec. 41. Section 7-294a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

As used in this section and sections 7-294b to 7-294e, inclusive, "academy" means the Connecticut Police Academy; "applicant" means a prospective police officer who has not commenced employment or service with a law enforcement unit; "basic training" means the

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minimum basic law enforcement training received by a police officer at the academy or at any other certified law enforcement training academy; "certification" means the issuance by the Police Officer Standards and Training Council to a police officer, police training school or [to a] law enforcement instructor of a signed instrument evidencing satisfaction of the certification requirements imposed by section 7-294d, and signed by the council; "council" means the Police Officer Standards and Training Council; "Governor" includes any person performing the functions of the Governor by authority of the law of this state; "review training" means training received after minimum basic law enforcement training; "law enforcement unit" means any agency, organ or department of this state or a subdivision or municipality thereof, whose primary functions include the enforcement of criminal or traffic laws, the preservation of public order, the protection of life and property, or the prevention, detection or investigation of crime; "police officer" means a sworn member of an organized local police department, an appointed constable who performs criminal law enforcement duties, a special policeman appointed under section 29-18, 29-18a or 29-19 or any member of a law enforcement unit who performs police duties; "probationary candidate" means a police officer who, having satisfied preemployment requirements, has commenced employment with a law enforcement unit but who has not satisfied the training requirements provided for in section 7-294d; and "school" means any school, college, university, academy or training program approved by the council which offers law enforcement training and includes a combination of a course curriculum, instructors and facilities.

Sec. 42. Subdivision (2) of subsection (b) of section 8-26a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(2) (A) Any construction on a vacant lot shown on a subdivision or

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resubdivision plan approved before, on or after June 1, 2004, shall not be required to conform to a change in the zoning regulations or boundaries of zoning districts in a town, city or borough adopted after the approval of the subdivision or resubdivision. Notwithstanding subdivision (1) of this subsection, any construction on an improved lot shown on a subdivision or resubdivision plan approved before, on or after June 1, 2004, shall be required to conform to a zoning change adopted subsequent to said lot becoming an improved lot.

(B) For purposes of this subsection, (i) a lot shall be deemed vacant until the date a building permit is issued with respect thereto and a foundation has been completed in accordance with such building permit but shall not be deemed vacant if any structures on such lot are subsequently demolished, and (ii) a lot shall be deemed improved after the date a building permit is issued with respect thereto and a foundation has been completed in accordance with such building permit.

Sec. 43. Subsection (a) of section 8-208b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) A Neighborhood Housing Services Program Fund is hereby created. There shall be deposited in said fund all moneys received by or appropriated to the Department of Economic and Community Development from time to time therefor. Amounts in said fund shall be used for the purpose of making grants-in-aid to any duly organized neighborhood housing services corporation in the state, pursuant to subsection (b) of this section.

Sec. 44. Subsections (f) and (g) of section 8-218 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

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(f) The Commissioner of Economic and Community Development shall adopt regulations, in accordance with chapter 54, to administer the programs established under subsections (c) and (d) of this section. Such regulations shall establish maximum income levels for tenants and homeowners and provide for adjustment of income for family size and medical expenses and may set maximum loan amounts for loans made under subsection (c) of this section that are not secured and for grants made under subsection (d) of this section.

(g) On and after the effective date of regulations adopted under section 8-437, the Commissioner of Economic and Community Development shall not accept any application for state financial assistance pursuant to this section except (1) an application by a community housing development corporation to establish or administer a loan fund under subsection (b) of this section, or (2) an application for a project or development not qualifying for financial assistance pursuant to section 8-433.

Sec. 45. Subsection (a) of section 8-219e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The state, acting by and in the discretion of the Commissioner of Economic and Community Development, may enter into a contract with an eligible developer, as defined in section 8-39, a community housing development corporation, as defined in section 8-217, or any other person approved by the commissioner for state financial assistance in the form of a grant-in-aid, loan or deferred loan for technical assistance and the abatement of lead-based paint, asbestos and asbestos-containing material from a residential dwelling unit. In the case of a deferred loan, the contract shall require that payments on interest are due and payable but that payments on principal may be deferred to a time certain. Such grant-in-aid, loan or deferred loan, or combination thereof, shall not exceed the cost of such abatement,

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including expenses incurred in obtaining technical assistance for such abatement, and shall be awarded upon such terms and conditions as the commissioner may prescribe by regulations adopted pursuant to subsection (b) of this section.

Sec. 46. Subsection (a) of section 8-268 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Whenever a program or project undertaken by a state agency or under the supervision of a state agency will result in the displacement of any person on or after July 6, 1971, the head of such state agency shall make payment to any displaced person, upon proper application as approved by such agency head, for (1) actual reasonable expenses in moving himself, his family, business, farm operation or other personal property, [;] (2) actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the state agency, and (3) actual reasonable expenses in searching for a replacement business or farm, provided, whenever any tenant in any dwelling unit is displaced as the result of the enforcement of any code to which this section is applicable by any town, city or borough or agency thereof, the landlord of such dwelling unit shall be liable for any payments made by such town, city or borough pursuant to this section or by the state pursuant to subsection (b) of section 8-280, and the town, city or borough or the state may place a lien on any real property owned by such landlord to secure repayment to the town, city or borough or the state of such payments, which lien shall have the same priority as and shall be filed, enforced and discharged in the same manner as a lien for municipal taxes under chapter 205.

Sec. 47. Section 9-323 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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Any elector or candidate who claims that he is aggrieved by any ruling of any election official in connection with any election for presidential electors and for a senator in Congress and for representative in Congress or any of them, held in his town, or that there was a mistake in the count of the votes cast at such election for candidates for such electors, senator in Congress and representative in Congress, or any of them, at any voting district in his town, or any candidate for such an office who claims that he is aggrieved by a violation of any provision of [sections] section 9-355, 9-357 to 9-361, inclusive, 9-364, 9-364a or 9-365 in the casting of absentee ballots at such election, may bring his complaint to any judge of the Supreme Court, in which he shall set out the claimed errors of such election official, the claimed errors in the count or the claimed violations of said sections. In any action brought pursuant to the provisions of this section, the complainant shall send a copy of the complaint by first-class mail, or deliver a copy of the complaint by hand, to the State Elections Enforcement Commission. If such complaint is made prior to such election, such judge shall proceed expeditiously to render judgment on the complaint and shall cause notice of the hearing to be given to the Secretary of the State and the State Elections Enforcement Commission. If such complaint is made subsequent to the election, it shall be brought within fourteen days of the election and such judge shall forthwith order a hearing to be had upon such complaint, upon a day not more than five [nor] or less than three days from the making of such order, and shall cause notice of not less than three [nor] or more than five days to be given to any candidate or candidates whose election may be affected by the decision upon such hearing, to such election official, to the Secretary of the State, to the State Elections Enforcement Commission and to any other party or parties whom such judge deems proper parties thereto, of the time and place for the hearing upon such complaint. Such judge, with two other judges of the Supreme Court to be designated by the Chief Court Administrator, shall, on the day fixed for such hearing and without unnecessary

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delay, proceed to hear the parties. If sufficient reason is shown, such judges may order any voting machines to be unlocked or any ballot boxes to be opened and a recount of the votes cast, including absentee ballots, to be made. Such judges shall thereupon, in the case they, or any two of them, find any error in the rulings of the election official, any mistake in the count of such votes or any violation of said sections, certify the result of their finding or decision, or the finding or decision of a majority of them, to the Secretary of the State before the first Monday after the second Wednesday in December. Such judges may order a new election or a change in the existing election schedule, provided such order complies with Section 302 of the Help America Vote Act, P.L. 107-252, as amended from time to time. Such certificate of such judges, or a majority of them, shall be final upon all questions relating to the rulings of such election officials, to the correctness of such count and, for the purposes of this section only, such claimed violations, and shall operate to correct the returns of the moderators or presiding officers so as to conform to such finding or decision.

Sec. 48. Section 9-371b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any person (1) claiming to have been aggrieved by any ruling of any election official in connection with a referendum, (2) claiming that there has been a mistake in the count of votes cast for a referendum, or (3) claiming to be aggrieved by a violation of any provision of section 9-355, 9-357 to 9-361, inclusive, 9-364, 9-364a or 9-365 in the casting of absentee ballots at a referendum, may bring a complaint to any judge of the Superior Court for relief from such ruling, mistake or violation. In any action brought pursuant to the provisions of this section, the complainant shall send a copy of the complaint by first class mail, or deliver a copy of the complaint by hand, to the State Elections Enforcement Commission. If such complaint is made prior to such referendum, such judge shall proceed expeditiously to render

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judgment on the complaint and shall cause notice of the hearing to be given to the Secretary of the State and the State Elections Enforcement Commission. If such complaint is made subsequent to such referendum, it shall be brought within thirty days after such referendum to any judge of the Superior Court, in which the person shall set out the claimed errors of the election official, the claimed errors in the count or the claimed violations of said sections. Such judge shall forthwith order a hearing to be held upon such complaint, upon a day not more than five [nor] or less than three days from the making of such order, and shall cause notice of not less than three [nor] or more than five days to be given to any person who may be affected by the decision upon such hearing, to such election official, the Secretary of the State, the State Elections Enforcement Commission and to any other party or parties whom such judge deems proper parties to the hearing, of the time and place for the hearing upon such complaint. Such judge shall, on the day fixed for such hearing and without unnecessary delay, proceed to hear the parties. If sufficient reason is shown, such judge may order any voting machines to be unlocked or any ballot boxes to be opened and a recount of the votes cast, including absentee ballots, to be made. Such judge shall, if such judge finds any error in the rulings of the election official or any mistake in the count of the votes, certify the result of such judge's finding or decision to the Secretary of the State before the tenth day succeeding the conclusion of the hearing. Such judge may order a new referendum or a change in the existing referendum schedule. Such certificate of such judge's finding or decision shall be final and conclusive upon all questions relating to errors in the ruling of such election officials, to the correctness of such count, and, for the purposes of this section only, such claimed violations, and shall operate to correct the returns of the moderators or presiding officers, so as to conform to such finding or decision, except that this section shall not affect the right of appeal to the Supreme Court and it shall not prevent such judge from reserving such questions of law for the advice of the Supreme Court as provided

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in section 9-325. Such judge may, if necessary, issue a writ of mandamus, requiring the adverse party and those under such judge to deliver to the complainant the appurtenances of such office, and shall cause such judge's finding and decree to be entered on the records of the Superior Court in the proper judicial district.

Sec. 49. Subdivision (1) of subsection (k) of section 10-145b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(k) (1) Unless otherwise provided in regulations adopted under section 10-145d, in not less than three years [nor] or more than eight years after the issuance of a provisional educator certificate pursuant to subsection (g) of this section and upon the statement of the superintendent in whose school district such certificate holder was employed, or the supervisory agent of a nonpublic school approved by the State Board of Education, in whose school such certificate holder was employed, that the provisional educator certificate holder and such superintendent or supervisory agent have mutually determined or approved an individual program pursuant to subdivision (2) of subsection (j) of this section and upon the statement of such superintendent or supervisory agent that such certificate holder has a record of competency in the discharge of such certificate holder's duties during such provisional period, the state board upon receipt of a proper application shall issue such certificate holder a professional educator certificate. A signed recommendation from the superintendent of schools, or the superintendent's designee, for the local or regional board of education or from the supervisory agent of a nonpublic school approved by the State Board of Education shall be evidence of competency. Such recommendation shall state that the person who holds or has held a provisional educator certificate has successfully completed at least three school years of satisfactory teaching for one or more local or regional boards of education or such

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nonpublic schools. Each applicant for a certificate pursuant to this subsection shall provide to the Department of Education, in such manner and form as prescribed by the commissioner, evidence that the applicant has successfully completed coursework pursuant to subsection (h) or (j) of this section, as appropriate.

Sec. 50. Subsection (d) of section 10a-185 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) Any resolution or resolutions authorizing any bonds or any issue of bonds may contain provisions, which shall be a part of the contract with the holders of the bonds to be authorized, as to: (1) Pledging the full faith and credit of the authority, the full faith and credit of a participating institution for higher education, a participating health care institution, a participating corporation or of a participating nursing home, all or any part of the revenues of a project or any revenue-producing contract or contracts made by the authority with any individual, partnership, corporation or association or other body, public or private, any federally guaranteed security and moneys received therefrom purchased with bond proceeds or any other property, revenues, funds or legally available moneys to secure the payment of the bonds or of any particular issue of bonds, subject to such agreements with bondholders as may then exist; (2) the rentals, fees and other charges to be charged, and the amounts to be raised in each year thereby, and the use and disposition of the revenues; (3) the setting aside of reserves or sinking funds, and the regulation and disposition thereof; (4) limitations on the right of the authority or its agent to restrict and regulate the use of the project; (5) the purpose and limitations to which the proceeds of sale of any issue of bonds then or thereafter to be issued may be applied, including as authorized purposes, all costs and expenses necessary or incidental to the issuance of bonds, to the acquisition of or commitment to acquire any federally

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guaranteed security and to the issuance and obtaining of any federally insured mortgage note, and pledging such proceeds to secure the payment of the bonds or any issue of the bonds; (6) limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured and the refunding of outstanding bonds; (7) the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given; (8) limitations on the amount of moneys derived from the project to be expended for operating, administrative or other expenses of the authority; (9) defining the acts or omissions to act which shall constitute a default in the duties of the authority to holders of its obligations and providing the rights and remedies of such holders in the event of a default; [] and (10) the mortgaging of a project and the site thereof for the purpose of securing the bondholders.

Sec. 51. Subsection (c) of section 12-81r of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) A municipality shall notify the Commissioner of Environmental Protection, the Commissioner of Economic and Community Development and the Secretary of the Office of Policy and Management not later than thirty days after granting any abatement or forgiveness of taxes under subsection (a) of this section. Such notice shall provide the owner or purchaser's name, as the case may be, and the address of the property.

Sec. 52. Subsection (f) of section 12-285c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) The Commissioner of Revenue Services may impose a civil

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penalty of not more than five thousand dollars for each violation of this section. For purposes of this subsection, each shipment or transport of cigarettes shall constitute a separate violation. The Attorney General, upon request of the commissioner, may bring an action in the superior court for the judicial district of Hartford to collect such [fine] civil penalty and for any injunctive or equitable relief. In any action brought by the Attorney General to enforce the provisions of section 12-285b or this section, the state shall be entitled to recover, when it is the prevailing party, the costs of investigation, expert witness fees, costs of the action, and reasonable attorneys' fees.

Sec. 53. Subparagraph (A) of subdivision (82) of section 12-412 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(A) The sale of and the storage, use or other consumption of any commercial motor vehicle, as defined in subparagraphs (A) and (B) of subdivision (13) of subsection (a) of section 14-1, that is operating pursuant to the provisions of section 13b-88 or 13b-89, during the period commencing upon its purchase and ending one year after the date of purchase, provided seventy-five per cent of its revenue from its days in service is derived from out-of-state trips or trips crossing state lines.

Sec. 54. Subsection (b) of section 12-574c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Notwithstanding the provisions of subsection (a) of this section, the division or the board may renew any license issued prior to May 23, 1979, or issue such a license to a currently operating facility.

Sec. 55. Subsection (e) of section 14-36a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from*

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passage):

(e) Any person who violates any provision of subsection (d) of this section shall, for a first offense, be deemed to have committed an infraction and be fined not less than thirty-five dollars [nor] or more than fifty dollars and, for a subsequent offense, shall be fined not more than one hundred dollars or imprisoned not more than thirty days, or both.

Sec. 56. Subdivision (2) of subsection (g) of section 14-44j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(2) Any employer which knowingly permits or requires a driver to operate a commercial motor vehicle in violation of an out-of-service order shall be subject to a civil penalty of not less than two thousand seven hundred fifty dollars [nor] or more than eleven thousand dollars.

Sec. 57. Subsection (i) of section 14-44k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(i) (1) Except as provided in subdivision (2) of this subsection, any person who violates an out-of-service order shall be disqualified from operating a commercial motor vehicle: (A) For a period of not less than ninety days [nor] or more than one year for a first violation; (B) for a period of not less than one year [nor] or more than five years for a second violation during any ten-year period, where such violations arose from separate incidents; and (C) for a period of not less than three years [nor] or more than five years for a third or subsequent violation during any ten-year period, where such violations arose from separate incidents.

(2) Any person who violates an out-of-service order while driving a

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vehicle transporting hazardous materials, required to be placarded under the Hazardous Materials Transportation Act, 49 USC 1801 to 1813, inclusive, or a commercial motor vehicle designed to transport sixteen or more passengers, including the driver, shall be disqualified from operating a commercial motor vehicle: (A) For a period of not less than one hundred eighty days [nor] or more than two years for a first violation, and (B) for a period of not less than three years [nor] or more than five years for a second or subsequent violation during any ten-year period, where such violations arose from separate incidents.

(3) In addition to the penalties provided in subdivision (1) or (2) of this subsection, any person who violates an out-of-service order shall be subject to a civil penalty of not less than one thousand one hundred dollars [nor] or more than two thousand seven hundred fifty dollars.

Sec. 58. Subsection (b) of section 14-96a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Whenever in said sections any requirement is declared as to distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, such requirement shall apply during the times stated in subsection (a) of this section in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

Sec. 59. Subsection (b) of section 14-196 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) A person who: (1) With fraudulent intent, permits another, not entitled thereto, to use or have possession of a certificate of title; (2) wilfully fails to mail or deliver a certificate of title or application

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therefor to the commissioner within ten days after the time required by this chapter; (3) wilfully fails to deliver to his transferee a certificate of title within ten days after the time required by this chapter; or (4) wilfully violates any provision of this chapter, except as provided in subsection (a) of this section, shall be fined not more than one thousand dollars or imprisoned not more than two years, or both.

Sec. 60. Section 14-223a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any operator of a motor vehicle who strikes any officer, as defined in section 14-1, or any fire police officer, appointed in accordance with section 7-313a, with such motor vehicle while such officer or fire police officer is engaged in traffic control or regulation, provided such officer is in uniform or prominently displaying the badge of his office [,] and such fire police officer is in compliance with the provisions of section 7-313a, [such operator] shall be deemed to have committed an infraction and shall be fined not less than one hundred fifty dollars [nor] or more than two hundred dollars and, for a subsequent offense, shall be fined not more than two hundred fifty dollars or imprisoned not more than thirty days, or both.

Sec. 61. Subsection (a) of section 14-250 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The operator of each commercial motor vehicle transporting passengers, service bus or [of each] motor vehicle used for the transportation of school children and the operator of each commercial motor vehicle with a cargo tank or carrying hazardous materials, as defined in section 14-1, whether loaded or empty, before crossing at grade any track or tracks of a railroad, shall stop such vehicle not less than fifteen feet [nor] or more than fifty feet from the nearest rail of such track, and, while so stopped, shall listen and look in each

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direction along such track or tracks for approaching locomotives or trains before crossing such track or tracks; and such operator shall not, in any event, cross such track or tracks when warned by automatic signal, crossing gates, flagman, law enforcement officer or otherwise of the approach of a railroad locomotive or train.

Sec. 62. Subsection (d) of section 14-250 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) Any person who violates any provision of this section shall be fined not less than one hundred fifty dollars [nor] or more than two hundred fifty dollars.

Sec. 63. Subsection (c) of section 15-13 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Each license shall expire on the last day of December following its issuance and may be renewed upon application and payment of the fee required by subsection (b) of this section, renewal of the bond required under subsection (b) of this section and proof of current federal licensure as required in subsection (a) of this section.

Sec. 64. Subsection (a) of section 15-98 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Connecticut Wing Civil Air Patrol shall be within the Department of Public Safety and may expend funds, within available appropriations, for the acquisition, installation, conditioning, rental and maintenance of equipment and facilities and for expenses incurred in connection with senior and cadet training; provided no funds shall be expended for the purpose of uniforms or personal effects, or for salaries of members of said civil air patrol, except as set forth in

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subsection (b) of this section.

Sec. 65. Subsection (c) of section 16-19f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) The Department of Public Utility Control, with respect to each electric public service company, and each municipal electric company may implement any standard determined under subsection (b) of this section to be appropriate or decline to implement any such standard. If the department or a municipal electric company declines to implement any standard determined to be appropriate, it shall state in writing its reasons for doing so and make such statement available to the public.

