



House Bill No. 5846

Public Act No. 06-187

AN ACT CONCERNING GENERAL BUDGET AND REVENUE IMPLEMENTATION PROVISIONS.

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

Section 1. Section 12-19b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(a) Not later than April first in any assessment year, any town or borough to which a grant is payable under the provisions of section 12-19a shall provide the Secretary of the Office of Policy and Management with the assessed valuation of the real property eligible therefor as of the first day of October immediately preceding, adjusted in accordance with any gradual increase in or deferment of assessed values of real property implemented in accordance with section 12-62c or subsection (e) of section 12-62a, which is required for computation of such grant. Any town which neglects to transmit to the secretary the assessed valuation as required by this section shall forfeit two hundred fifty dollars to the state, provided the secretary may waive such forfeiture in accordance with procedures and standards adopted by regulation in accordance with chapter 54. Said secretary may on or before the first day of August of the state fiscal year in which such grant is payable, reevaluate any such property when, in the secretary's judgment, the valuation is inaccurate and shall notify such town of such reevaluation

House Bill No. 5846

by certified or registered mail. Any town or borough aggrieved by the action of the secretary under the provisions of this section may, not later than ten business days following receipt of such notice, appeal to the secretary for a hearing concerning such reevaluation. Such appeal shall be in writing and shall include a statement as to the reasons for such appeal. The secretary shall, not later than ten business days following receipt of such appeal, grant or deny such hearing by notification in writing, including in the event of a denial, a statement as to the reasons for such denial. Such notification shall be sent by certified or registered mail. If any town or borough is aggrieved by the action of the secretary following such hearing or in denying any such hearing, the town or borough may not later than ten business days after receiving such notice, appeal to the superior court for the judicial district wherein such town is located. Any such appeal shall be privileged.

(b) Notwithstanding the provisions of section 12-19a or subsection (a) of this section, there shall be an amount due the municipality of Voluntown, on or before the thirtieth day of September, annually, with respect to any state-owned forest, of an additional sixty thousand dollars, which amount shall be paid from the annual appropriation, from the General Fund, for reimbursement to towns for loss of taxes on private tax-exempt property.

Sec. 2. Subsection (c) of section 12-20b of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(c) Notwithstanding the provisions of section 12-20a or subsection (a) of this section, the amount due the city of New London, on or before the thirtieth day of September, annually, with respect to the United States Coast Guard Academy in New London, shall be [five hundred thousand] one million dollars, which amount shall be paid from the annual appropriation, from the General Fund, for

House Bill No. 5846

reimbursement to towns for loss of taxes on private tax-exempt property.

Sec. 3. (NEW) (*Effective July 1, 2006*) (a) There is established an Office of Ombudsman for Property Rights which shall be within the Office of Policy and Management for administrative purposes only. The Office of Ombudsman for Property Rights shall be under the direction of an Ombudsman for Property Rights who shall be appointed in accordance with section 4 of this act.

(b) The Office of Ombudsman for Property Rights shall:

(1) Develop and maintain expertise in, and understanding of, the (A) provisions of the federal and state constitutions governing the taking of private property and provisions of state law authorizing a public agency to take private property, and (B) case law interpreting such provisions;

(2) At the request of a public agency, assist the public agency in applying constitutional and statutory provisions concerning eminent domain;

(3) At the request of a public agency, provide assistance in analyzing actions that have potential eminent domain implications;

(4) At the request of a private property owner, provide assistance concerning eminent domain procedures;

(5) Identify state or local governmental actions that have potential eminent domain implications and, if appropriate, advise the appropriate public agency about such implications;

(6) Provide information to private citizens, civic groups and other interested parties about eminent domain law and their rights with respect to eminent domain;

House Bill No. 5846

(7) Mediate disputes between private property owners and public agencies concerning the use of eminent domain or related relocation assistance as provided in section 5 of this act, and the Office of Ombudsman for Property Rights may, within available appropriations, hire an independent real estate appraiser to assist in such mediation; and

(8) Recommend to the General Assembly changes that, in the opinion of the Ombudsman for Property Rights, should be made to the general statutes related to eminent domain powers and procedures.

(c) For the purposes of this section and sections 4 to 10, inclusive, of this act, "public agency" means a public agency, as defined in section 1-200 of the general statutes, with the power to acquire property through eminent domain and includes an entity authorized to acquire property through eminent domain on behalf of the public agency.

Sec. 4. (NEW) (*Effective July 1, 2006*) The Ombudsman for Property Rights shall be appointed by the Governor in accordance with sections 4-5 to 4-8, inclusive, of the general statutes, as amended by this act. The Ombudsman for Property Rights shall be an elector of the state who is an attorney admitted to practice law in this state with expertise or experience in the field of real estate law or land use regulation.

Sec. 5. (NEW) (*Effective July 1, 2006*) (a) The Ombudsman for Property Rights shall adopt regulations, in accordance with chapter 54 of the general statutes, to establish a mediation procedure for requests to mediate eminent domain or relocation assistance disputes filed with the Office of Ombudsman for Property Rights. Such regulations shall also establish criteria to be used by the Ombudsman for Property Rights in determining whether to accept or reject a request for mediation.

(b) If a request to mediate an eminent domain or relocation

House Bill No. 5846

assistance dispute is filed with the Ombudsman for Property Rights, pursuant to this section, any party to the dispute may file a motion in the superior court to stay any related action during the pendency of mediation under this section or the consideration of a request for such mediation under this section. The court shall grant such motion for cause shown and the order shall provide that the stay shall terminate upon motion of either party or, in the event no motion is filed, on the earlier of: (1) The resolution of the dispute through mediation; or (2) the earlier of (A) the expiration of any period for conducting mediation pursuant to regulations adopted pursuant to subsection (a) of this section, or (B) a decision by the Ombudsman for Property Rights to deny a request for mediation.

Sec. 6. (NEW) (*Effective July 1, 2006*) Each public agency shall (1) comply with reasonable requests of the Office of Ombudsman for Property Rights for information and assistance, and (2) participate in mediation if requested to do so by the Office of Ombudsman for Property Rights.

Sec. 7. (NEW) (*Effective July 1, 2006*) No employee of the Office of Ombudsman for Property Rights may:

(1) Be employed by, or hold a position on, any public agency other than the Office of Ombudsman for Property Rights;

(2) Receive or have the right to receive, directly or indirectly, remuneration under a compensation arrangement with respect to an eminent domain procedure; or

(3) Knowingly accept employment with a public agency for a period of one year following termination of that person's services with the Office of Ombudsman for Property Rights.

Sec. 8. (NEW) (*Effective July 1, 2006*) The Ombudsman for Property Rights may apply for and accept grants, gifts and bequests of funds

House Bill No. 5846

from other states, federal and interstate agencies and independent authorities and private firms, individuals and foundations, for the purpose of carrying out the responsibilities of the Office of Ombudsman for Property Rights.

Sec. 9. (NEW) (*Effective July 1, 2006*) There is established, within the General Fund, an Ombudsman for Property Rights account that shall be a separate nonlapsing account. Any funds received under this section shall, upon deposit in the General Fund, be credited to said account and may be used by the Office of Ombudsman for Property Rights in the performance of its duties.

Sec. 10. (NEW) (*Effective July 1, 2006*) Each public agency seeking to acquire property by eminent domain shall: (1) Before filing a statement of compensation pursuant to section 8-129 of the general statutes, as amended by this act, or otherwise initiating an eminent domain action, make a reasonable effort to negotiate with the property owner for the purchase of the property; and (2) as early in