Sec. 66. Section 16a-29 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The secretary shall consider the comments received at the public hearings and shall make any necessary or desirable revisions to said plan and within three months of completion of the public hearings submit the plan to the continuing legislative committee on state planning and development, for its approval, revision or disapproval, in whole or in part. Notwithstanding the provisions of this section, the secretary shall submit the [State Plan of] state Conservation and Development Policies Plan, 2004-2009, to said committee on or before December 1, 2004.

Sec. 67. Subsections (a) and (b) of section 16a-41h of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Each electric and gas company, as defined in section 16-1, having at least seventy-five thousand customers, shall include in its monthly bills a request to each customer to add a one-dollar donation to the bill payment. Each company shall transmit all such donations received

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each month to Operation Fuel, Inc., a state-wide nonprofit organization designed to respond to people within the state who are in financial crisis and need emergency energy assistance. Donations shall be distributed to nonprofit social services agencies and private fuel banks in accordance with guidelines established by the board of directors of Operation Fuel, Inc., provided such funds shall be distributed on a priority basis to low-income elderly and working poor households which are not eligible for public assistance or state-administered general assistance but [who] are faced with a financial crisis and are unable to make timely payments on winter fuel, electricity or gas bills.

(b) If Operation Fuel, Inc. ceases to exist, such electric and gas companies shall jointly establish a nonprofit, tax-exempt corporation for the purpose of holding in trust and distributing such customer donations. The board of directors of such corporation shall consist of eleven members appointed as follows: Four by the companies, each of which shall appoint one member; one by the president pro tempore of the Senate; one by the minority leader of the Senate; one by the speaker of the House of Representatives; one by the minority leader of the House of Representatives; and three by the Governor. The board shall distribute such funds to nonprofit organizations and social service agencies which provide emergency energy or fuel assistance. The board shall target available funding on a priority basis to low-income elderly and working poor households which are not eligible for public assistance or state-administered general assistance but [who] are faced with a financial crisis and are unable to make timely payments on winter fuel, electricity or gas bills.

Sec. 68. Subsection (b) of section 17a-50 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) There shall be established, within existing resources, a Children's

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Trust Fund Council which shall be within the Department of Children and Families for administrative purposes only. The council shall be composed of sixteen members as follows: (1) The Commissioners of [the Departments of] Social Services, Education, Children and Families and Public Health, or their designees; (2) a representative of the business community with experience in fund-raising, appointed by the president pro tempore of the Senate; (3) a representative of the business community with experience in fund-raising, appointed by the speaker of the House of Representatives; (4) a representative of the business community with experience in fund-raising, appointed by the minority leader of the House of Representatives; (5) a representative of the business community with experience in fund-raising, appointed by the minority leader of the Senate; (6) a parent, appointed by the majority leader of the House of Representatives; (7) a parent, appointed by the majority leader of the Senate; (8) a parent, appointed by the president pro tempore of the Senate; (9) a person with expertise in child abuse prevention, appointed by the speaker of the House of Representatives; (10) a person with expertise in child abuse prevention, appointed by the minority leader of the House of Representatives; (11) a staff member of a child abuse prevention program, appointed by the minority leader of the Senate; (12) a staff member of a child abuse prevention program, appointed by the majority leader of the House of Representatives; and (13) a pediatrician, appointed by the majority leader of the Senate. The council shall solicit and accept funds, on behalf of the Children's Trust Fund, to be used for the prevention of child abuse and neglect and family resource programs, or on behalf of the Parent Trust Fund, to be used for parent community involvement to improve the health, safety and education of children, and shall make grants to programs pursuant to subsections (a) and (c) of this section. The council may, subject to the provisions of chapter 67, employ an executive director and any necessary staff within available appropriations.

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Sec. 69. Section 17b-105b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The Department of Social Services shall be required to pursue the maximum food stamp benefit extensions permitted by the Code of Federal Regulations Title 7, Part 273, Section 273.12, for those households leaving the temporary assistance [to] for needy families program.

Sec. 70. Subsections (b) and (c) of section 17b-267 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) The Commissioner of Social Services shall not enter into an agreement with any agency or organization under subsection (a) of this section unless (1) he finds (A) that to do so is consistent with the effective and efficient administration of the medical assistance program, and (B) that such agency or organization is willing and able to assist the providers to which payments are made through it in the application of safeguards against unnecessary utilization of services furnished by them to individuals entitled to hospital insurance benefits under section 17b-261 and the agreement provides for such assistance, and (2) such agency or organization agrees to furnish to the Commissioner of Social Services such of the information acquired by it in carrying out its agreement under sections 17b-267 to 17b-271, inclusive, as the Commissioner of Social Services may find necessary in performing his functions under said sections.

(c) An agreement with any agency or organization under subsection (a) of this section may contain such terms and conditions as the Commissioner of Social Services finds necessary or appropriate, may provide for advances of funds to the agency or organization for the making of payments by it under said subsection (a), and shall provide for payment by the Commissioner of Social Services of so much of the

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cost of administration of the agency or organization as is determined by [said] the Commissioner of Social Services to be necessary and proper for carrying out the functions covered by the agreement.

Sec. 71. Subsection (f) of section 17b-274d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) Except for mental-health-related drugs and antiretroviral drugs, reimbursement for a drug not included on the preferred drug lists [are] is subject to prior authorization.

Sec. 72. Subsections (e), (f) and (g) of section 17b-360 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) In the case of a resident who is determined under subsection (d) of this section not to require the level of services provided by a nursing facility but to require specialized services for mental retardation or a condition related to mental retardation and who has continually resided in a nursing facility for at least thirty months before the date of the determination, the resident may elect to remain in the facility or to receive services covered by Medicaid in an alternative appropriate institutional or noninstitutional setting in accordance with the terms of the alternative disposition plan submitted by the Department of Social Services and approved by the Secretary of the United States Department of Health and Human Services.

(f) In the case of a resident with mental retardation or a related condition who is determined under subsection (d) of this section not to require the level of services provided by a nursing facility but to require specialized services for mental retardation or the related condition and who has not continuously resided in a nursing facility for at least thirty months before the date of the determination, the

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nursing facility in consultation with the Department of Mental Retardation shall arrange for the safe and orderly discharge of the resident from the facility. If the department determines that the provision of specialized services requires an alternative residential placement, the discharge and transfer of the patient shall be in accordance with the alternative disposition plan submitted by the Department of Social Services and approved by the Secretary of the United States Department of Health and Human Services, except if an alternative residential facility is not available, the resident shall not be transferred.

(g) In the case of a resident who is determined under subsection (d) of this section not to require the level of services provided by a nursing facility and not to require specialized services, the nursing facility shall arrange for the safe and orderly discharge of the resident from the facility.

Sec. 73. Section 18-87 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The Commissioner of Correction may transfer any inmate of any of the institutions of the Department of Correction to any other appropriate state institution with the concurrence of the superintendent of such institution or to the Department of Children and Families when the Commissioner of Correction finds that the welfare or health of the inmate requires it. When an inmate, after the expiration of his sentence, is committed to or otherwise remains in the institution to which he was transferred, the expense of his treatment and support shall be paid as provided by sections 17b-122, 17b-124 to 17b-132, inclusive, 17b-136 to 17b-138, inclusive, 17b-194 to 17b-197, inclusive, 17b-222 to 17b-250, inclusive, 17b-256, 17b-263, 17b-340 to 17b-350, inclusive, 17b-689b, and 17b-743 to 17b-747, inclusive. No transfer of any person who has attained the age of eighteen years shall be made to the Department of Children and Families. [, and no] No

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transfer of any person who has not attained the age of eighteen years shall be made to the Department of Children and Families [shall be made] unless the Commissioner of Children and Families finds that such person would benefit from a transfer to the Department of Children and Families and agrees to accept such person and such person has given his written consent to such transfer. Such person transferred to the Department of Children and Families shall be deemed to be committed to the custody of the Commissioner of Children and Families. The Commissioner of Children and Families shall have the power to terminate the commitment and release such person at any time he determines such termination and release would be in such person's best interest, and shall have the power to return such person to the jurisdiction of the Commissioner of Correction. The transfer of any person under this section to the Department of Children and Families shall not result in the person so transferred being in the custody of the Commissioner of Correction and the Commissioner of Children and Families for a total of less than the minimum [nor] or more than the maximum term he would have been in the custody of the Commissioner of Correction had he not been so transferred.

Sec. 74. Section 18-101i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) To establish and develop noninstitutional, community-based service programs, the commissioner shall award grants or purchase of service contracts in accordance with the plan developed under subsection (b) of this section to private, nonprofit organizations, state agencies or units of local government, [;] provided such grants shall not be subject to the formula funding requirements of section 18-101k. Such grants or contracts shall be the predominant method by which the department develops, implements and operates community correction programs. In addition, the commissioner may administer

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community-based service programs under the direct control of the department.

(b) To carry out the purposes of subsection (a) of this section, the commissioner shall:

(1) Develop and revise annually a comprehensive state community correction plan for the delivery of services in each of the service areas established by section 18-101j. The department shall adopt regulations in accordance with chapter 54 by January 1, 1981, providing for community input into such plan;

(2) Report annually to the Governor and the General Assembly regarding its community correction activities. At a minimum, such report shall include the number of clients served, services offered and prevailing concerns of the service areas;

(3) Research and gather relevant statistical data concerning the impact of community correction services and make such data available to the service areas and community correction program providers on a monthly and annual basis;

(4) Establish a mechanism to monitor and evaluate on a regular basis all community correction programs and report their findings in writing to each agency in a timely and regular manner; and

(5) Solicit and accept for use any gift of money or property made by will or otherwise, and any grant of money, services or property from the federal government, in accordance with the state community correction plan.

(c) The department shall include in its budget a separate allocation for the provision of community-based service programs as required by this part.

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Sec. 75. Subsection (a) of section 18-101k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) In establishing the level of funds in each service area, and funds available for each service contract, the department shall adopt regulations in accordance with chapter 54 [adopt regulations] by February 1, 1981, providing a formula and procedures for the application, review and award or denial of requests for funds, and providing for the waiver or amendment of such formula as provided in subsection (c) of this section.

Sec. 76. Subsection (b) of section 19a-281 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Any medical examiner or other authorized official, who acts in good faith and in accordance with the provisions of subsection (a) of this section with respect to the corneal or pituitary tissue of a decedent, shall not be liable for damages in any civil action or subject to prosecution in any criminal proceeding for his act.

Sec. 77. Subsections (c) and (d) of section 19a-315c of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Following the notice period provided for in subsection (b) of this section, and subject to the provisions of subsection (d) of this section, a burial ground authority may renovate an ancient burial place, cemetery or burial place by: (1) The removal of any or all fencing, railing or curbing, if such removal is determined by the burial ground authority to be necessary or desirable for the proper and efficient maintenance of the ancient burial place, cemetery or burial place as a whole; and (2) the repositioning or resetting of any monument or

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tombstone.

(d) At any time prior to the expiration of the notice period provided for in subsection (b) of this section, the probate court may assume jurisdiction over such renovation and order a hearing, with notice of such hearing to be given to the burial ground authority, the owner, the qualified lineal descendant, the Connecticut Commission on Culture and Tourism and otherwise as the court deems appropriate, to determine whether such renovation is necessary for the proper and efficient maintenance of the ancient burial place, cemetery or burial place as a whole. Upon notice of such hearing, the burial ground authority shall not proceed with such renovation except in accordance with the order of the probate court.

Sec. 78. Subsection (b) of section 19a-509a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Upon receipt of a written audit request pursuant to an agreement between the hospital and the payer or the provisions of subsection (a) of this section, a hospital shall, within thirty days of the request or within thirty days of receipt by the hospital of any patient authorization required prior to the release of records or information, whichever is later, provide a detailed itemization of charges to the patient and make available all medical records and supporting documentation at no cost to the party conducting the audit except as provided in subsection (a) of this section and a reasonable fee for photocopying and mailing. Within fifteen days after receipt of the audit report, which shall be in writing and set forth in detail the findings of the auditor, the hospital shall respond to the auditor. If the hospital fails to respond, the audit findings shall be deemed correct and any required adjustments to the charges or payments shall be made by the payer [,] or hospital. Any balance due or refund owed shall be remitted within twenty days.

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Sec. 79. Subsection (d) of section 19a-509a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) When an audit request is submitted in accordance with an agreement between the hospital and the payer or the provisions of subsection (a) of this section, the hospital shall not issue, in any form, bills to the patient, nor initiate self-pay collection efforts until the audit is complete and the charges are determined to be correct either by mutual agreement of the parties or arbitration. If a balance is due to the hospital and it is not paid within twenty days, collection efforts may be initiated.

Sec. 80. Subsections (a) and (b) of section 20-13e of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The department shall investigate each petition filed pursuant to section 20-13d, in accordance with the provisions of subdivision (10) of subsection (a) of section 19a-14_z, to determine if probable cause exists to issue a statement of charges and to institute proceedings against the physician under subsection (e) of this section. Such investigation shall be concluded not later than eighteen months from the date the petition is filed with the department and, unless otherwise specified by this subsection, the record of such investigation shall be deemed a public record, in accordance with section 1-210, at the conclusion of such eighteen-month period. Any such investigation shall be confidential and no person shall disclose his knowledge of such investigation to a third party unless the physician requests that such investigation and disclosure be open. If the department determines that probable cause exists to issue a statement of charges, the entire record of such proceeding shall be public unless the department determines that the physician is an appropriate candidate for participation in a rehabilitation program in accordance with subsection (b) of this section

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and the physician agrees to participate in such program in accordance with terms agreed upon by the department and the physician. If at any time subsequent to the filing of a petition and during the eighteen-month period, the department makes a finding of no probable cause, the petition and the entire record of such investigation shall remain confidential unless the physician requests that such petition and record be open.

(b) In any investigation pursuant to subsection (a) of this section, the department may recommend that the physician participate in an appropriate rehabilitation program, provided the department determines that the physician, during his participation in such a program in accordance with terms agreed upon by the department and the physician, does not pose a threat in his practice of medicine [,] to the health and safety of any person. Such determination shall become a part of the record of [said] such investigation. The department may seek the advice of established medical organizations in determining the appropriateness of any rehabilitation program. If the physician participates in an approved program, with the consent of the department, the department shall monitor the physician's participation in such program and require the person responsible for the physician's activities in such program to submit signed monthly reports describing the physician's progress therein. The department shall determine if participation in such a program is sufficient cause to end its investigation. Upon commencement of the rehabilitation program by the physician and during his continued participation in such program in accordance with terms agreed upon by the department and the physician, all records shall remain confidential.

Sec. 81. Subsection (b) of section 20-34 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) For purposes of subsection (a) of this section, "natural

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substances" [are] means substances which are not narcotic substances, as defined in subdivision (30) of section 21a-240, do not require the written or oral prescription of a licensed practitioner to be dispensed and are only administered orally.

Sec. 82. Subsection (b) of section 20-114 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) For purposes of subdivision (8) of subsection (a) of this section, fraud or material deception shall include, but not be limited to, the following practices: (1) Submission of a claim form to a third party intentionally reporting incorrect treatment dates for the purpose of assisting a patient in obtaining benefits under a dental plan, which benefits would otherwise be disallowed; (2) increasing a fee to a patient for a dental procedure or dental hygiene service in excess of the fee generally charged by the dentist for such procedure or service solely because the patient has dental insurance; (3) intentionally describing a dental procedure incorrectly on a third-party claim form in order to receive a greater payment or reimbursement or intentionally misrepresenting a dental procedure not otherwise eligible for payment or reimbursement on such claim form for the purpose of receiving payment or reimbursement; and (4) intentionally accepting payment from a third party as payment in full for patient services rendered when (A) the patient has been excused from payment of any applicable deductible by the license holder, and (B) such license holder fails to notify the third party of such action.

Sec. 83. Section 20-197 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

No person shall practice veterinary medicine, surgery or dentistry until he has obtained a license as provided in section 20-199. A person shall be construed to practice veterinary medicine, surgery or

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dentistry, within the meaning of this chapter, who holds himself out as being able to diagnose, administer biologics for, treat, operate or prescribe for any animal or bird disease, pain, injury, deformity or physical condition, or who either offers or undertakes, by any means or methods, to diagnose, administer biologics for, treat, operate or prescribe for any animal or bird disease, pain, injury, deformity or physical condition. The euthanizing of animals in accordance with applicable state and federal drug laws by the Connecticut Humane Society, the floating of teeth in horses by persons experienced in that practice and the performance of myofascial trigger point therapy by persons experienced in that practice shall not be deemed to be the practice of veterinary medicine. For the purposes of this section, "floating teeth" means using hand-held rasps to reduce or eliminate sharp or uneven edges on a horse's upper and lower molars to avoid injury to the tongue and cheeks and to improve chewing food, but does not include treating decay [] or tumors or extracting teeth. For the purposes of this section, "myofascial trigger point therapy" means the use of specific palpation, compression, stretching and corrective exercise for promoting optimum athleticism, and "persons experienced in that practice" means persons who, prior to October 1, 2003, have attended a minimum of two hundred hours of classroom, lecture and hands-on practice in myofascial trigger point therapy, including animal musculoskeletal anatomy and biomechanics, theory and application of animal myofascial trigger point techniques, factors that habituate a presenting condition and corrective exercise.

Sec. 84. Section 20-248 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Nothing in this chapter shall prohibit any patient of the Veterans' Home at Rocky Hill from practicing the occupation of a master barber in said home, [nor shall the provisions of] Nothing in this chapter shall be construed to prevent any person holding a registered

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hairdresser and cosmetician's license under the provisions of chapter 387 from cutting the hair of any person, [nor] or to prevent any person licensed under the provisions of [said] chapter 387 from carrying on the occupation of hairdresser and cosmetician. Nothing in this chapter [nor] or in chapter 387 shall be construed to prevent a licensed registered hairdresser and cosmetician from working in a barber shop [nor] or a licensed master barber from working in a hairdressing and cosmetology shop.

Sec. 85. Subsection (b) of section 20-319 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) There is hereby established an annual renewal license to be issued by the Department of Consumer Protection. Persons licensed in accordance with the provisions of this chapter shall fulfill a continuing education requirement. Applicants for an annual renewal license for real estate brokers or real estate salespersons shall, in addition to the other requirements imposed by the provisions of this chapter, in any even-numbered year, submit proof of compliance with the continuing education requirements of this subsection to the commission, accompanied by an eight-dollar processing fee. The continuing education requirement may be satisfied by successful completion of any of the following during the two-year period preceding such renewal: (1) A course or courses, approved by the commission, of continuing education in current real estate practices and licensing laws consisting of not less than twelve hours of classroom study; or (2) a written examination prepared and administered by either the Department of Consumer Protection, or by a national testing service approved by the department, which demonstrates a knowledge of current real estate practices and licensing laws; or (3) equivalent continuing educational experience or study as determined by regulations adopted pursuant to subsection (d) of this section. An

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applicant for examination under subdivision (2) of this subsection shall pay the required examination fee to the national testing service, if administered by such testing service, or to the Department of Consumer Protection, if administered by the department.

Sec. 86. Subsection (a) of section 20-329f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The commission shall, upon completion of the investigation and inspection as provided in section 20-329e, but, in the absence of any agreement to the contrary between the applicant and the commission, not later than three months from the receipt of the completed license application, or receipt of an effective statement of record filed with the Secretary of Housing and Urban Development and filed with the commission pursuant to subsection (c) of section 20-329b, (1) approve or disapprove the prospectus, property report or offering statement submitted under subsection (c) of section 20-329b [,] or section 20-329d, as the case may be, and (2) if satisfied, issue to the applicant, upon payment to the commission of a fee computed as provided in subsection (b) of this section, a license to offer and dispose of in this state the subdivision or parcels, units or other interests in any subdivision that is the subject of the application or such effective statement of record. Such license shall be valid for one year and may be renewed annually upon payment to the commission of a fee, computed as provided in subsection (b) of this section, unless there is a material change affecting such subdivision or lot, parcels, units or other interest in any subdivision or the offer or disposition thereof, in which case all new facts shall be reported to the commission immediately. Upon receipt of such report or in the event that any such material change is discovered by or comes to the attention of the commission through other sources, the commission may, after hearing pursuant to section 20-321, take such action as the commission

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considers necessary, including the suspension or revocation of such license if justified.

Sec. 87. Subsection (b) of section 21-41 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Each such pawnbroker or person carrying on such business of loaning money on the deposit or pledge of personal property or of purchasing such property on condition of selling the same back again at a stipulated price or of purchasing such property from a person who is not a wholesaler shall maintain a record-keeping system deemed appropriate by the chief of police in cities and by the selectmen in towns, in which shall be entered in English, at the time he receives any article of personal property by way of pledge, pawn or purchase, a description of such article, the name, residence, proof of identity as required in subsection (a) of this section and a general description of the person from whom, and the day and hour when, such property was received. Such record-keeping system and the place where such business is carried on and all articles of property therein may be examined at all times by any state [~~policeman~~] police officer, by any municipal police officer, by the selectmen of the town or any person by them designated or, if such business is carried on in a city, by the chief of police of such city or any person by him designated. Any state [~~policeman~~] police officer or municipal police officer of the town or city where the business is carried on who performs such an examination may require any employee on the premises to provide proof of his identity.

Sec. 88. Section 22-39 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any person who obstructs or hinders the Commissioner of Agriculture or any of the commissioner's assistants in the performance

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of their duties under the provisions of sections 22-27 to 22-38, inclusive, shall be fined not less than ten dollars [nor] or more than one hundred dollars.

Sec. 89. Section 22-39f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any person who fails to comply with the provisions of sections 22-39a to 22-39e, inclusive, or who obstructs or hinders the Commissioner of Agriculture or the Commissioner of Consumer Protection or any of their authorized agents in the performance of their duties under the provisions of said sections, shall be fined not less than twenty-five dollars [nor] or more than fifty dollars for the first offense and not less than one hundred dollars [nor] or more than two hundred dollars for each subsequent offense. In addition to such fine, the Commissioner of Agriculture is authorized to deny, suspend or revoke the license provided for in said sections issued to such person.

Sec. 90. Subsection (a) of section 22-351 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Any person who steals, confines or conceals any companion animal, as defined in section 22-351a, or who, with the intention of stealing such companion animal or concealing its identity or the identity of its owner or with the intention of concealing the fact that the companion animal is licensed, removes the collar or harness or tag from any licensed companion animal, or who unlawfully kills or injures any companion animal, shall be fined not more than one thousand dollars or imprisoned not more than six months, or both. For a second offense, or for an offense involving more than one companion animal, any such person shall be fined not more than two thousand dollars or imprisoned not less than one year [nor] or more than three years or be both fined and imprisoned.

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Sec. 91. Subsection (a) of section 22-355 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) When any person sustains damage by dogs to his sheep, goats, horses, hogs, cattle, poultry or domestic rabbits kept in enclosures as described in subsection (f) of this section, such person shall report such damage to the chief administrative officer of the town in which such damage was sustained, or his agent, or, if such damage was sustained on land located in two or more towns, he shall report such damage to such authority of either of such towns. Thereupon such authority, with the person claiming to have sustained such damage, shall estimate the amount of such damage, including the value of the animals or poultry killed, injured or damaged by such dogs. If such authority and the person claiming to have sustained such damage are unable to agree as to the amount thereof, they shall choose some disinterested third person to assist in estimating the damage. Information required by this subsection shall be given within twenty-four hours after the person claiming [hereunder] under this section has or should have had knowledge of the same or, if the intervention of a Sunday or holiday prevents the reporting thereof, on the next succeeding business day. No claim for such damages shall be allowed to any person (1) [anyone] who owns, keeps or has in possession any unlicensed dog, (2) [anyone] whose employee, living on the premises, keeps an unlicensed dog which is six months of age or over, or (3) [any person] who fails to report such damage within the time limited by this section. The burden of proving the allegations of any claim under this section shall be on the person claiming [hereunder] under this section.

Sec. 92. Subsection (c) of section 22-355 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) When additional or increased damages are claimed to sheep,

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goats, horses, hogs, cattle, poultry or domestic rabbits, which damages were not apparent at, and accrued subsequent to, the first appraisal of damage, a supplemental notice of such claim for additional damage may be given to such authority at any time within thirty days from the discovery of the original damage. The supplemental notice of claim shall set forth the facts upon which such claim is based. The claim shall be made to such authority and shall be acted upon in the manner provided in subsections (a) and (b) of this section.

Sec. 93. Subsection (e) of section 22a-6b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) All hearings under this section shall be conducted pursuant to sections 4-176e to 4-184, inclusive. The final order of the commissioner assessing a civil penalty shall be subject to appeal as set forth in section 4-183, except that any such appeal shall be taken to the superior court for the judicial district of New Britain and shall have precedence in the order of trial as provided in section 52-191. Such final order shall not be subject to appeal under any other provision of the general statutes. No challenge to any notice of assessment or final order of the commissioner assessing a civil penalty shall be allowed as to any issue which could have been raised by an appeal of an earlier order, notice, permit, denial or other final decision by the commissioner. Any civil penalty authorized by this section shall become due and payable [(i)] (1) at the time of receipt of a final order in the case of a civil penalty assessed in such order after a hearing, [(ii)] (2) on the first day after the expiration of the period in which a hearing may be requested if no hearing is requested, or [(iii)] (3) on the first day after any withdrawal of a request for hearing.

Sec. 94. Subdivision (1) of subsection (b) of section 22a-41 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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(b) (1) In the case of an application which received a public hearing pursuant to (A) subsection (k) of section 22a-39, or (B) a finding by the inland wetlands agency that the proposed activity may have a significant impact on wetlands or watercourses, a permit shall not be issued unless the commissioner finds on the basis of the record that a feasible and prudent alternative does not exist. In making his finding, the commissioner shall consider the facts and circumstances set forth in subsection (a) of this section. The finding and the reasons therefor shall be stated on the record in writing.

Sec. 95. Subsections (e) and (f) of section 22a-94 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) The commissioner may, from time to time, amend such maps described in subsection (c) of this section. Prior to the adoption of an amendment to any map, the commissioner shall hold a public hearing in the affected municipality in accordance with the provisions of chapter 54. The commissioner shall consider for amendment changes in the boundary petitioned by the coastal municipality, by any person owning real property within the boundary, or by twenty-five residents of such municipality. The commissioner shall approve, deny or modify such petition within sixty days of receipt and shall state, in writing, the reasons for his action. All amendments to the boundary shall be consistent with subsection (b) of this section.

(f) A municipal coastal boundary may be adopted by the municipal planning commission of each coastal municipality in accordance with the notice, hearing and other procedural requirements of section 8-24. Such boundary may be delineated by roads, property lines or other identifiable natural or man-made features, provided such boundary shall approximate and in no event diminish the area within the coastal boundary as defined in subsection (b) of this section and as mapped under subsection (d) of this section. Such boundary shall be

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sufficiently precise to demonstrate whether the holdings of a property owner, or portions thereof, lie within the boundary. Upon adoption, such boundary shall be submitted to the commissioner for mapping in accordance with subsection (c) of this section. The municipal planning commission may, at its own discretion or upon request of a property owner, amend the coastal boundary in accordance with the procedures and criteria of this subsection.

Sec. 96. Subsection (a) of section 22a-109 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) A coastal site plan shall be filed with the municipal zoning commission to aid in determining the conformity of a proposed building, use, structure [,] or shoreline flood and erosion control structure, as defined in subsection (c) of this section, fully or partially within the coastal boundary, with the specific provisions of the zoning regulations of the municipality and the provisions of sections 22a-105 and 22a-106, and in the case of shoreline flood and erosion control structures, the provisions of sections 22a-359 to 22a-363, inclusive, and any regulations adopted thereunder. A coastal site plan required under this section may be modified or denied if it fails to comply with the requirements already set forth in the zoning regulations of the municipality and, in addition, the coastal site plan may be modified, conditioned or denied in accordance with the procedures and criteria listed in sections 22a-105 and 22a-106. A coastal site plan for a shoreline flood and erosion control structure may be modified, conditioned or denied if it fails to comply with the requirements, standards and criteria of sections 22a-359 to 22a-363, inclusive, and any regulations adopted thereunder. Review of a coastal site plan under the requirements of this section shall supersede any review required by the municipality under subsection (g) of section 8-3 and shall be in addition to any applicable zoning regulations of any special district

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exercising zoning authority under special act. The provisions of this section shall not be construed to limit the authority of the Commissioner of Environmental Protection under sections 22a-359 to 22a-363, inclusive.

Sec. 97. Subsection (b) of section 22a-112 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Upon receipt by the commissioner of a written application from a coastal municipality, said commissioner shall make a grant to such municipality of not less than twenty-five hundred dollars to be used to carry out the responsibilities of such municipality under this chapter, provided, on or after July 1, 1980, funds shall be allocated to coastal municipalities in accordance with subsections (c) and (d) of this section.

Sec. 98. Subsection (d) of section 22a-112 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) Not less than thirty per cent of any funds received annually by the state under Section 306 of the federal Coastal Zone Management Act shall be provided annually to coastal municipalities for municipal coastal site plan reviews under sections 22a-105 to 22a-109, inclusive. Up to an additional twenty per cent of any funds received annually by the state under Section 306 of the federal Coastal Zone Management Act shall as a first priority be provided annually to assist coastal municipalities which have chosen to prepare and implement a municipal coastal program under sections 22a-101 to 22a-104, inclusive, provided, [that] if in any one year the total amount of all grants to municipalities which have agreed to adopt municipal coastal programs is less than twenty per cent of such federal funds received in that year, the difference shall be allocated for the purposes of this

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chapter in accordance with subsection (a) of this section.

Sec. 99. Subsection (a) of section 22a-128 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The owner or operator of a hazardous waste facility or an owner or operator who modifies an existing hazardous waste facility constructed and operated pursuant to this chapter shall pay an assessment pursuant to subsection (b) of this section or shall pay the costs of the incentives negotiated pursuant to subsection (c) of this section, provided [that] the total amount paid shall not be more than the amount established in subsection (b) of this section. The legislative body of the municipality shall elect between payment of the assessment or the negotiated incentives prior to the commencement of negotiations. Any costs or assessments for a modification to a hazardous waste facility shall be based on the volume of waste or the gross receipts that the council determines are attributable to such modification.

Sec. 100. Subsection (b) of section 22a-135 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) In addition to the reporting required of a licensee pursuant to the provisions of subdivision (3) of subsection (a) of this section, the department may require the reporting immediately or within such time period as the department may designate of any additional occurrence, incident or other abnormal circumstance which is not required to be reported within twenty-four hours or sooner to the Nuclear Regulatory Commission. The department shall adopt regulations, in accordance with chapter 54, to carry out the provisions of this subsection.

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Sec. 101. Subsection (g) of section 22a-178 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(g) When an order issued by the commissioner to any person pursuant to this chapter becomes final, except for an order to create or use emission reduction credits, the respondent to such order shall file a certified copy or notice of the final order on the land records in the town where the subject property is located, and such certified copy or notice shall constitute a notice to the owner's heirs, successors and assigns. Notwithstanding the provisions of this subsection, where the respondent to a final order does not own the subject property, the commissioner shall record notice of such order on the land records in the town where the subject property is located. When the order has been fully complied with or revoked, the commissioner shall issue a certificate showing such compliance or revocation, which certificate the recipient of such certificate shall record [,] on the land records in the town wherein the order was previously recorded. Notwithstanding the provisions of this subsection, where the recipient of such certificate does not own the subject property, the commissioner shall record such certificate on the land records in the town where the subject property is located. A person filing a notice, a final order or a certificate pursuant to this subsection shall submit to the commissioner a certified copy of the filing indicating the volume and page number upon which the notice, final order or certificate is filed.

Sec. 102. Subdivision (4) of section 22a-200 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(4) "Greenhouse gas" means any chemical or physical substance that is emitted into the air and that the Commissioner of Environmental Protection may reasonably anticipate [to] will cause or contribute to climate change, including, but not limited to, carbon dioxide, methane,

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nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride.

Sec. 103. Subsection (b) of section 22a-200a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Not later than January 1, 2005, the Governor's Steering Committee on Climate Change, established in November 2002, shall develop a multisector, comprehensive climate change action plan, with the opportunity for public comment, which plan shall contain the policies and programs necessary to achieve the state's goals for the reduction of greenhouse gas emissions by 2010 and 2020. The steering committee shall notify each member of the General Assembly of the development of such plan and of such opportunity for public comment. Not later than January 1, 2005, the steering committee shall submit, in accordance with section 11-4a, such plan to the joint standing [committee] committees of the General Assembly having cognizance of matters relating to the environment, energy, transportation and commerce. Not later than January 15, 2005, such committees shall convene a joint informational public hearing for the purpose of reviewing such plan. Not later than February 1, 2005, such committees shall meet for the purpose of consideration of endorsement of such plan. Not later than February 15, 2005, the steering committee shall submit a final plan to such committees.

Sec. 104. Subsection (e) of section 22a-200b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) If a regional greenhouse gas registry is not developed and implemented by April 15, 2007, the commissioner shall evaluate the feasibility of establishing and administering a state-wide greenhouse gas registry for the collection of emissions data pursuant to subsections

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(b) and (c) of this section. If a regional greenhouse gas registry is developed after the commissioner establishes a state-wide greenhouse gas registry, [then] the reporting requirements in subsections (b) and (c) of this section shall revert [back] to the regional greenhouse gas registry in accordance with said subsections (b) and (c).

Sec. 105. Section 22a-209d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The Commissioner of Environmental Protection may establish, by regulations adopted in accordance with the provisions of chapter 54, categories of materials which, if used in accordance with standards adopted by the commissioner to protect the environment and public health, shall not be considered solid waste under section 22a-207 or subject to a permit under this chapter or chapter 446k. Notwithstanding the provisions of the regulations adopted under this section or section 22a-209, the Commissioner of Environmental Protection shall not prohibit the use of waste sand from the casting of metals as cover, road base [,] or fill or for other purposes at a solid waste disposal area permitted under section 22a-208a, provided the concentration of toxic materials in the sand is below the level of hazardous waste under the federal Resource Conservation and Recovery Act of 1976, as amended, and any regulations promulgated to carry out said act, and further provided any person who disposes of such sand under this section shall provide certification, to the satisfaction of the Commissioner of Environmental Protection, that such sand is not hazardous. Notwithstanding the provisions of section 22a-209, a public water supply company may, by itself or in conjunction with any person or municipality, use solids that are the by-products of water treatment processes provided such use conforms to best management practices and controls described in an operations plan approved in writing by the commissioner. A public water supply company may, by itself or in conjunction with any person or

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municipality, use such solids in accordance with such plan until the commissioner issues a general permit to such company for the use of such solids pursuant to section 22a-209f.

Sec. 106. Subsection (d) of section 22a-234a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) Any person or municipality delivering solid waste to a facility or landfill whose owner is subject to the assessment imposed by subsection (a) of this section shall reimburse the owner for any assessment paid for the solid waste delivered by such person or municipality. The assessment shall be a debt from the person or municipality responsible for paying such assessment to the owner.

Sec. 107. Subdivision (2) of subsection (a) of section 22a-449c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(2) The account shall be used by the Commissioner of Environmental Protection to provide money for reimbursement or payment pursuant to section 22a-449f 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 releases, costs of investigation of releases and suspected releases, and third party claims for bodily injury, property damage and damage to natural resources. Notwithstanding the provisions of this section regarding reimbursements of parties pursuant to section 22a-449f [,] and regulations [promulgated] adopted pursuant to section 22a-449e, and regardless of when an application for payment or reimbursement may have been submitted to the board, 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

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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 by the Department of Environmental Protection. In addition, notwithstanding the provisions of this section regarding reimbursements of parties pursuant to section 22a-449f, the responsible party for a release shall bear all costs of the release that are less than ten thousand dollars or 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.

Sec. 108. Subdivision (3) of subsection (a) of section 22a-471 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(3) The provisions of this section shall not affect the rights of any municipality to institute suit to recover all damages, expenses and costs incurred by the municipality from any responsible party, including, but not limited to, the costs specified in subparagraph (B)(i) and (ii) of subdivision (4) of subsection (b) of this section and, in the case of any municipality which is not responsible for the pollution of the groundwaters, the additional amounts specified in subparagraph (B)(iii) and (iv) of subdivision (4) of subsection (b) of this section.

Sec. 109. Subdivision (1) of subsection (f) of section 22a-471 of the

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general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) (1) Notwithstanding the provisions of subsection (a) of this section, if the commissioner determines that a person whose actions have caused or can reasonably be expected to cause pollution of the groundwaters by the application of a pesticide (A) has properly applied the pesticide or arranged for a pesticide application which was properly performed, (B) was engaged in agriculture at the time the pesticide was applied and used the pesticide solely in the production of agricultural commodities, (C) has agreed to implement the plans specified in subdivision (2) of this subsection, and (D) maintained the records of the application of the pesticide as required by section 22a-58 and the records and plan identified in section 22a-471a, the commissioner shall not issue an order under subsection (a) of this section to the person engaged in agriculture, but may issue an order under said subsection (a) to another responsible person, including, but not limited to, the producer of the pesticide, requiring the short-term and long-term provision of potable drinking water in accordance with said subsection (a). The commissioner shall not issue an order under said subsection (a) to a person engaged in agriculture who did not maintain the records identified under section 22a-471a if said commissioner finds such records are not relevant to a determination of the party responsible for pollution of the groundwaters. If the commissioner is unable to determine the responsible person, he may issue such order to the municipality wherein groundwaters unusable for potable drinking water are located.

Sec. 110. Section 22a-471a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The provisions of subsection (f) of section 22a-471 shall apply to any person engaged in agriculture on May 26, 1988, who makes an application or arranges for the application of a general use or restricted

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use pesticide to agricultural or horticultural products or to the land, provided such person (1) maintains the records specified in subsection (d) of this section, and (2) develops and implements by July 1, 1989, the plan specified in subsection (e) of this section.

(b) On and after July 1, 1989, the provisions of subsection (f) of section 22a-471 shall not apply to any person engaged in agriculture who (1) fails to maintain the records specified in subsection (d) of this section, or (2) has not developed and implemented the plan specified in subsection (e) of this section when such records have been maintained for less than three years.

(c) The provisions of subsection (f) of section 22a-471 shall apply to any person beginning agricultural activities on or after July 1, 1989, who makes an application or arranges for the application of a general use or restricted use pesticide to agricultural or horticultural products or to the land, provided such person (1) maintains the records specified in subsection (d) of this section, and (2) develops and implements the plan specified in subsection (e) of this section.

(d) The records required under subsection (a) of this section shall include a record of the following information for each application of a general or restricted use pesticide to an agricultural or horticultural product or to the land: (1) The name of the applicator; (2) the kind and amount of the pesticide used; (3) the date and place of application; (4) the crop and amount of acreage treated; (5) the name of the manufacturer and the product registration number assigned by the United States Environmental Protection Agency of each pesticide; and (6) the invoice or purchase receipt of the pesticide. Such records shall be maintained by the person engaged in agriculture for not less than twenty years after the date of application.

(e) Any plan prepared under subsection (a) of this section shall be appropriate for the agricultural activities conducted on the land and

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shall minimize the potential for groundwater contamination from pesticides. Such plan shall include provisions for integrated pest management, if available, proper amounts and rates of pesticide applications, calibration of equipment and timing and frequency of pesticide application. The plan shall be prepared and revised as necessary in accordance with guidelines issued or approved by the College of Agriculture and Natural Resources at The University of Connecticut.

Sec. 111. Subdivision (8) of subsection (c) of section 22a-478 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(8) On or after July 1, 2002, an eligible water quality [projects] project that exclusively [address] addresses sewer collection and conveyance system improvements may receive a loan for one hundred per cent of the eligible costs provided such project does not receive a project grant. Any such sewer collection and conveyance system improvement project shall be rated, ranked, and funded separately from other water pollution control projects and shall be considered only if it is highly consistent with the state's conservation and development plan, or is primarily needed as the most cost effective solution to an existing area-wide pollution problem and incorporates minimal capacity for growth.

Sec. 112. Subsection (a) of section 25-68d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) No state agency shall undertake an activity or a critical activity within or affecting the floodplain without first obtaining approval from the commissioner of a certification submitted in accordance with subsection (b) of this section or exemption by the commissioner from such approval in accordance with subsection (d) of this section.

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Sec. 113. Subsection (d) of section 25-68d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) Any state agency proposing an activity or critical activity within or affecting the floodplain may apply to the commissioner for exemption from the provisions of subsection (b) of this section. Such application shall include a statement of the reasons why such agency is unable to comply with said subsection and any other information the commissioner deems necessary. The commissioner, after public notice of the application and an opportunity for a public hearing in accordance with the provisions of chapter 54, may approve such exemption if he determines that (1) the agency has shown that the activity or critical activity is in the public interest, will not injure persons or damage property in the area of such activity or critical activity, complies with the provisions of the National Flood Insurance Program, and, in the case of a loan or grant, the recipient of the loan or grant has been informed that increased flood insurance premiums may result from the activity or critical activity, or (2) in the case of a flood control project, such project meets the criteria of subdivision (1) of this subsection and is more cost-effective to the state and municipalities than a project constructed to or above the base flood or base flood for a critical activity. Following approval for exemption for a flood control project, the commissioner shall provide notice of the hazards of a flood greater than the capacity of the project design to each member of the legislature whose district will be affected by the project and to the following agencies and officials in the area to be protected by the project: The planning and zoning commission, the inland wetlands agency, the director of civil defense, the conservation commission, the fire department, the police department, the chief elected official and each member of the legislative body, and the regional planning agency. Notice shall be given to the general public by publication in a newspaper of general circulation in each municipality in the area in

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which the project is to be located.

Sec. 114. Subsection (b) of section 25-68m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) On or before January 1, 2007, and annually thereafter, the Commissioner of Environmental Protection shall prepare a report on grants made under section 25-68k for the preceding fiscal year. Each such report shall include: (1) A description of the grants made, including the amount [] and purposes and the municipalities to which they were made; and (2) any findings or recommendations concerning the operation and effectiveness of the grant program.

Sec. 115. Subsection (b) of section 25-109f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) The commissions of each town referred to in subsection (a) of this section shall study the standards established and shall, within ninety days of such submission, submit to its legislative body, recommendations as to whether the town should vote to be governed by the provisions of sections 25-109c to 25-109k, inclusive. Failure of a commission to make such recommendations within the time limited therefor shall be deemed a recommendation that the town should vote to be so governed. Such legislative body shall vote as to whether the town shall be governed by the provisions of said sections.

Sec. 116. Subsection (c) of section 26-17a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) The commissioner is authorized to take land or any interests therein by right of eminent domain in the manner provided in section 48-12 for the purposes for which he is authorized to acquire land under

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the provisions of subsection (b) of this section. All of the owners of different tracts of land which are included in the same tidal wetlands area may be joined in the same action.

Sec. 117. Subsection (a) of section 26-27 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Except as provided in subsection (b), (c), (e) or (f) of this section and other provisions of this chapter providing specific license exemption, no person shall take, hunt or trap, or shall attempt to take, hunt or trap, or assist in taking, hunting or trapping, any wild bird or mammal and no person more than sixteen years of age shall take, attempt to take, or assist in taking any fish or bait species in the inland waters by any method, without first having obtained a license as provided in this chapter. No person under sixteen years of age shall hunt or trap, except as provided in section 26-38.

Sec. 118. Section 26-92 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

No person shall catch, kill or purchase or attempt to catch, kill or purchase, sell, offer or expose for sale or have in possession, living or dead, any wild bird other than a game bird, or purchase or attempt to purchase, sell, offer or expose for sale or have in possession any part of any such bird or of the plumage thereof except as acquired under the provisions of this chapter. For the purposes of this section, the following shall be considered game birds: The anatidae, or waterfowl, including brant, wild ducks and geese; the rallidae, or rails, including coots, gallinules and sora and other rails; the limicolae, or shore birds, including snipe and woodcock; the gallinae, including wild turkeys, grouse, prairie chickens, pheasants, partridge and quail; the corvidae, including crows. No person shall take or destroy any nest or any egg of any wild bird or game bird. No person shall possess any nest or egg

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of any wild or game bird. English sparrows, starlings and, when found depredating ornamental trees, agriculture crops, livestock or wildlife, or when concentrated in such numbers as to constitute a public health or public safety hazard, crows, rock doves, monk parakeets and brown-headed cowbirds shall not be included among the birds protected by this section. Any conservation officer and any other officer having authority to serve criminal process shall have the same powers relating to violations of the provisions of this section as are conferred by section 26-6.

Sec. 119. Subsection (c) of section 26-192e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Notwithstanding the provisions of subsection (b) of this section, when the Commissioner of Agriculture, after consultation with the Commissioner of Public Health, finds that tidal flats, shores or coastal waters which may contain shellfish are so contaminated or polluted that a health emergency exists, he may close such area for the duration of such emergency by giving notice of such emergency closure (1) in writing to the municipal or district health authority, and (2) to the general public by publication in a newspaper having general circulation in the town, city or borough within which such area lies. Such notice shall state when the closing shall take effect.

Sec. 120. Section 26-216 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any person who violates any provision of section 26-215, or who uses any device or number not furnished by the Commissioner of Agriculture for a boat or vessel used in cultivating or dredging for shellfish, shall be fined not less than twenty-five dollars [nor] or more than fifty dollars for each day that such boat or vessel is so unlawfully used and, on conviction of a second offense, shall be fined not less than

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fifty dollars [nor] or more than two hundred dollars or imprisoned not more than thirty days, or both, for each day that such boat or vessel is so unlawfully used.

Sec. 121. Subsection (d) of section 26-235 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) Any person who takes clams from an area closed and posted against the taking of clams by the Department of Agriculture or from an area closed by license issuance or by order of a local health department shall be fined not less than seventy-five dollars [nor] or more than one thousand dollars or three times the market value of any clams taken, based on the quantity and type involved in the violation, if such amount is greater than one thousand dollars, or imprisoned not more than twelve months.

Sec. 122. Subsection (a) of section 27-102n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There shall be a Board of Trustees for the Department of Veterans' Affairs. The board shall be comprised of the commissioner and sixteen members who by education or experience shall be qualified in health care, business management, social services or law and who shall have a demonstrated interest in the concerns of veterans. A majority of the members of the board shall be veterans, including veterans of World War II, the Korean hostilities and the Vietnam era. Members shall be appointed as follows: Ten by the Governor who shall serve at the pleasure of the Governor and one member each by the president pro tempore of the Senate, the speaker of the House of Representatives, the majority leader of the Senate, [and] the majority leader of the House of Representatives, the minority leader of the Senate and the minority leader of the House of

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Representatives, whose [term] terms shall be coterminous with the term of the appointing authority. Members shall be sworn to the faithful performance of their duties. They shall receive no compensation for their services but shall be reimbursed for their reasonable expenses in the performance of their duties.

Sec. 123. Subsection (a) of section 27-106 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The commissioner shall adopt and enforce such rules as may be necessary to ensure order, enforce discipline and preserve the health and ensure the comfort of the patients in the Veterans' Home, [;] and shall discipline or dismiss any officer or patient of the home who disobeys or infringes upon such rules. The commissioner shall appoint, subject to the provisions of chapter 67, such officers and employees as are necessary for the administration of the affairs of the home, shall prescribe the relative rank, if any, of such officers and employees, and shall commission each such officer, who shall wear such uniform, if any, as is prescribed by the commissioner.

Sec. 124. Subsection (c) of section 27-122a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) The land transferred to the commission under subsections (a) and (b) of this section and not transferred to the Commissioner of Mental Health and Addiction Services and the Connecticut Valley Hospital shall be used by the Commissioner of Veterans' Affairs for the establishment and maintenance of a veterans' cemetery.

Sec. 125. Section 27-138c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any person aggrieved by a decision of the administrator rendered

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under section 27-138b may appeal such decision to a review board composed of the Adjutant General or his or her [designate] designee, the Attorney General or his or her [designate] designee, and the Commissioner of Veterans' Affairs or his or her [designate] designee. All appeals taken pursuant to this section shall be based solely upon the record of the hearing conducted pursuant to section 27-138b. A person aggrieved by a decision of the review board may appeal to the Superior Court pursuant to the provisions of chapter 54.

Sec. 126. Subsection (b) of section 28-9c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) (1) Authority under this section shall not be exercised unless the affected political subdivision, corporation, organization or individual owning such property shall first present an unconditional authorization for removal of such debris or wreckage from public and private property and, in the case of removal of debris or wreckage from private property, shall first agree to indemnify the state against any claim arising from such removal. [~~;~~ (2) whenever] (2) Whenever the Governor provides for clearance of debris or wreckage pursuant to subsection (a) of this section, employees of the designated state agencies or individuals appointed by the state are authorized to enter upon private land or waters and perform any tasks necessary to the removal or clearance operation.

Sec. 127. Subsection (b) of section 29-9 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) The provisions of subsection (a) of this section shall not apply to rewards, gifts or gratuities which are approved by the Commissioner of Public Safety, or the police chief or board of police commissioners, as the case may be, and are given to the police officer on account of his

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official services.

Sec. 128. Subsections (b) and (c) of section 29-260 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Unless otherwise provided by ordinance, charter or special act, a local building official who fails to perform the duties of his office may be dismissed by the local appointing authority and another person shall be appointed in his place, [;] provided, [that] prior to such dismissal, such local building official shall be given an opportunity to be heard in his own defense at a public hearing in accordance with subsection (c) of this section.

(c) No local building official may be dismissed under subsection (b) of this section unless he has been given notice in writing of the specific grounds for such dismissal and an opportunity to be heard in his own defense, personally or by counsel, at a public hearing before the authority having the power of dismissal. Such public hearing shall be held not less than five [nor] or more than ten days after such notice. Any person so dismissed may appeal within thirty days following such dismissal to the superior court for the judicial district in which such town, city or borough is located. Service shall be made as in civil process. [Such] The court shall review the record of such hearing and if it appears that testimony is necessary for an equitable disposition of the appeal, it may take evidence or appoint a referee or a committee to take such evidence as [it] the court may direct and report the same to the court with his or its findings of fact, which report shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may affirm the action of such authority or may set the same aside if it finds that such authority acted illegally or abused its discretion.

Sec. 129. Subsection (c) of section 29-307a of the general statutes is

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repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Upon receipt of any notification required under the provisions of subsection (b) of this section, the local fire marshal shall distribute the information contained in such notice to the persons providing fire protection in each town, city or borough under his jurisdiction. Such information shall be in such form and distributed in such manner as the State Fire Marshal shall require. The local fire marshal shall provide a complete copy of any information submitted pursuant to subsection (b) of this section, upon written request, to the health director of the municipality in which the establishment is located. Notwithstanding the provisions of section 1-210, the local fire marshal, any firefighter, a municipal health director or any water company shall maintain the confidentiality of and not disclose such information to any person. Any local fire marshal, firefighter, municipal health director or any water company found to have disclosed such information in violation of this subsection shall have committed an infraction.

Sec. 130. Subsection (c) of section 29-313 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Any person who sells, offers for sale or gives to another any fire extinguisher or fire extinguishing device, containing or designed to contain an active agent having an ingredient prohibited by subsection (a) of this section shall be subject to the penalties prescribed by section 29-295.

Sec. 131. Subsections (d) and (e) of section 29-349 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

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(d) No person shall manufacture, keep, store, sell or deal in any explosives unless such person has a valid license under the provisions of subsection (b) of this section and obtains from the Commissioner of Public Safety or from the fire marshal of the town where such business is conducted a written permit therefor, which permit shall not be valid for more than one year and for which such person shall pay a fee of twenty-five dollars. If the permit is issued by the Commissioner of Public Safety, the commissioner shall forward a copy thereof to the local fire marshal. Such permit so granted shall definitely state the location of the building where such business is to be carried on or such explosive deposited and shall state that such building or premises complies with the regulations provided for in this section.

(e) No person shall procure, transport or use any explosives unless such person has a valid license under subsection (b) of this section and has obtained a written permit therefor signed by the Commissioner of Public Safety or by the fire marshal of the town where such explosive is to be used, specifying the name of the purchaser, the amount to be purchased and transported and the purpose for which it is to be used. Any such permit to use explosives shall state the number of years the permittee has been engaged in blasting activity. Such permit shall be valid for such period, not longer than one year, as is required to accomplish the purpose for which it was obtained. No carrier shall transport any such explosive until the vehicle transporting the explosive has been inspected and approved by the Department of Public Safety and unless such written permit accompanies the same and no person shall have in such person's possession any such explosive unless such person has a license and permit therefor. The fee for such inspection shall be twenty-five dollars. The fee for such permit shall be twenty dollars. Each person who has in such person's custody or possession any explosive or any detonating caps for explosives shall keep the same either under personal observation or securely locked up.

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Sec. 132. Subdivision (14) of section 30-1 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(14) "Proprietor" shall include all owners of businesses or clubs, included in subdivision (5) of this section, whether such owners are individuals, partners, joint stock companies, fiduciaries, stockholders of corporations or otherwise, but shall not include persons or corporations who are merely creditors of such businesses or clubs, whether as note holders, bond holders or otherwise.

Sec. 133. Subsection (a) of section 30-86a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For the purposes of section 30-86, any permittee shall require any person whose age is in question to fill out and sign a statement in the following form on one occasion when each such person makes a purchase:

...., 20..

I,, hereby represent to, a permittee of the Connecticut Department of Consumer Protection, that I am over the age of 21 years, having been born on, 19.., at, This statement is made to induce said permittee to sell or otherwise furnish alcoholic beverages to the undersigned. I understand that title 30 of the general statutes prohibits the sale of alcoholic liquor to any person who is not twenty-one years of age.

I understand that I am subject to a fine of one hundred dollars for the first offense and not more than two hundred fifty dollars for each subsequent offense for wilfully misrepresenting my age for the purposes set forth in this statement.

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.... (Name)

.... (Address)

Such statement once taken shall be applicable both to the particular sale in connection with which such statement was taken, as well as to all future sales at the same premises, and shall have full force and effect under subsection (b) of this section as to every subsequent sale or purchase. Such statement shall be printed upon appropriate forms to be furnished by the permittees and approved by the Department of Consumer Protection and shall be kept on file on the permit premises, alphabetically indexed, in a suitable file box, and shall be open to inspection by the Department of Consumer Protection or any of its agents or inspectors at any reasonable time. Any person who makes any false statement on a form signed by him as required by this section shall be fined not more than one hundred dollars for the first offense and not more than two hundred fifty dollars for each subsequent offense.

Sec. 134. Subsection (g) of section 30-91 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(g) Notwithstanding any provision of subsection (a) of this section to the contrary, food or nonalcoholic beverages may be sold, dispensed or consumed in places operating under an airport restaurant permit, an airport bar permit or an airport airline club permit, at any time, as allowed by agreement between the state of Connecticut and its lessees or concessionaires.

Sec. 135. Subsection (d) of section 31-33 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) The commissioner may grant to a reputable employer a

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certificate permitting such employer to distribute approved materials to be processed in approved homes by home workers having permits, upon proof that such processing in the homes is customary and necessary in such employer's industry, that no harmful or dangerous apparatus or substances are to be used and that the persons who are to do the processing fulfill the requirements specified for home workers in subsection (c) of this section. Each such employer shall pay a fee of twenty-five dollars each year for such certificate of permission. The commissioner may grant a permit to process specified materials in his home to a person who fulfills the requirements for a home worker specified in subsection (c) of this section. The commissioner may revoke any employer's certificate or any home worker's permit, at any time, for cause.

Sec. 136. Subdivision (1) of subsection (c) of section 31-225a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) (1) (A) Any week for which the employer has compensated the claimant in the form of wages in lieu of notice, dismissal payments or any similar payment for loss of wages shall be considered a week of employment for the purpose of determining employer chargeability. (B) No benefits shall be charged to any employer who paid wages of five hundred dollars or less to the claimant in his base period. (C) No dependency allowance paid to a claimant shall be charged to any employer. (D) In the event of a natural disaster declared by the President of the United States, no benefits paid on the basis of total or partial unemployment which is the result of physical damage to a place of employment caused by severe weather conditions including, but not limited to, hurricanes, snow storms, ice storms or flooding, or fire except where caused by the employer, shall be charged to any employer. (E) If the administrator finds that (i) an individual's most recent separation from a base period employer occurred under

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conditions which would result in disqualification by reason of subdivision (2), (6) or (9) of subsection (a) of section 31-236, or (ii) an individual was discharged for violating an employer's drug testing policy, provided the policy has been adopted and applied consistent with sections 31-51t to 31-51aa, inclusive, section 14-261b and any applicable federal law, no benefits paid thereafter to such individual with respect to any week of unemployment which is based upon wages paid by such employer with respect to employment prior to such separation shall be charged to such employer's account, provided such employer shall have filed a notice with the administrator within the time allowed for appeal in section 31-241. (F) No base period employer's account shall be charged with respect to benefits paid to a claimant if such employer continues to employ such claimant at the time the employer's account would otherwise have been charged to the same extent that he employed him during the individual's base period, provided the employer shall notify the administrator within the time allowed for appeal in section 31-241. (G) If a claimant has failed to accept suitable employment under the provisions of subdivision (1) of subsection (a) of section 31-236 and the disqualification has been imposed, the account of the employer who makes an offer of employment to a claimant who was a former employee shall not be charged with any benefit payments made to such claimant after such initial offer of reemployment until such time as such claimant resumes employment with such employer, provided such employer shall make application therefor in a form acceptable to the administrator. The administrator shall notify such employer whether or not his application is granted. Any decision of the administrator denying suspension of charges as herein provided may be appealed within the time allowed for appeal in section 31-241. (H) Fifty per cent of benefits paid to a claimant under the federal-state extended duration unemployment benefits program established by the federal Employment Security Act shall be charged to the experience accounts of the claimant's base period employers in the same manner as the

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regular benefits paid for such benefit year. (I) No base period employer's account shall be charged with respect to benefits paid to a claimant who voluntarily left suitable work with such employer (i) to care for a seriously ill spouse, parent or child or (ii) due to the discontinuance of the transportation used by the claimant to get to and from work, as provided in subparagraphs (A)(ii) and (A)(iii) of subdivision (2) of subsection (a) of section 31-236.

Sec. 137. Subsection (a) of section 31-235 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) An unemployed individual shall be eligible to receive benefits with respect to any week only if it has been found that (1) he has made claim for benefits in accordance with the provisions of section 31-240 and has registered for work at the public employment bureau or other agency designated by the administrator within such time limits, with such frequency and in such manner as the administrator may prescribe, provided failure to comply with this condition may be excused by the administrator upon a showing of good cause therefor; (2) except as provided in subsection (b) of this section, he is physically and mentally able to work and is available for work and has been and is making reasonable efforts to obtain work, provided he shall not be considered to be unavailable for work solely because he is attending a school, college or university as a regularly enrolled student during his separation from employment, within the limitations of subdivision [(a)] (6) of subsection (a) of section 31-236, and provided further, he shall not be considered to be lacking in his efforts to obtain work if, as a student, he restricts such efforts to employment which does not conflict with his regular class hours as a student, and provided the administrator shall not use prior "patterns of unemployment" of the individual to determine whether he is available for work; (3) he has been paid wages by an employer who was subject to the provisions of

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this chapter during the base period of his current benefit year in an amount at least equal to forty times his benefit rate for total unemployment, [: Provided] provided an unemployed individual who is sixty-two years of age or older and is involuntarily retired under a compulsory retirement policy or contract provision shall be eligible for benefits with respect to any week, notwithstanding subdivisions (1) and (2) of this [section] subsection, if it is found by the administrator that he has made claim for benefits in accordance with the provisions of section 31-240, has registered for work at the public employment bureau, is physically and mentally able to work, is available for work, meets the requirements of this subdivision and has not refused suitable work to which he has been referred by the administrator; (4) he participates in reemployment services, such as job search assistance services, if the individual has been determined to be likely to exhaust regular benefits and need reemployment services pursuant to a profiling system established by the administrator unless the administrator determines that (A) the individual has completed such services, or (B) there is justifiable cause for the individual's failure to participate in such services. The administrator shall adopt regulations, in accordance with the provisions of chapter 54, for the administration of the profiling system. For purposes of subdivision (2) of this [section] subsection, "patterns of unemployment" means regularly recurring periods of unemployment of the claimant in the years prior to his filing the claim in question.

Sec. 138. Subsection (a) of section 31-236b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Notwithstanding any other provisions in this chapter, an otherwise eligible individual shall not be denied benefits for any week because he is in training with the approval of the administrator by reason of the application of subdivision (2) of subsection (a) of section

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31-235 relating to availability for work, or the provisions of subdivision [(a)(1)] (1) of subsection (a) of section 31-236 relating to failure to apply for, or a refusal to accept, suitable work.

Sec. 139. Subdivision (2) of subsection (b) of section 31-273 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(2) Any person who has made a claim for benefits under this chapter and has knowingly made a false statement or representation or has knowingly failed to disclose a material fact in order to obtain benefits or to increase the amount of benefits to which such person may be entitled under this chapter shall forfeit benefits for not less than one [nor] or more than thirty-nine compensable weeks following determination of such offense or offenses, during which weeks such person would otherwise have been eligible to receive benefits. For the purposes of section 31-231b, such person shall be deemed to have received benefits for such forfeited weeks. This penalty shall be in addition to any other applicable penalty under this section and in addition to the liability to repay any moneys so received by such person and shall not be confined to a single benefit year.

Sec. 140. Subsection (e) of section 32-9qq of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) Each grant made under this section shall be authorized pursuant to regulations adopted by the Department of Economic and Community Development in accordance with the provisions of chapter 54, which regulations may include, but shall not be limited to, provisions concerning application requirements, grant amounts and eligible use of funds, provided the amount of any grant under subsection (b) of this section shall be not more than the amount specified in said subsection.

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Sec. 141. Section 32-70d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Within thirty days after the Commissioner of Economic and Community Development approves the designation of an area as an enterprise zone in a municipality under subdivision (2) of subsection (c) of section 32-70, the municipality shall establish a community enterprise zone board. The board shall establish policy for the promotion and development of the zone, coordinate economic development programs in the zone with related job training and social services programs and adopt an enterprise zone revitalization plan. The plan shall specify goals and objectives for the enterprise zone, describe strategies to attain such goals and establish an implementation schedule. The municipality shall submit its plan to the Commissioner of Economic and Community Development for review and comment. The board shall consist of (1) the following officials of such municipality, or designees of such officials: The official responsible for economic development programs; the chief executive official, or his designee; a representative of the legislative body, who shall be appointed by such body; the chief of police, or his designee; the housing administrator, or his designee; and a representative of the school board, who shall be appointed by such board; (2) a representative of the regional community-technical college serving the region in which the municipality is located, if applicable, who shall be appointed by the chief executive officer of such college; (3) two representatives of the business community of the municipality, one of whom shall be a member of the chamber of commerce from the municipality; (4) two persons who own businesses located in the enterprise zone; and (5) two representatives of neighborhood community organizations serving the area in which the zone is located or, if no such organization exists, two residents of said area. The board members described in subdivisions (3), (4) and (5) of this section shall be appointed by the chief executive official of the municipality.

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Sec. 142. Subdivision (a) of section 38a-363 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) "Injury" means bodily injury, sickness or disease, including death resulting therefrom, accidentally caused and arising out of the ownership, maintenance or use of a private passenger motor vehicle or a vehicle with a commercial registration, as defined in subdivision [(12)] (14) of subsection (a) of section 14-1.

Sec. 143. Subsection (c) of section 42-103c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Each registration shall be valid for a period of one year or a part thereof and shall expire on December thirty-first of each year and may be renewed for additional one-year periods on or before January first of the next and each following year upon written application under oath in the form prescribed by the commissioner and containing such information as he may require and the filing of the bond prescribed in subsection (b) of this section.

Sec. 144. Subsection (d) of section 42-116t of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) The rights and duties created under section 42-116s and this section: (1) Shall, with respect to the artist, or if any artist is deceased, his heir, legatee or designated personal representative, exist until the fiftieth anniversary of the death of such artist, (2) shall exist in addition to any other rights and duties which may be applicable on or after October 1, 1988, and (3) except as provided in subsection (e) of this section, may not be waived except by an instrument in writing expressly so providing which is signed by the artist.

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Sec. 145. Subsection (b) of section 42-133w of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Compensation under subsection (a) of this section shall be paid by the manufacturer or distributor within ninety days of the effective date of termination, cancellation or nonrenewal if the dealer has title to the vehicle inventory and other items and is able to convey title to the manufacturer or distributor.

Sec. 146. Section 42-205 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

A funeral service contract shall not be deemed a burial insurance policy under section [38-32] 38a-464.

Sec. 147. Subdivision (4) of section 42-240 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(4) "Rent-to-own agreement" means an agreement for the use of personal property by an individual primarily for personal, family or household purposes, for an initial period of four months or less, whether or not there is any obligation beyond the initial period, that is automatically renewable with each payment and that permits the consumer to become the owner of the property. Any rent-to-own agreement which complies with sections 42-240 to 42-253, inclusive, shall not be construed to be, [nor] or be governed by the laws of this state regulating, any of the following:

(A) A ["retail installment contract"] retail installment contract, as defined in section 36a-770;

(B) A ["security interest" as that term is] security interest, as defined in [section 42a-1-201(37)] subdivision (37) of section 42a-1-201.

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Sec. 148. Subsection (b) of section 45a-56 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Any member of the probate judges and employees retirement system who is retired and receiving benefits from such system, and the spouse of any such member, and upon the death of any such member, such member's surviving spouse, while receiving benefits from such system, may elect to participate in the group insurance plan procured by the Comptroller under subsection (a) of this section.

Sec. 149. Subsection (d) of section 45a-56 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) Any such member and spouse or surviving spouse who is a participant in the group insurance plan in effect prior to October 1, 1994, may elect to participate in the plan set forth in subsection (a) of this section at the premiums set forth in subsection (c) of this section, provided such election is made within sixty days of October 1, 1994.

Sec. 150. Subsection (c) of section 45a-82 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) All payments from said fund authorized by sections 5-259, 17a-77, 17a-274, 17a-498, 17a-510, 19a-131b, 19a-131e, 19a-221, 45a-1 to 45a-12, inclusive, 45a-18 to 45a-26, inclusive, 45a-34 to 45a-56, inclusive, [sections] 45a-62 to 45a-68, inclusive, 45a-74 to 45a-83, inclusive, 45a-90 to 45a-94, inclusive, 45a-98, 45a-99, 45a-105, 45a-119 to 45a-123, inclusive, 45a-128, 45a-130, 45a-131, 45a-133, 45a-152, 45a-175 to 45a-180, inclusive, 45a-199 and 45a-202, shall be made upon vouchers approved by the Probate Court Administrator.

Sec. 151. Subsection (a) of section 45a-187 of the general statutes is

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repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) An appeal under section 45a-186 by persons of the age of majority [and] who are present or who have legal notice to be present, or who have been given notice of their right to request a hearing or have filed a written waiver of their right to a hearing, shall be taken within thirty days, except as otherwise provided in this section. If such persons have no notice to be present and are not present, or have not been given notice of their right to request a hearing, such appeal shall be taken within twelve months, except for appeals by such persons from an order of termination of parental rights, other than an order of termination of parental rights based on consent, or a decree of adoption, in which case appeal shall be taken within ninety days. An appeal from an order of termination of parental rights based on consent, which order is issued on or after October 1, 2004, shall be taken within twenty days.

Sec. 152. Subsection (c) of section 45a-676 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) For the purposes of sections 45a-669 to [45a-784] 45a-684, inclusive, [and section 46b-29,] any alleged inability of the respondent must be evidenced by recent behavior which would cause harm or create a risk of harm, by clear and convincing proof.

Sec. 153. Subdivision (4) of section 45a-690 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(4) "Best interest" shall include all of the following factors: (A) Less drastic alternative contraceptive methods have proved unworkable or inapplicable, (B) the individual is physiologically sexually mature, (C)

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there is no evidence of infertility, (D) the individual has the capability and a reasonable opportunity for sexual activity, (E) the individual is unable to understand reproduction or contraception and there exists the likely permanence of that inability, (F) the physical or emotional inability to care for [the] a child, (G) the proponents of the sterilization are seeking sterilization in good faith and their primary concern is for the best interests of the respondent rather than their own convenience or the convenience of the public, and (H) in the case of females, procreation would endanger the life or severely impair the health of the individual.

Sec. 154. Subparagraph (B) of subdivision (5) of section 46a-11 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(B) Such person does not indicate refusal to give consent to receipt [to] of the information by the director.

Sec. 155. Subsection (c) of section 46a-58 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Any person who places a burning cross or a simulation thereof on any public property, or on any private property without the written consent of the owner, shall be in violation of subsection (a) of this section.

Sec. 156. Subdivision (4) of subsection (d) of section 46a-82e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(4) If the commission and parties agree on a date certain, the court shall order the commission to issue a finding by said date. If the allegations of the petition are contested, the court shall hold a hearing on the petition and issue an appropriate order. Hearing of oral

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argument on the petition shall take precedence over other matters in the court, as provided in section 46a-96. The court shall award court costs and attorney's fees to the petitioner, provided such party is a "person", as defined in [subsection (l) of] section 4-184a, unless the commission shows good cause for not issuing the finding of reasonable cause or no reasonable cause within two years of the date of filing or the date ordered by the executive director for the investigator to issue such finding, whichever is later. An award of court costs and attorney's fees shall be subject to the court's discretion, but shall not exceed a total of five hundred dollars.

Sec. 157. Subsection (e) of section 46b-38c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) A protective order issued under this section may include provisions necessary to protect the victim from threats, harassment, injury or intimidation by the defendant, including, but not limited to, an order enjoining the defendant from (1) imposing any restraint upon the person or liberty of the victim, (2) threatening, harassing, assaulting, molesting or sexually assaulting the victim, or (3) entering the family dwelling or the dwelling of the victim. Such order shall be made a condition of the bail or release of the defendant and shall contain the following language: "In accordance with section 53a-223 of the Connecticut general statutes, any violation of this order constitutes criminal violation of a protective order which is punishable by a term of imprisonment of not more than five years, a fine of not more than five thousand dollars, or both. Additionally, in accordance with section 53a-107 of the Connecticut general statutes, entering or remaining in a building or any other premises in violation of this order constitutes criminal trespass in the first degree which is punishable by a term of imprisonment of not more than one year, a fine of not more than two thousand dollars, or both. Violation of this order also violates a

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condition of your bail or release, and may result in raising the amount of bail or revoking release." Every order of the court made in accordance with this section after notice and hearing shall also contain the following language: "This court had jurisdiction over the parties and the subject matter when it issued this protection order. Respondent was afforded both notice and opportunity to be heard in the hearing that gave rise to this order. Pursuant to the Violence Against Women Act of 1994, 18 USC 2265, this order is valid and enforceable in all fifty states, any territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico and tribal lands." The information contained in and concerning the issuance of any protective order issued under this section shall be entered in the registry of protective orders pursuant to section 51-5c.

Sec. 158. Subdivision (1) of subsection (m) of section 46b-231 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(1) A family support magistrate in IV-D support cases may compel the attendance of witnesses or the obligor under a summons issued pursuant to sections 17b-745, 46b-172 [L] and 46b-215, [or under] a subpoena issued pursuant to section 52-143, or a citation for failure to obey an order of a family support magistrate or a judge of the Superior Court. If a person is served with any such summons, subpoena or citation issued by a family support magistrate or the assistant clerk of the Family Support Magistrate Division and fails to appear, a family support magistrate may issue a *capias mittimus* directed to a proper officer to arrest the obligor or the witness and bring him before a family support magistrate. Whenever such a *capias mittimus* is ordered, the family support magistrate shall establish a recognizance to the state of Connecticut in the form of a bond of such character and amount as to assure the appearance of the obligor at the next regular session of the Family Support Magistrate Division in the judicial

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district in which the matter is pending. If the obligor posts such a bond, and thereafter fails to appear before the family support magistrate at the time and place he is ordered to appear, the family support magistrate may order the bond forfeited, and the proceeds thereof paid to the state in TANF cases or the obligee in non-TANF cases.

Sec. 159. Subdivision (4) of subsection (m) of section 46b-231 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(4) Motions for modification of existing child and spousal support orders entered by the Superior Court in IV-D support cases, including motions to modify existing child and spousal support orders entered in actions brought pursuant to chapter 815j, shall be brought in the Family Support Magistrate Division and decided by a family support magistrate. Family support magistrates, in deciding if a spousal or child support order should be modified, shall make such determination based upon the criteria set forth in [section] sections 46b-84 and [section] 46b-215b. A person who is aggrieved by a decision of a family support magistrate modifying a Superior Court order is entitled to appeal such decision in accordance with the provisions of subsection (n) of this section.

Sec. 160. Subsection (c) of section 47-5 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Nothing in subsection (b) of this section precludes the use of any other legal form of execution of deed or other conveyance of real property.

Sec. 161. Subsection (a) of section 47-12a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from*

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passage):

(a) An affidavit, which states facts relating to the matters named in subsection (b) of this section and which may affect the title to or any interest in real estate in this state, and which is made by any person having knowledge of the facts or competent to testify concerning them in open court, may be recorded in the land records of the town in which the real estate is situated. If so recorded, and if the affiant is dead or otherwise not available to testify in court, then the affidavit, or a certified copy of it, is admissible as prima facie evidence of the facts stated in it, so far as those facts affect title to real estate in any action involving the title to that real estate or any interest in it.

Sec. 162. Subsection (b) of section 47-70a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) The declarant may require a unit owner or purchaser to execute and to deliver to the declarant a power of attorney or other document assigning to the declarant the right of a unit owner to vote on the amendment of condominium instruments pursuant to subsection (a) of this section, provided [that] such power of attorney or other document shall be exercised or implemented only to amend the condominium instruments for the purpose of adding additional land in an expandable condominium pursuant to section 47-71a, and to reallocate the undivided interests in the common elements resulting from such expansion [,] pursuant to subsection (c) of section 47-74, and the power of attorney or other document shall be expressly so limited.

Sec. 163. Subsection (c) of section 47-88 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Upon removal of the property from the provisions of this

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chapter, any rights the unit owners may have to the assets of the unit owners' association shall be in proportion to their respective undivided interests in the common elements immediately prior to the recordation of the instrument referred to in subsection (a) of this section.

Sec. 164. Subsection (c) of section 47-90a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Every person who directly or indirectly controls a declarant liable under subsection (a) of this section, every general partner, officer or director of a declarant and every person occupying a similar status or performing a similar function, every employee of the declarant who materially aids in the disposition, and every agent who materially aids in the disposition is also liable jointly and severally with and to the same extent as the declarant, provided the plaintiff sustains the burden of proof that such person knew or, in the exercise of reasonable care expected by such persons in the reasonable exercise of their duties, should have known of the existence of the facts by reason of which the liability is alleged to exist. There is a right to contribution in cases of contract among persons so liable. No person shall be liable under this section whose relationship to the declarant or other person consists solely of rendering professional and other customary services, including, but not limited to: (1) An attorney-at-law, architect, land surveyor or engineer; (2) a lending institution which is not a declarant whose relationship to the declarant consists solely of rendering customary banking services and holding a mortgage on all or a portion of the condominium which mortgage, or agreements or instruments relating thereto, may contain mutual covenants and agreements concerning the approval of the condominium instruments and amendments thereto, and regulates the activity of the declarant under the condominium instruments or an officer, director or employee of such lending institution; (3) a real estate broker or salesman whose

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relationship to the declarant consists solely of rendering services described in subdivision (3) of section 20-311 and other customary services; or (4) a person whose sole involvement in the disposition of a condominium unit occurs subsequent to the date of the act or omission out of which any liability under subsection (a) of this section arises.

Sec. 165. Subsection (b) of section 47-206 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Except as provided in subsection (a) of this section, if part of a unit is acquired by eminent domain, the award shall compensate the unit owner for the reduction in value of the unit and its interest in the common elements, whether or not any common elements are acquired. On acquisition, unless the decree otherwise provides, (1) that unit's allocated interests are reduced in proportion to the reduction in the size of the unit, or on any other basis specified in the declaration, and (2) the portion of the allocated interests divested from the partially acquired unit are automatically reallocated to that unit and to the remaining units in proportion to the respective allocated interests of those units before the taking, with the partially-acquired unit participating in the reallocation on the basis of its reduced allocated interests.

Sec. 166. Subsection (e) of section 47-237 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) The association, on behalf of the unit owners, may contract for the sale of real property in a common interest community, but the contract is not binding on the unit owners until approved pursuant to subsections (a) and (b) of this section. If any real property is to be sold following termination, title to that real property, on termination, vests in the association as trustee for the holders of all interests in the units.

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Thereafter, the association has all powers necessary and appropriate to effect the sale. Until the sale has been concluded and the proceeds thereof distributed, the association continues in existence with all powers it had before termination. Proceeds of the sale shall be distributed to unit owners and lien holders, as their interests may appear, in accordance with subsections (h), (i) and (j) of this section. Unless otherwise specified in the termination agreement, as long as the association holds title to the real property, each unit owner and the unit owner's successors in interest have an exclusive right to occupancy of the portion of the real property that formerly constituted the unit. During the period of that occupancy, each unit owner and the unit owner's successors in interest remain liable for all assessments and other obligations imposed on unit owners by this chapter or the declaration.

Sec. 167. Subsection (d) of section 47-245 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) Subject to the provisions of subsection (e) of this section, the declaration may provide for a period of declarant control of the association, during which a declarant, or persons designated by him, may appoint and remove the officers and members of the executive board. Regardless of the period provided in the declaration, a period of declarant control terminates no later than the earlier of: (1) Sixty days after conveyance of sixty per cent of the units that may be created to unit owners other than a declarant, except that in the case of a master planned community, control terminates no later than sixty days after conveyance to unit owners other than the declarant of sixty per cent of the maximum number of units that may be built, if that number is specified, or, if no such number is specified, after conveyance to unit owners other than the declarant of three hundred units; (2) two years after all declarants have ceased to offer units for sale in the ordinary

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course of business; (3) two years after any right to add new units was last exercised; or (4) the date the declarant, after giving written notice to unit owners, records an instrument voluntarily surrendering all rights to control activities of the association. A declarant may voluntarily surrender the right to appoint and remove officers and members of the executive board before termination of that period, but in that event the declarant may require, for the duration of the period of declarant control, that specified actions of the association or executive board, as described in a recorded instrument executed by the declarant, be approved by the declarant before they become effective.

Sec. 168. Subsection (a) of section 47a-30 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) When any farm employee or any domestic servant, caretaker, manager or other employee as described in [subsection (b) of] section 47a-36 occupies a dwelling, dwelling unit or tenement furnished by his employer and when his employment is terminated by himself or his employer, or such employee fails to report for employment, and fails to vacate the premises in which he is residing, he shall be given not less than three days' notice to quit possession of such premises on the form prescribed by section 47a-23.

Sec. 169. Subsection (c) of section 49-32a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) (1) If a notice of federal tax lien or other federal lien, a refiling of a notice of tax lien or other federal lien or a notice of revocation of any certificate described in subdivision (2) of this subsection is presented to the filing officer and (A) the filing officer is the Secretary of the State, said secretary shall cause the notice to be marked, held and indexed in accordance with the provisions of section 42a-9-519 as if the notice

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were a financing statement within the meaning of that section; or (B) the filing officer is a town clerk, such town clerk shall endorse thereon such town clerk's identification and the date and time of receipt and forthwith record it in accordance with section 42a-9-519. (2) If a certificate of release, nonattachment, discharge or subordination of any tax lien or other federal lien is presented to the Secretary of the State for filing, said secretary shall (A) cause a certificate of release or nonattachment to be marked, held and indexed as if the certificate were a termination statement within the meaning of the Uniform Commercial Code, and (B) cause a certificate of discharge or subordination to be held, marked and indexed as if the certificate were a release of collateral within the meaning of the Uniform Commercial Code. (3) If a refiled notice of federal tax lien or other federal lien referred to in subdivision (1) of this subsection or any of the certificates or notices referred to in subsection (b) of this section is presented for filing with any other filing officer specified in subsection (a) of this section, such filing officer shall record it in accordance with section 42a-9-519 if the original was recorded or, if the original was filed, permanently attach the refiled notice or the certificate to the original notice of lien and enter the refiled notice or the certificate with the date of filing in any alphabetical federal tax lien index or other federal lien index on the line where the original notice of lien is entered. (4) Upon request of any person, the filing officer shall issue a certificate showing whether there is on file, on the date and hour stated therein, any notice of federal tax lien or other federal lien or certificate or notice affecting the lien, filed on or after July 1, 1967, naming a particular person, and if a notice or certificate is on file, giving the date and hour of filing of each notice or certificate. The fee for such a certificate and for a copy of any notice of federal tax lien or other federal lien or notice or certificate affecting a federal tax lien or other federal lien shall be computed in accordance with section 42a-9-525.

Sec. 170. Section 49-92g of the general statutes is repealed and the

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following is substituted in lieu thereof (*Effective from passage*):

Any person who stores, cares for, maintains, repairs, or furnishes any services, gasoline, accessories, materials or other supplies at the request of or with the consent of the owner, his agent or legal possessor of an aircraft, as defined in section 15-34, has a lien upon [and may retain possession of] the aircraft until the sum due for any fees, expenses or charges for such storage, care, maintenance [] or repair or the furnishing of such services, gasoline, accessories, materials or other supplies has been paid. The lienor shall be entitled to retain possession of the aircraft until the amount of fees, expenses or charges for such storage, care, maintenance [] or repair or the furnishing of such services, gasoline, accessories, materials or other supplies has been paid or the lien has been dissolved. The lien shall be superior to all other liens, except liens for taxes. Any person entitled to a lien pursuant to this section shall, within ninety days after the date upon which work or services were performed or when such fees, expenses or charges were incurred, file a verified statement in the office of the Secretary of the State, pursuant to the provisions of sections 49-92h and 49-92i.

Sec. 171. Subsection (f) of section 51-44a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) Except as provided in subsection (e) of this section, the commission shall seek qualified candidates for consideration by the Governor for nomination as judges for the Superior Court, Appellate Court and Supreme Court. The commission shall adopt regulations, in accordance with the provisions of chapter 54, concerning criteria by which to evaluate the qualifications of candidates, including incumbent judges who seek appointment to a different court. The commission shall investigate and interview the candidates, including incumbent judges seeking appointment to a different court. A list of

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such qualified candidates shall be compiled by the commission.

Sec. 172. Subsection (c) of section 51-190a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) When an action is tried by a judge of the Superior Court other than those mentioned in subsections (a) and (b) of this section, and it is not otherwise provided by law where the file and papers shall be lodged, the judge, when a decision has been reached, shall designate a clerk of the Superior Court with whom the file and papers shall be lodged and shall thereupon lodge them and a memorandum of his decision with the clerk.

Sec. 173. Subdivision (1) of subsection (d) of section 51-277 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) (1) The Chief State's Attorney and each deputy chief state's attorney may sign any warrants, [information] informations, applications for grand jury investigations and applications for extradition.

Sec. 174. Subdivision (4) of subsection (b) of section 51-278 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(4) Each Chief State's Attorney, deputy chief state's attorney or state's attorney who (A) is ineligible to elect under subdivision (3) of this subsection, (B) is not subject to the provisions of chapter 66, and (C) had vested under the State Employees Retirement Fund, prior to his appointment to such office, shall vest under the [State Attorney's] State's Attorneys' Retirement Fund upon reappointment to any such office by the Criminal Justice Commission.

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Sec. 175. Subsection (b) of section 52-57 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Process in civil actions against the following-described classes of defendants shall be served as follows: (1) Against a town, upon its clerk, assistant clerk, manager or one of its selectmen; (2) against a city, upon its clerk or assistant clerk or upon its mayor or manager; (3) against a borough, upon its manager, clerk or assistant clerk or upon the warden or one of its burgesses; (4) against a school district, upon its clerk or one of its committee; (5) against a board, commission, department or agency of a town, city or borough, notwithstanding any provision of law, upon the clerk of the town, city or borough, provided two copies of such process shall be served upon the clerk and the clerk shall retain one copy and forward the second copy to the board, commission, department or agency; (6) against any other municipal or quasi-municipal [corporations] corporation, upon its clerk or upon its chief presiding officer or managing agent; and (7) against an employee of a town, city or borough in a cause of action arising from the employee's duties or employment, upon the clerk of the town, city or borough, provided two copies of such process shall be served upon the clerk and the clerk shall retain one copy and forward the second copy to the employee.

Sec. 176. Subsections (b) and (c) of section 52-225d of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) (1) If the parties agree on the terms of payment pursuant to subdivision (3) of subsection (a) of this section, with respect to recoverable economic damages and recoverable noneconomic damages in excess of two hundred thousand dollars, the court shall, subject to a determination by the court that the terms of subsection (e) of this section have been satisfied, enter an amended judgment incorporating

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such agreement of the parties into the amended judgment. (2) If the parties fail to agree on the terms of payment pursuant to subdivision (3) of subsection (a) of this section, with respect to the payment of damages in excess of two hundred thousand dollars, the court shall enter an amended judgment to provide for the payment of such damages in a lump sum.

(c) If an amended judgment for periodic installment payments is entered pursuant to subsection (b) of this section, that portion of the contingency fee or any other payment arranged between the claimant and the attorney for professional services relating to recoverable economic damages and recoverable noneconomic damages subject to periodic installment payments as required under such amended judgment shall be payable in periodic installment payments in accordance with an order to be entered by the court simultaneously with but separate and apart from the amended judgment, unless prior to the entry of that order the claimant and such attorney have otherwise agreed and so informed the court.

Sec. 177. Subsection (a) of section 52-328 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Except as provided in subsection (c) of this section, no personal estate which has been attached may be held to respond to the judgment obtained in the suit, either against the debtor or any other creditor, unless the judgment creditor takes out an execution and has it levied on the personal estate attached, or has demand made on the garnishee in cases of foreign attachment, within sixty days after final judgment, or, if such personal estate is encumbered by any prior attachment, unless the execution is so levied within sixty days after such encumbrance has been removed.

Sec. 178. Subsection (b) of section 52-356b of the general statutes is

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repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) The court may issue a turnover order pursuant to this section, after notice and hearing or as provided in subsection (c) of this section, on a showing of need for the order. If the order is to be directed against a third person, such person shall be notified of his right pursuant to section 52-356c to a determination of any interest claimed in the property.

Sec. 179. Subsection (c) of section 52-412 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) Any party to a written agreement for arbitration may make application to the Superior Court, or, when the court is not in session, to a judge thereof, having jurisdiction as provided in subsection (b) of this section, for an order directing the taking of depositions, in the manner and for the reasons prescribed by law for taking depositions to be used in a civil action, for use as evidence in an arbitration.

Sec. 180. Section 52-577a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) No product liability claim_z as defined in section 52-572m_z shall be brought but within three years from the date when the injury, death or property damage is first sustained or discovered or in the exercise of reasonable care should have been discovered_z except that, subject to the provisions of subsections (c), (d) and (e) of this section, no such action may be brought against any party nor may any party be impleaded pursuant to subsection (b) of this section later than ten years from the date that the party last parted with possession or control of the product.

(b) In any such action_z a product seller may implead any third party

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who is or may be liable for all or part of the claimant's claim, if such third party defendant is served with the third party complaint within one year from the date the cause of action brought under subsection (a) of this section is returned to court.

(c) The ten-year limitation provided for in subsection (a) of this section shall not apply to any product liability claim brought by a claimant who is not entitled to compensation under chapter 568, provided the claimant can prove that the harm occurred during the useful safe life of the product. In determining whether a product's useful safe life has expired, the trier of fact may consider among other factors: (1) The effect on the product of wear and tear or deterioration from natural causes; (2) the effect of climatic and other local conditions in which the product was used; (3) the policy of the user and similar users as to repairs, renewals and replacements; (4) representations, instructions and warnings made by the product seller about the useful safe life of the product; and (5) any modification or alteration of the product by a user or third party.

(d) The ten-year limitation provided for in subsection (a) of this section shall be extended pursuant to the terms of any express written warranty that the product can be used for a period longer than ten years, and shall not preclude any action against a product seller who intentionally misrepresents a product or fraudulently conceals information about it, provided the misrepresentation or fraudulent concealment was the proximate cause of harm of the claimant.

(e) The ten-year limitation provided for in subsection (a) of this section shall not apply to any product liability claim, whenever brought, involving injury, death or property damage caused by contact with or exposure to asbestos, except that (1) no such action for personal injury or death may be brought by the claimant later than sixty years from the date that the claimant last had contact with or exposure to asbestos, and (2) no such action for damage to property

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may be brought by the claimant later than thirty years from the date of last contact with or exposure to asbestos.

(f) The definitions contained in section 52-572m shall apply to this section.

(g) The provisions of this section shall apply to all product liability claims brought on or after October 1, 1979.

Sec. 181. Subsection (e) of section 53a-29 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) The period of probation, unless terminated sooner as provided in section 53a-32, shall be not less than ten years [nor] or more than thirty-five years for conviction of a violation of subdivision (2) of subsection (a) of section 53-21 [,] or section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b, 53a-90a, 53a-196b, 53a-196c, 53a-196d, 53a-196e or 53a-196f.

Sec. 182. Subsection (e) of section 53a-30 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) The court may require that the person subject to electronic monitoring [subject] pursuant to subsection (a) of this section pay directly to the electronic monitoring service provider a fee for the cost of such electronic monitoring services. If the court finds that the person subject to electronic monitoring is indigent and unable to pay the costs of electronic monitoring services, it shall waive such costs. Any contract entered into by the judicial branch and the electronic monitoring service provider shall include a provision stating that the total cost for electronic monitoring services shall not exceed five dollars per day. Such amount shall be indexed annually to reflect the rate of inflation.

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Sec. 183. Section 54-1k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Upon the arrest of a person for a violation of section 53a-181c, 53a-181d or 53a-181e, the court may issue a protective order pursuant to this section. Such order shall be an order of the court, and the clerk of the court shall cause a certified copy of such order to be sent to the victim, and a copy of such order, or the information contained in such order, to be sent by facsimile or other means within forty-eight hours of its issuance to the appropriate law enforcement agency. A protective order issued under this section may include provisions necessary to protect the victim from threats, harassment, injury or intimidation by the defendant, including but not limited to, an order enjoining the defendant from (1) imposing any restraint upon the person or liberty of the victim, (2) threatening, harassing, assaulting, molesting or sexually assaulting the victim, or (3) entering the dwelling of the victim. Such order shall be made a condition of the bail or release of the defendant and shall contain the following language: "In accordance with section 53a-223 of the Connecticut general statutes, any violation of this order constitutes criminal violation of a protective order which is punishable by a term of imprisonment of not more than five years, a fine of not more than five thousand dollars, or both. Additionally, in accordance with section 53a-107 of the Connecticut general statutes, entering or remaining in a building or any other premises in violation of this order constitutes criminal trespass in the first degree [. These are criminal offenses each] which is punishable by a term of imprisonment of not more than one year, a fine of not more than two thousand dollars, or both. Violation of this order also violates a condition of your bail or release and may result in raising the amount of bail or revoking release." The information contained in and concerning the issuance of any protective order issued under this section shall be entered in the registry of protective orders pursuant to section 51-5c.

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Sec. 184. Subsection (c) of section 54-41p of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) If an investigative officer, while engaged in the interception of wire communications in accordance with the provisions of this chapter, intercepts wire communications relating to any crime not specified in the order authorizing such interception, the contents of such intercepted communications and evidence derived therefrom may be disclosed as otherwise provided in subsection (a) of this section.

Sec. 185. Subsection (a) of section 54-47g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Within sixty days of the conclusion of the investigation, the investigatory grand jury conducting such investigation shall file its finding with the court of the judicial district designated by the Chief Court Administrator pursuant to subsection (a) of section 54-47d, and shall file a copy of its finding with the panel and with the Chief State's Attorney or a state's attorney if such Chief State's Attorney or state's attorney made application for the investigation. The stenographer shall file any record of the investigation with the court of the judicial district designated by the Chief Court Administrator pursuant to subsection (a) of section 54-47d and the panel and the Chief State's Attorney or a state's attorney, if such Chief State's Attorney or state's attorney made application for the investigation, shall have access to such record upon request made to the clerk of the court without a hearing. Such finding shall state whether or not there is probable cause to believe that a crime or crimes have been committed. Except as otherwise provided in this section, any part of the record of the investigation not disclosed with the finding pursuant to subsection (b) of this section shall be sealed, provided any person may file an application with the panel for

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disclosure of any such part of the record. Upon receipt of such application, the panel shall, after notice, hold a hearing and the panel, by a majority vote, may disclose any such part of the record when such disclosure is deemed by the panel to be in the public interest, except that no part of the record shall be disclosed which contains allegations of the commission of a crime by an individual if the investigatory grand jury failed to find probable cause that such individual committed such crime unless such individual requests the release of such part of the record. Any person aggrieved by an order of the panel shall have the right to appeal such order by filing a petition for review with the Appellate Court within seventy-two hours from the issuance of such order.

Sec. 186. Subsection (b) of section 54-82r of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) A protective order shall set forth the reasons for the issuance of such order, be specific in terms and describe in reasonable detail, and not by reference to the complaint or other document, the act or acts being restrained. A protective order issued under this section may include provisions necessary to protect the witness from threats, harassment, injury or intimidation by the adverse party including, but not limited to, enjoining the adverse party from (1) imposing any restraint upon the person or liberty of the witness, (2) threatening, harassing, assaulting, molesting or sexually assaulting the witness, or (3) entering the dwelling of the witness. Such order shall contain the following language: "In accordance with section 53a-223 of the Connecticut general statutes, any violation of this order constitutes criminal violation of a protective order which is punishable by a term of imprisonment of not more than five years, a fine of not more than five thousand dollars, or both. Additionally, in accordance with section 53a-107 of the Connecticut general statutes, entering or remaining in a

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building or any other premises in violation of this order constitutes criminal trespass in the first degree [. These are criminal offenses each] which is punishable by a term of imprisonment of not more than one year, a fine of not more than two thousand dollars, or both." If the adverse party is the defendant in the criminal case, such order shall be made a condition of the bail or release of the defendant and shall also contain the following language: "Violation of this order also violates a condition of your bail or release and may result in raising the amount of bail or revoking release."

Sec. 187. Subsection (f) of section 54-124a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) The Board of Pardons and Paroles shall have independent decision-making authority to (1) grant or deny parole in accordance with sections 54-125, 54-125a, 54-125e and 54-125g, (2) establish conditions of parole or special parole supervision in accordance with section 54-126, (3) rescind or revoke parole or special parole in accordance with sections 54-127 and 54-128, (4) grant commutations of punishment or releases, conditioned or absolute, in the case of any person convicted of any offense against the state and commutations from the penalty of death in accordance with section [18-26] 54-130a.

Sec. 188. Subsection (c) of section 54-125e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) The period of special parole shall be not less than one year [nor] or more than ten years, except that such period may be for more than ten years for a person convicted of a violation of subdivision (2) of section 53-21 of the general statutes in effect prior to October 1, 2000, subdivision (2) of subsection (a) of section 53-21 [,] or section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b or sentenced as a

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persistent dangerous felony offender pursuant to subsection (h) of section 53a-40 or as a persistent serious felony offender pursuant to subsection (j) of section 53a-40.

Sec. 189. Subsections (b) and (c) of section 54-156 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) If an arrest is made in this state by an officer of another state in accordance with the provisions of subsection (a) of this section, he shall, without unnecessary delay, take the person arrested before a judge of the superior court for the judicial district in which the arrest was made, who shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If such judge determines that the arrest was lawful, he shall commit the person arrested to await for a reasonable time the issuance of an extradition warrant by the Governor of this state or admit him to bail for such purpose. If such judge determines that the arrest was unlawful, he shall discharge the person arrested.

(c) Subsection (a) of this section shall not be construed so as to make unlawful any arrest in this state which would otherwise be lawful.

Sec. 190. Subdivision (16) of subsection (b) of section 54-203 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(16) Within available appropriations to establish a crime victims' information clearinghouse which shall be a central repository for information collected pursuant to subdivision (9) of this subsection and information made available through the criminal justice information system, to provide a toll-free telephone number for access to such information and to develop a plan, in consultation with all agencies required to provide notification to victims, outlining any

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needed statutory changes, resources and working agreements necessary to make the Office of Victim Services the lead agency for notification of victims, which plan shall be submitted to the General Assembly not later than February 15, 2000.

Sec. 191. Subsection (a) of section 28-5 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The commissioner may make studies and surveys of the manpower, industries, resources and facilities of the state to ascertain the capabilities of the state for civil preparedness and to plan for their most efficient use in time of emergency. The commissioner may apply to the superior court for the judicial district of Hartford, or to a judge of said court if the court is not in session, for a subpoena to compel the attendance of such witnesses or the production of such books, papers, records or documents of individuals, firms, associations or corporations as may be necessary to the effective preparation of the civil preparedness of the state. [Said] The court or [such] judge shall, before issuing such subpoena, provide adequate opportunity for the commissioner and the party against whom the subpoena is requested to be heard. No such subpoena shall issue unless the court or judge certifies that the attendance of such witness or the production of such books, papers, records or documents is reasonably necessary to the effective preparation of the civil preparedness of the state and that the commissioner has made reasonable efforts to secure such attendance or such books, papers, records or documents without recourse to compulsory process.

Sec. 192. Section 29-155b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

Upon being satisfied, after investigation, of the good character, competency and integrity of an applicant, or, if the applicant is an

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association or partnership, of the individual members thereof, or if a corporation, of all officers and directors thereof, the commissioner may grant a license to conduct such private detective business and to maintain a bureau, agency, subagency, office or branch office for the conduct of such business on the premises stated in such application. The license for an individual private detective shall be as a private detective, and [.] the license for a corporation, association or partnership shall be as a private detective agency. Such license shall be for a term of two years and application for renewal shall be on a form furnished by the commissioner. Each licensee shall permit the department to inspect, review or copy those documents, business records or training records in the licensee's possession that are required by regulation to be maintained.

Sec. 193. Section 29-158 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

Any license may be suspended or revoked by the commissioner, provided notice shall have been given to the licensee to appear before the commissioner to show cause why the license should not be suspended or revoked, upon a finding by the commissioner that: (1) The licensee has violated any of the terms or provisions of sections 29-153 to 29-161, inclusive, or any of the regulations [promulgated] adopted thereunder; (2) the licensee has practiced fraud, deceit or misrepresentation to the clients of the licensee; (3) the licensee has made a material misstatement in the application for issuance or renewal of such licensee's license; (4) the licensee has demonstrated incompetence or untrustworthiness in the conduct of such licensee's business; (5) the licensee has been convicted of a felony or other crime affecting such licensee's honesty, integrity or moral fitness. If the licensee has been convicted under section 53a-61 or 53a-62, the commissioner shall consider the facts and circumstances surrounding such convictions prior to suspending or revoking [said] the license.

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Any party aggrieved by an order of the commissioner hereunder may appeal therefrom in accordance with the provisions of section 4-183, except venue for such appeal shall be in the judicial district of New Britain.

Sec. 194. Section 29-161g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

No person shall engage in the business of, or solicit business as, a security service or make representations to be or advertise as furnishing security services without first obtaining a license from the Commissioner of Public Safety.

Sec. 195. Subsection (a) of section 29-161k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(a) Application for a license as a security service [,] shall be made in writing, under oath, on a form to be furnished by the Commissioner of Public Safety. The application shall state the applicant's full name, age, date and place of birth, residences and employment within the past five years and the applicant's present occupation with the names and addresses of employers, the date and place of conviction of any crime and such additional information as the commissioner requires to investigate the qualification, character, competency and integrity of the applicant. If the applicant is an association, corporation or partnership, similar information shall be required of each individual composing or intending to compose such association, corporation or partnership.

Sec. 196. Section 29-271 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any state-assisted rental housing or rental housing project constructed or substantially rehabilitated under a building permit application filed on or after January 1, 1976, and prior to October 1,

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2004, [and which] that contains ten or more housing units shall have at least ten per cent of the units and all common use areas and facilities designed to promote safe and accessible means of entrance and egress and ease of access and use of facilities for the physically disabled, as defined in subsection (b) of section 1-1f, unless a waiver of such requirement is obtained from the Commissioner of Economic and Community Development as provided in this section. Any state-assisted rental housing or rental housing project constructed or substantially rehabilitated under a building permit application filed on or after October 1, 2004, [and which] that contains four or more dwelling units shall have the dwelling units and all common use areas and facilities designed in accordance with the State Building Code to promote the safe and accessible use of facilities for the physically disabled, as defined in subsection (b) of section 1-1f, unless such waiver is obtained. Said commissioner may, with the concurrence of the director of the Office of Protection and Advocacy for Persons with Disabilities and the State Building Inspector, waive the requirement for such units for any state-financed rental housing project awarded state assistance under sections 8-124a and 8-216b, provided all requirements concerning the provision of housing units accessible to the physically disabled promulgated by the United States Department of Housing and Urban Development have been met. Physically disabled persons and families shall receive priority in placement in no less than ten per cent of the housing units constructed or substantially rehabilitated after January 1, 1976.

Sec. 197. Subsection (c) of section 29-402 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) The provisions of this section shall not apply to (1) a person who is engaged in the disassembling, transportation and reconstruction of historic buildings for historical purposes or in the demolition of farm

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buildings or in the renovation, alteration or reconstruction of a single-family residence, (2) the removal of underground petroleum storage tanks, (3) the burning of a building or structure as part of an organized fire department training exercise, or (4) the demolition of a single-family residence or out building by an owner of such structure if it does not exceed a height of thirty feet, provided (A) the owner shall be present on site while such demolition work is in progress [,] and shall be held personally liable for any injury to individuals or damage to public or private property caused by such demolition, and [provided further] (B) such demolition shall be permitted only with respect to buildings which have clearance from other structures, roads or highways equal to or greater than the height of the structure subject to demolition. The local building official may require additional clearance when deemed necessary for safety.

Sec. 198. Subdivision (1) of subsection (u) of section 36a-70 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(u) (1) Each trust bank and uninsured bank shall keep assets on deposit in the amount of at least one million dollars with such banks as the commissioner may approve, provided a trust bank or uninsured bank that received its final certificate of authority prior to May 12, 2004, shall keep assets on deposit as follows: At least two hundred fifty thousand dollars no later than one year from May 12, 2004, at least five hundred thousand dollars no later than two years from [such] said date, at least seven hundred fifty thousand dollars no later than three years from [such] said date and at least one million dollars no later than four years from [such] said date. No trust bank or uninsured bank shall make a deposit pursuant to this section until the bank at which the assets are to be deposited and the trust bank or uninsured bank shall have executed a deposit agreement satisfactory to the commissioner. The value of such assets shall be based upon the

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principal amount or market value, whichever is lower. If the commissioner determines that an asset that otherwise qualifies under this section shall be valued at less than the amount otherwise provided in this subdivision, the commissioner shall so notify the trust bank or uninsured bank, which shall thereafter value such asset as directed by the commissioner.

Sec. 199. Subdivision (2) of subsection (c) of section 36a-222 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(2) If an independent person is appointed receiver or conservator, the cost and expenses incurred in the liquidation, reorganization or administration of the bank or credit union, including any funds paid by the commissioner to the receiver or conservator [~~prior to~~] before the bank or credit union [~~being~~] was placed in receivership or conservatorship, shall be paid out of the funds of the bank or credit union, subject to the approval of the court.

Sec. 200. Section 36a-226 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The receiver shall, as soon after the receiver's appointment as is practicable, make and return to the court an inventory and appraisal of the assets of the Connecticut bank or Connecticut credit union or estate in receivership, verified by oath according to the receiver's best knowledge, information and belief, and shall, from time to time thereafter, make and return such additional or supplementary inventories and valuations, and render such reports of the receiver's actions and statements of accounts, as are necessary for the information of the court or as are required by the order of the court. The receiver shall hold all the assets which come into the receiver's possession as such receiver, subject to the order of the court, and shall convert such assets into money with all reasonable dispatch. The

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receiver shall deposit money collected on behalf of such bank or credit union in a bank, a Connecticut credit union, a federal credit union, an out-of-state bank that maintains in this state a branch, as defined in section 36a-410, or an out-of-state credit union that maintains in this state a branch, as defined in section 36a-435b. In cases of doubt or difficulty, the receiver may, upon written application, ask the advice of the court as to the manner in which the receiver shall execute the receiver's trust. The court may, from time to time, on its own motion, or on complaint of any interested party, make all necessary and proper orders as to the proceedings and actions of the receiver.

Sec. 201. Subsection (c) of section 36a-237 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) In the event of liquidation of a Connecticut credit union, the assets of the Connecticut credit union or the proceeds from any disposition of the assets shall be applied and distributed in the following sequence: (1) All fees and assessments due the commissioner; (2) claims of secured creditors up to the value of their collateral; (3) the costs and expenses of liquidation; (4) the wages due the employees of the Connecticut credit union; (5) the costs and expenses incurred by creditors in successfully opposing the release of the Connecticut credit union from certain debts as allowed by the commissioner; (6) all taxes owed to the United States or any other governmental unit; (7) all other debts owed to the United States or any other governmental unit; (8) claims of general creditors and secured creditors to the extent that their claims exceed the value of their collateral; (9) claims of members, to the extent of uninsured share accounts, and the organization that insured the share accounts of the Connecticut credit union; (10) in the event of liquidation of a Connecticut credit union that is a corporate Connecticut credit union, as defined in section 36a-435b, membership capital, and then paid-in

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capital; and (11) in the event of liquidation of a Connecticut credit union that has received a low-income designation from the National Credit Union Administration under 12 CFR 701.34, as from time to time amended, any outstanding secondary capital accounts.

Sec. 202. Subdivision (1) of subsection (j) of section 36a-237f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(j) (1) The Banking Commissioner shall deposit all money available for the benefit of persons who have not filed a claim and are, according to the bank's records, depositors and creditors of a trust bank or uninsured bank in receivership in a bank, Connecticut credit union, federal credit union, [an] out-of-state bank that maintains in this state a branch, as defined in section 36a-410, or out-of-state credit union that maintains in this state a branch, as defined in section 36a-435b. The commissioner shall pay the nonclaiming depositors and creditors on demand the undisputed amount, based on the bank's records, held for their benefit.

Sec. 203. Subsection (a) of section 36a-237h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) [For the purposes of this section, persons] Persons entitled to protection under this section shall be: (1) All receivers or conservators of trust banks or uninsured banks, including present and former receivers and conservators; and (2) the employees of such receivers or conservators. Attorneys, accountants, auditors and other professional persons or firms who are retained by the receiver or conservator as independent contractors, and their employees, shall not be considered employees of the receiver or conservator for purposes of this section.

Sec. 204. Subdivision (38) of subsection (a) of section 36a-250 of the

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general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(38) Even if not expressly authorized to exercise fiduciary powers, act as trustee or custodian of a plan which qualifies as part of a retirement plan for self-employed individuals or an individual retirement account under the provisions of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, if the governing instrument limits the investment of the funds held pursuant to such plan to the following investments: [(1)] (A) Savings deposits and time deposits; and [(2)] (B) with respect to retirement plans for self-employed individuals, notes of members in such plans which evidence the indebtedness of such members for funds borrowed from the plans. Funds held pursuant to any plan which so qualifies may be deposited in any Connecticut bank without regard to any statutory limit on the amount which such bank may have on deposit from one depositor.

Sec. 205. Subsection (a) of section 36a-380 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Except as provided in this section, no corporation, other than a bank or out-of-state bank that maintains in this state a branch as defined in section 36a-410, shall have or exercise in this state the power to receive, by grant, assignment, transfer, devise, bequest or otherwise, any money, securities or other personal property, or any interest in real estate from any person or corporation in trust, to hold, manage or dispose of the same for the benefit of any third person or corporation, or to accept or execute any such trust, unless such corporation is specifically empowered so to act by a general statute of this state or by a special act of the General Assembly. Any corporation so empowered to act as trustee, other than such bank or out-of-state bank, shall, before so acting, obtain a license from the commissioner as provided in

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subsection (b) of this section.

Sec. 206. Subsection (b) of section 36a-468b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) The Connecticut credit union proposing to convert shall file an application with the commissioner. Such application shall include [(A)] (1) a plan of conversion adopted by a majority vote of the governing board and a copy of the governing board's resolution adopting the plan of conversion, [(B)] (2) a proposed written notice of the date, time and place of a regular or special meeting of the members of the converting Connecticut credit union for the vote on the proposed conversion, including a proposed form of any proxy and mail ballot, [(C)] (3) proof of compliance with all applicable federal laws to effect the conversion, and [(D)] (4) any additional information as the commissioner may require.

Sec. 207. Subsection (g) of section 36a-468b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(g) The converting credit union shall, within ninety days after the receipt of a charter as a federal credit union: [(A)] (1) File with the Secretary of the State a certificate, signed by any two officers under oath, stating that the credit union has converted to a federal credit union pursuant to this section and the approval of the commissioner; [(B)] (2) obtain from the Secretary of the State one or more certified copies of the certificate and the commissioner's approval; and [(C)] (3) record the certified copies in the office of the town clerk of each town in this state where such credit union owns real property.

Sec. 208. Subdivision (2) of section 36a-645 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from*

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passage):

(2) "Creditor" means [(i)] (A) any person to whom a debt is owed by a consumer debtor and such debt results from a transaction occurring in the ordinary course of such person's business, or [(ii)] (B) any person to whom such debt is assigned. "Creditor" shall not include a consumer collection agency, as defined in section 36a-800, or any department or agency of the United States, this state, any other state, or any political subdivision thereof.

Sec. 209. Subsection (b) of section 36a-685 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Proof that an extension of credit was made at an annual rate exceeding forty-five per cent calculated according to the actuarial method, and that the creditor then had a reputation for the use or threat of use of violence or other criminal means to cause harm to the person, reputation or property of any person to collect extensions of credit or to punish the nonrepayment thereof, is prima facie evidence that the extension of credit was unenforceable under subsection (a) of this section.

Sec. 210. Subsection (c) of section 42a-4-104 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) "Control" as provided in section [42a-106] 42a-7-106 and the following definitions in other articles apply to this article:

"Acceptance". Section 42a-3-409.

"Alteration". Section 42a-3-407.

"Cashier's check". Section 42a-3-104.

"Certificate of deposit". Section 42a-3-104.

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- "Certified check". Section 42a-3-409.
- "Check". Section 42a-3-104.
- "Good faith". Section 42a-3-103.
- "Holder in due course". Section 42a-3-302.
- "Instrument". Section 42a-3-104.
- "Notice of dishonor". Section 42a-3-503.
- "Order". Section 42a-3-103.
- "Ordinary care". Section 42a-3-103.
- "Person entitled to enforce". Section 42a-3-301.
- "Presentment". Section 42a-3-501.
- "Promise". Section 42a-3-103.
- "Prove". Section 42a-3-103.
- "Teller's check". Section 42a-3-104.
- "Unauthorized signature". Section 42a-3-403.

Sec. 211. Subdivisions (1) and (2) of subsection (a) of section 1-81 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(1) Compile and maintain an index of all reports, advisory opinions, memoranda [filed under the provisions of subsection (f) of section 1-82a] issued in accordance with subsection (b) of section 1-82 and statements filed by and with the commission to facilitate public access to such reports and statements as provided by this part;

(2) Preserve advisory opinions permanently; preserve memoranda [filed under subsection (f) of section 1-82a,] issued in accordance with subsection (b) of section 1-82 and statements and reports filed by and with the commission for a period of five years from the date of receipt.

Sec. 212. Subsection (a) of section 4-9b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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(a) Appointing authorities, in cooperation with one another, shall make a good faith effort to ensure that, to the extent possible, the membership, except the ex-officio membership, of each state appointive board, commission, committee and council having members appointed by the Governor or appointed by members of the General Assembly is qualified and [more] closely reflects the gender and racial diversity of the state. If there are multiple appointing authorities for a board, commission, committee or council, the appointing authorities shall inform each other of their appointees or planned appointees in order to facilitate compliance with this section.

Sec. 213. Section 7-131o of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

A municipality, town, city, borough or district, as defined in section 7-324, that takes active agricultural land by eminent domain shall: (1) Purchase an agricultural conservation easement on an equivalent amount of active agricultural land of comparable or better soil quality in such municipality, town, city, borough or district; [] or (2) if no comparable active agricultural land is available for an agricultural conservation easement as provided in subdivision (1) of this section, pay a fee for the purchase of development rights to an equivalent amount of active agricultural land of comparable or better soil quality elsewhere in the state. Such purchase amount shall be paid to the General Fund and credited to the state program for the preservation of agricultural land established pursuant to chapter 422a. The municipality, town, city, borough or district shall notify the Commissioner of Agriculture of its intent to comply with the provisions of subdivision (1) or (2) of this section. The Commissioner of Agriculture shall determine the amount of the payment to be made by such municipality, town, city, borough or district for the purchase of an agricultural conservation easement or the purchase of development rights pursuant to [subdivisions] subdivision (1) or (2) of

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this section. The municipality, town, city, borough or district shall not proceed unless the Commissioner of Agriculture approves the purchase of an agricultural conservation [easements] easement pursuant to subdivision (1) of this [subsection] section. Such agricultural conservation [easements] easement shall be jointly and severally held by the municipality, town, city, borough or district and the state.

Sec. 214. Subsection (a) of section 12-264 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Each (1) Connecticut municipality or department or agency thereof, or Connecticut district, manufacturing, selling or distributing gas or electricity to be used for light, heat or power, in this chapter and in chapter 212a called a "municipal utility", (2) company the principal business of which is manufacturing, selling or distributing gas or steam to be used for light, heat or power, including each foreign municipal electric utility, as defined in section 12-59, and given authority to engage in business in this state pursuant to the provisions of section 16-246c, and (3) company required to register pursuant to section 16-258a shall pay a quarterly tax upon gross earnings from such operations in this state. Gross earnings from such operations under subdivisions (1) and (2) of this subsection shall include (A) all income classified as operating revenues by the Department of Public Utility Control in the uniform systems of accounts prescribed by said department for operations within the taxable quarter and, with respect to each such company, (B) all income classified in said uniform systems of accounts as income from merchandising, jobbing and contract work, (C) income from nonutility operations, (D) revenues from lease of physical property not devoted to utility operation, and (E) receipts from the sale of residuals and other by-products obtained in connection with the production of gas, electricity or steam. Gross

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earnings from such operations under subdivision (3) of this subsection shall be gross income from the sales of natural gas, provided gross income shall not include income from the sale of natural gas to an existing combined cycle facility comprised of three gas turbines providing electric generation services, as defined in section 16-1, with a total capacity of [775] seven hundred seventy-five megawatts, for use in the production of electricity. Gross earnings of a gas company, as defined in section 16-1, shall not include income earned in a taxable quarter commencing prior to June 30, 2008, from the sale of natural gas or propane as a fuel for a motor vehicle. No deductions shall be allowed from such gross earnings for any commission, rebate or other payment, except a refund resulting from an error or overcharge and those specifically mentioned in section 12-265. Gross earnings of a company as described in subdivision (2) of this subsection shall not include income earned in any taxable quarter commencing on or after July 1, 2000, from the sale of steam.

Sec. 215. Subsection (b) of section 14-37a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) The commissioner may, in the commissioner's discretion upon a showing of significant hardship, grant each such application that is submitted in proper form and contains such information and attestation by the applicant as the commissioner may require. In determining whether to grant such application, the commissioner may also consider the driving record of the applicant and shall ascertain that the suspension is a final order that is not under appeal pursuant to section 4-183. A special operator's permit shall not be issued pursuant to this section to any person for the operation of a motor vehicle for which a public passenger transportation permit or commercial driver's license is required or to any person whose operator's license has been suspended previously pursuant to section 14-227b. A special operator's

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permit shall not be issued pursuant to this section to any person whose operator's license has been suspended pursuant to subparagraph [(B)] (C) of subdivision (1) of subsection (i) of section 14-227b for refusing to submit to a blood, breath or urine test or analysis until such operator's license has been under suspension for a period of not less than ninety days.

Sec. 216. Subdivision (4) of subsection (e) of section 16-43 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(4) For the sale of class III land where the property is more than ten acres and promotes a perpetual public interest in the use of land for open space or recreation purposes, as defined in section 16-43b, the department shall allocate the benefits in accordance with the following:

(A) If twenty-five per cent of the land or less is to be used for open space or recreational purposes, the department shall allocate one hundred per cent of the benefits to the ratepayers;

(B) If more than twenty-five per cent but less than eighty per cent of the land is to be used for open space or recreational purposes, the department shall calculate the benefit allocated to a water company's [shareholder] shareholders by multiplying by a factor of eighty per cent of the portion of class III land in the transaction that is reserved for open space;

(C) If eighty per cent or more but less than ninety per cent of the area of such land is to be used for open space or recreational purposes, the department shall allocate the benefits of such sale in favor of a water company's shareholders in an amount that is proportionate to the percentage of class III land in such sale that is to be used for open space or recreational purposes;

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(D) If not less than ninety per cent of the area of such land is to be used for open space or recreational purposes, the department shall allocate one hundred per cent of the benefits to the shareholders.

Sec. 217. Section 16-43c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Notwithstanding the provisions of this chapter or section 12-217dd, any land acquired from a water company, as defined in section 16-1, by a municipal corporation for the purposes of construction of a school and related facilities in a town with a population between [11,600] eleven thousand six hundred and [11,900] eleven thousand nine hundred, as enumerated by the 2000 federal decennial census, shall be treated as open space for purposes of establishing the right to acquire, ratemaking and taxes.

Sec. 218. Subsection (f) of section 16-50d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) When more than one person gives notice of a desire to acquire a water company source or land, the right to acquire such source or land shall be in the following order: (1) A water company, as defined in section 25-32a, for water supply purposes; (2) a municipality in which the source or land is located for water supply, open space [,] or recreational purposes; (3) the state for open space or recreational purposes; (4) a private, nonprofit land-holding organization for open space or recreational purposes; (5) a municipality for any public purpose, including, but not limited to, an educational use; and (6) the state for any public purpose. Any such source or land acquired for open space or recreational purposes shall have such restriction placed in the instrument intended as a conveyance recorded in the land records in the town where the source or land is situated. No source or land acquired pursuant to this section for open space or recreational

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purposes may be used for any other purpose unless the source or land has been reoffered for open space or recreational purposes pursuant to the provisions of this section and no notice of a desire to acquire such source or land has been given. The department shall approve any such reoffering, provided there is compliance with this section. In any decision pursuant to this subsection, the department shall act in concurrence with the Commissioner of Environmental Protection. Notwithstanding the provisions of subdivision (5) of this subsection, not more than fifteen per cent of the land acquired pursuant to this section may be used by a municipality for a use other than open space or recreational purposes without a reoffering. Any such other use shall be subject to the provisions of section 7-131n. As used in this subsection, "open space or recreational purposes" means use of lands for agriculture, parks, natural areas, forests, camping, fishing, wetlands preservation, wildlife habitat, reservoirs, hunting, golfing, boating, swimming and hiking, and "educational use" means the use by any town, city or borough, whether consolidated or unconsolidated, and any school district or regional school district, for the purposes of schools and related facilities.

Sec. 219. Subdivision (3) of subsection (a) of section 16-50p of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(3) The council shall file, with its order, an opinion stating in full its reasons for the decision. The council shall not grant a certificate, either as proposed or as modified by the council, unless it shall find and determine:

(A) Except as provided in subsection (c) of this section, a public need for the facility and the basis of the need;

(B) The nature of the probable environmental impact of the facility alone and cumulatively with other existing facilities, including a

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specification of every significant adverse effect, including, but not limited to, electromagnetic fields that, whether alone or cumulatively with other effects, on, and conflict with the policies of the state concerning, the natural environment, ecological balance, public health and safety, scenic, historic and recreational values, forests and parks, air and water purity and fish, aquaculture and wildlife;

(C) Why the adverse effects or conflicts referred to in subparagraph (B) of this subdivision are not sufficient reason to deny the application;

(D) In the case of an electric transmission line, (i) what part, if any, of the facility shall be located overhead, (ii) that the facility conforms to a long-range plan for expansion of the electric power grid of the electric systems serving the state and interconnected utility systems and will serve the interests of electric system economy and reliability, and (iii) that the overhead portions, if any, of the facility are cost effective and the most appropriate alternative based on a life-cycle cost analysis of the facility and underground alternatives to such facility, are consistent with the purposes of this chapter, with such regulations or standards as the council may adopt pursuant to section 16-50t, including, but limited to, the council's best management practices for electric and [magnet] magnetic fields for electric transmission lines and with the Federal Power Commission "Guidelines for the Protection of Natural Historic Scenic and Recreational Values in the Design and Location of Rights-of-Way and Transmission Facilities" or any successor guidelines and any other applicable federal guidelines and are to be contained within an area that provides a buffer zone that protects the public health and safety, as determined by the council. In establishing such buffer zone, the council shall take into consideration, among other things, residential areas, private or public schools, licensed child day care facilities, licensed youth camps or public playgrounds adjacent to the proposed route of the overhead portions and the level of the voltage of the overhead portions and any existing

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overhead transmission lines on the proposed route. At a minimum, the existing right-of-way shall serve as the buffer zone;

(E) In the case of an electric or fuel transmission line, that the location of the line will not pose an undue hazard to persons or property along the area traversed by the line;

(F) In the case of an application that was heard under a consolidated hearing process with other applications that were common to a request-for-proposal, that the facility proposed in the subject application represents the most appropriate alternative among such applications based on the findings and determinations pursuant to this subsection; and

(G) In the case of a facility described in subdivision (6) of subsection (a) of section 16-50i that is proposed to be installed on land under agricultural restriction, as provided in section 22-26cc, that the facility will not result in a material decrease of acreage and productivity of the arable land.

Sec. 220. Subsection (a) of section 16-245l of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Department of Public Utility Control shall establish and each electric distribution company shall collect a systems benefits charge to be imposed against all end use customers of each electric distribution company beginning January 1, 2000. The department shall hold a hearing that shall be conducted as a contested case in accordance with chapter 54 to establish the amount of the systems benefits charge. The department may revise the systems benefits charge or any element of said charge as the need arises. The systems benefits charge shall be used to fund (1) the expenses of the public education outreach program developed under subsections (a), (f) and (g) of section 16-

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244d other than expenses for department staff, (2) the reasonable and proper expenses of the education outreach consultant pursuant to subsection (d) of section 16-244d, (3) the cost of hardship protection measures under sections 16-262c and 16-262d and other hardship protections, including, but not limited to, electric service bill payment programs, funding and technical support for energy assistance, fuel bank and weatherization programs and weatherization services, (4) the payment program to offset tax losses described in section 12-94d, (5) any sums paid to a resource recovery authority pursuant to subsection (b) of section 16-243e, (6) low income conservation programs approved by the Department of Public Utility Control, (7) displaced worker protection costs, (8) unfunded storage and disposal costs for spent nuclear fuel generated before January 1, 2000, approved by the appropriate regulatory agencies, (9) postretirement safe shutdown and site protection costs that are incurred in preparation for decommissioning, (10) decommissioning fund contributions, (11) the costs of temporary electric generation facilities incurred pursuant to section 16-19ss, (12) operating expenses for the Connecticut Energy Advisory Board, and (13) legal, appraisal and purchase costs of a conservation or land use restriction and other related costs as the department in its discretion deems appropriate, incurred by a municipality on or before January 1, 2000, to ensure the environmental, recreational and scenic preservation of any reservoir located within this state created by a pump storage hydroelectric generating facility. As used in this subsection, "displaced worker protection costs" means the reasonable costs incurred, prior to January 1, 2008, (A) by an electric supplier, exempt wholesale generator, electric company, an operator of a nuclear power generating facility in this state or a generation entity or affiliate arising from the dislocation of any employee other than an officer, provided such dislocation is a result of (i) restructuring of the electric generation market and such dislocation occurs on or after July 1, 1998, or (ii) the closing of a Title IV source or an exempt wholesale generator, as defined in 15 USC 79z-5a, on or

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after January 1, 2004, as a result of such source's failure to meet requirements imposed as a result of sections 22a-197 and 22a-198 and this section or those Regulations of Connecticut State Agencies adopted by the Department of Environmental Protection, as amended from time to time, in accordance with Executive Order Number 19, issued on May 17, 2000, and provided further such costs result from either the execution of agreements reached through collective bargaining for union employees or from the company's or entity's or affiliate's programs and policies for nonunion employees, and (B) by an electric distribution company or an exempt wholesale generator arising from the retraining of a former employee of an unaffiliated exempt wholesale generator, which employee was [involuntary] involuntarily dislocated on or after January 1, 2004, from such wholesale generator, except for cause. "Displaced worker protection costs" includes costs incurred or projected for severance, retraining, early retirement, outplacement, coverage for surviving spouse insurance benefits and related expenses. "Displaced worker protection costs" does not include those costs included in determining a tax credit pursuant to section 12-217bb.

Sec. 221. Section 21a-190h of the general statutes, as amended by section 3 of public act 05-101, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

It shall be a violation of sections 21a-190a to 21a-190l, inclusive, as amended by [this act] public act 05-101, for: (1) Any person to misrepresent the purpose or beneficiary of a solicitation; (2) any person to misrepresent the purpose or nature of a charitable organization; (3) any charitable organization or any person while engaged in the conduct of the affairs of a charitable organization to engage in any financial transaction which is not related to the accomplishment of its charitable purpose, or which jeopardizes or interferes with the ability of the charitable organization to accomplish such organization's

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charitable purpose; (4) any charitable organization to expend an unreasonable amount of money for solicitation or management; (5) any person to use or exploit the fact of registration so as to lead the public to believe that such registration constitutes an endorsement or approval by the state; (6) any person to misrepresent that any other person sponsors or endorses a solicitation; (7) any person to use the name of a charitable organization, or to display any emblem, device or printed matter belonging to or associated with a charitable organization without the express written permission of the charitable organization; (8) any charitable organization to use the name which is the same as or confusingly similar to the name of another charitable organization unless the latter organization shall consent in writing to its use; (9) any charitable organization to represent itself as being associated with another charitable organization without the express written acknowledgment and endorsement of such other charitable organization; (10) any person to make any false or misleading statement on any document required by sections 21a-190a to 21a-190l, inclusive, as amended by [this act] public act 05-101; (11) any person to fail to comply with the requirements of sections 21a-190b to 21a-190g, inclusive, as amended by [this act] public act 05-101; (12) any charitable organization to use the services of an unregistered fund-raising counsel or paid solicitor; (13) any fund-raising counsel or paid solicitor to perform any services on behalf of an unregistered charitable organization; or (14) any person to appropriate any property of a charitable organization for a private use.

Sec. 222. Subsection (b) of section 22-26cc of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Upon the acquisition by the commissioner of the development rights of agricultural land, [said] the commissioner shall cause to be filed in the appropriate land records and in the office of the Secretary

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of the State a notice of such acquisition which shall set forth a description of the agricultural land as will be sufficient to give any prospective purchaser of such agricultural land or creditor of the owner thereof notice of such restriction. Upon [the filing as aforesaid of the notice] such filing, the owner of such agricultural land shall not be permitted to exercise development rights with respect to such land, and such development rights shall be considered and deemed dedicated to the state in perpetuity, except as hereinafter provided. If restricted land is to be sold, the [former] owner shall notify, in writing, the commissioner of such impending sale not more than ninety days before transfer of title to the land and shall provide [him] the commissioner with the name and address of the new owner.

Sec. 223. Subsection (c) of section 36a-581 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) An application for a check cashing license or renewal of such license shall be in writing, under oath and on a form provided by the commissioner. The application shall set forth: (1) The name and address of the applicant; (2) if the applicant is a firm or partnership, the names and addresses of each member of the firm or partnership; (3) if the applicant is a corporation, the names and addresses of each officer, director, authorized agent and each shareholder owning ten per cent or more of the outstanding stock of such corporation; (4) if the applicant is a limited liability company, the names and addresses of each manager and authorized agent of such limited liability company; (5) each location where the check cashing business is to be conducted and the type of facility that will be operated at that location; (6) the business plan, which shall include the proposed days and hours of operation; (7) the amount of liquid assets available for each location which shall not be less than the amount specified in subdivision [(6)] (7) of subsection (e) of this section; (8) for each limited facility, a copy

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of the executed contract evidencing the proposed arrangement between the applicant and the employer; and (9) any other information the commissioner may require.

Sec. 224. Subsection (f) of section 36a-699f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) The provisions of this section do not apply to: (1) A credit rating agency that acts as a reseller of credit information by assembling and merging information contained in the databases of other credit rating agencies, and that does not maintain a permanent database of credit information from which new credit reports are produced, (2) a check services or fraud prevention services company that issues reports on incidents of fraud or authorizations for the purpose of approving or processing negotiable instruments, electronic funds transfers or similar payment methods, or (3) a demand deposit account information service company that issues reports regarding account closures due to fraud, substantial overdrafts, [automatic] automated teller machine abuse or similar negative information regarding a consumer to inquiring banks or other financial institutions for use only in reviewing a consumer request for a demand deposit account at the inquiring bank or financial institution.

Sec. 225. Section 46b-150d of the general statutes, as amended by section 20 of public act 05-10, is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

An order that a minor is emancipated shall have the following effects: [(a)] (1) The minor may consent to medical, dental or psychiatric care, without parental consent, knowledge or liability; [(b)] (2) the minor may enter into a binding contract; [(c)] (3) the minor may sue and be sued in [his] such minor's own name; [(d)] (4) the minor shall be entitled to [his] such minor's own earnings and shall be free of

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control by [his] such minor's parents or guardian; [(e)] (5) the minor may establish [his] such minor's own residence; [(f)] (6) the minor may buy and sell real and personal property; [(g)] (7) the minor may not thereafter be the subject of a petition under section 46b-129 as an abused, dependent, neglected or uncared for child or youth; [(h)] (8) the minor may enroll in any school or college, without parental consent; [(i)] (9) the minor shall be deemed to be over eighteen years of age for purposes of securing an operator's license under section 14-36 and a marriage license under subsection (b) of section 46b-30 or a civil union license under section 10 of [this act] public act 05-10 without parental consent; [(j)] (10) the minor shall be deemed to be over eighteen years of age for purposes of registering a motor vehicle under section 14-12; [(k)] (11) the parents of the minor shall no longer be the guardians of the minor under section 45a-606; [(l)] (12) the parents of a minor shall be relieved of any obligations respecting [his] such minor's school attendance under section 10-184; [(m)] (13) the parents shall be relieved of all obligation to support the minor; [(n)] (14) the minor shall be emancipated for the purposes of parental liability for [his] such minor's acts under section 52-572; [(o)] (15) the minor may execute releases in [his] such minor's own name under section 14-118; and [(p)] (16) the minor may enlist in the armed forces of the United States without parental consent.

Sec. 226. Subsection (b) of section 54-76j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(b) If execution of the sentence is suspended under subdivision (6) of subsection (a) of this section, the defendant may be placed on probation or conditional discharge for a period not to exceed three years, provided the court in its discretion may from time to time, while such probation is in force, extend such probation for a period not to exceed five years, including the original probationary period. If the

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court places the person adjudicated to be a youthful offender on probation, the court may order that, as a condition of such probation, the person be referred for services to a youth service bureau established pursuant to section [17a-39] 10-19m, provided the court finds, through an assessment by a youth service bureau or its designee, that the person is in need of and likely to benefit from such services. If the court places a person adjudicated as a youthful offender on probation, the court may order that, as a condition of such probation, the person participate in the zero-tolerance drug supervision program established pursuant to section 53a-39d. If the court places a youthful offender on probation, school and class attendance on a regular basis and satisfactory compliance with school policies on student conduct and discipline may be a condition of such probation and, in such a case, failure to so attend or comply shall be a violation of probation. If the court has reason to believe that the person adjudicated to be a youthful offender is or has been an unlawful user of narcotic drugs, as defined in section 21a-240, and the court places such youthful offender on probation, the conditions of probation, among other things, shall include a requirement that such person shall submit to periodic tests to determine, by the use of "synthetic opiate antinarcotic in action", nalline test or other detection tests, at a hospital or other facility, equipped to make such tests, whether such person is using narcotic drugs. A failure to report for such tests or a determination that such person is unlawfully using narcotic drugs shall constitute a violation of probation. If the court places a person adjudicated as a youthful offender for a violation of section 53-247 on probation, the court may order that, as a condition of such probation, the person undergo psychiatric or psychological counseling or participate in an animal cruelty prevention and education program, provided such a program exists and is available to the person.

Sec. 227. Section 2 of public act 05-10 is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

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A person is eligible to enter into a civil union if such person is:

- (1) Not a party to another civil union or a marriage;
- (2) Of the same sex as the other party to the civil union;
- (3) [Except as provided in section 10 of this act, at] At least eighteen years of age; and
- (4) Not prohibited from entering into a civil union pursuant to section 3 of [this act] public act 05-10.

Sec. 228. Subsection (a) of section 11 of public act 05-10 is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(a) Each person who joins any person in a civil union shall certify upon the license certificate the fact, time and place of the civil union, and return it to the registrar of vital statistics of the town where [it was issued] the civil union was celebrated, before or during the first week of the month following the celebration of the civil union. Any person who fails to do so shall be fined not more than ten dollars.

Sec. 229. Section 46 of public act 05-210 is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Route 53 in the Town of Bethel shall be designated the "John L. [Tiele] Thiele Memorial Highway".

Sec. 230. Subsection (f) of section 2 of public act 05-148 is repealed and the following is substituted in lieu thereof (*Effective January 1, 2006*):

(f) Any credit rating agency may refuse to implement or may remove such security freeze if such agency believes, in good faith, that:

- (1) The request for a security freeze was made as part of a fraud that

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the consumer participated in, had knowledge of, or that can be demonstrated by circumstantial evidence, or (2) the consumer credit report was frozen due to a material misrepresentation of fact by the consumer. In the event any such credit rating agency refuses to implement or [remove] removes a security freeze pursuant to this subsection, such credit rating agency shall promptly notify such consumer in writing of such refusal not later than five business days after such refusal or, in the case of a removal of a security freeze, prior to removing the freeze on the consumer's credit report.

Sec. 231. Subsection (b) of section 3 of public act 05-148 is repealed and the following is substituted in lieu thereof (*Effective January 1, 2006*):

(b) Any person who conducts business in this state, and who, in the ordinary course of such person's business, owns, licenses or maintains computerized data that includes personal information, shall disclose any breach of security following the discovery of the breach to any resident of this state whose personal information was, or is reasonably believed to have been, accessed by an unauthorized person through such breach of security. Such disclosure shall be made without unreasonable delay, subject to the provisions of subsection [(c)] (d) of this section and the completion of an investigation by such person to determine the nature and scope of the incident, to identify the individuals affected, or to restore the reasonable integrity of the data system. Such notification shall not be required if, after an appropriate investigation and consultation with relevant federal, state and local agencies responsible for law enforcement, the person reasonably determines that the breach will not likely result in harm to the individuals whose personal information has been acquired and accessed.

Sec. 232. Subsection (f) of section 3 of public act 05-148 is repealed and the following is substituted in lieu thereof (*Effective January 1,*

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2006):

(f) Any person that maintains [its] such person's own security breach procedures as part of an information security policy for the treatment of personal information and otherwise complies with the timing requirements of this section, shall be deemed to be in compliance with the security breach notification requirements of this section, provided such person notifies subject persons in accordance with such person's policies in the event of a breach of security. Any person that maintains such a security breach procedure pursuant to the rules, regulations, procedures or guidelines established by the primary or functional regulator, as defined in 15 USC [6809(4)] 6809(2), shall be deemed to be in compliance with the security breach notification requirements of this section, provided such person notifies subject persons in accordance with the policies or the rules, regulations, procedures or guidelines established by the primary or functional regulator in the event of a breach of security of the system.

Sec. 233. Subsection (a) of section 212 of substitute senate bill 1149 of the current session is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(a) Notwithstanding the provisions of chapter 445 of the general statutes, a conveyance of a unit in a residential common interest community shall not be subject to the requirements of sections 22a-134 to [22a-133e] 22a-134e, inclusive, of the general statutes, as amended by [this act] substitute senate bill 1149 of the current session, provided the declarant for the residential common interest community of which the unit is a part is a certifying party, as defined in section 22a-134 of the general statutes, as amended by [this act] substitute senate bill 1149 of the current session, for purposes of remediation of any establishment, as defined in section 22a-134 of the general statutes, as amended by [this act] substitute senate bill 1149 of the current session, within such community and provides to the Commissioner of

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Environmental Protection a surety bond or other form of financial assurance acceptable to the commissioner.

Sec. 234. Subdivision (3) of subsection (a) of section 14-96p of the general statutes, as amended by section 9 of public act 05-218, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(3) A vehicle being operated by the chief executive officer of an emergency medical service organization, as defined in section 19a-175, the first or second deputies, or if there are no deputies, the first or second assistants, of such an organization that is a municipal or volunteer or licensed organization, an ambulance, as defined in section 19a-175, a vehicle being operated by a local fire marshal or a local director of emergency management may use a flashing red light or lights or flashing white head lamps and a flashing amber light while on the way to the scene of an emergency, except that an ambulance may use flashing lights of other colors specified by federal requirements for the manufacture of such vehicle. The chief executive officer of each such organization shall provide annually during the month of January, on forms provided by the commissioner, such officer's name and address and the registration number on the number plate or plates of the vehicle on which the authorized red light is or white head lamps and amber light are to be used. A vehicle being operated by a member of a volunteer fire department or company or a volunteer emergency medical technician may use flashing white head lamps, provided such member or emergency medical technician is on the way to the scene of a fire or medical emergency and has received written authorization from the chief law enforcement officer of the municipality to use such head lamps. Such head lamps shall only be used within the municipality granting such authorization or from a personal residence or place of employment, if located in an adjoining municipality. Such authorization may be revoked for use of such head

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lamps in violation of this subdivision.

Sec. 235. Section 6 of public act 05-210 is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The segment of Route 10 from the intersection of Route 10 and [the Farmington Canal Greenway overpass] Route 15 eastward to its junction with Whitney Avenue in Hamden, and the segment of Route 717 from Whitney Avenue eastward to its intersection with Route 15, shall be designated the "Hamden Veterans' Memorial Highway".

Sec. 236. Subsection (a) of section 16-50i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) "Facility" means: (1) An electric transmission line of a design capacity of sixty-nine kilovolts or more, including associated equipment but not including a transmission line tap, as defined in subsection (e) of this section; (2) a fuel transmission facility, except a gas transmission line having a design capability of less than two hundred pounds per square inch gauge pressure or having a design capacity of less than twenty per cent of its specified minimum yield strength; (3) any electric generating or storage facility using any fuel, including nuclear materials, including associated equipment for furnishing electricity but not including an emergency generating device, as defined in subsection (f) of this section or a facility (i) owned and operated by a private power producer, as defined in section 16-243b, (ii) which is a qualifying small power production facility or a qualifying cogeneration facility under the Public Utility Regulatory Policies Act of 1978, as amended, or a facility determined by the council to be primarily for a producer's own use, and (iii) which has, in the case of a facility utilizing renewable energy sources, a generating capacity of one megawatt of electricity or less and, in the case of a facility utilizing cogeneration technology, a generating capacity of

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twenty-five megawatts of electricity or less; (4) any electric substation or switchyard designed to change or regulate the voltage of electricity at sixty-nine kilovolts or more or to connect two or more electric circuits at such voltage, which substation or switchyard may have a substantial adverse environmental effect, as determined by the council established under section 16-50j, and other facilities which may have a substantial adverse environmental effect as the council may, by regulation, prescribe; (5) such community antenna television towers and head-end structures, including associated equipment, which may have a substantial adverse environmental effect, as said council shall, by regulation, prescribe; (6) such telecommunication towers, including associated telecommunications equipment, owned or operated by the state, a public service company or a certified telecommunications provider or used in a cellular system, as defined in the Code of Federal Regulations Title 47, Part 22, as amended, which may have a substantial adverse environmental effect, as said council shall, by regulation, prescribe; and (7) any component of a proposal submitted pursuant to the request-for-proposal process.

Sec. 237. Subsection (b) of section 1 of house bill 6008 of the current session is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(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

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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.

Sec. 238. Subsection (a) of section 14-283 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) "Emergency vehicle", as used in this section, means any ambulance or vehicle operated by a member of an emergency medical service organization [vehicle] responding to an emergency call, any vehicle used by a fire department or by any officer of a fire department while on the way to a fire or while responding to an emergency call but not while returning from a fire or emergency call, any state or local police vehicle operated by a police officer or inspector of the Department of Motor Vehicles answering an emergency call or in the pursuit of fleeing law violators or any Department of Correction vehicle operated by a Department of Correction officer while in the course of such officer's employment and while responding to an emergency call.

Sec. 239. Subsection (g) of section 14-283 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(g) Any person who wilfully or negligently obstructs or retards any ambulance or vehicle operated by a member of an emergency medical service organization [vehicle] while answering any emergency call or taking a patient to a hospital, or any vehicle used by a fire department or any officer or member of a fire department while on the way to a fire, or while responding to an emergency call, or any vehicle used by the state police or any local police department, or any officer of the Division of State Police within the Department of Public Safety or any

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local police department while on the way to an emergency call or in the pursuit of fleeing law violators, shall be fined not more than two hundred dollars or imprisoned not more than seven days, or both.

Sec. 240. Section 18 of public act 05-10 is repealed. (*Effective October 1, 2005*)

Approved July 13, 2005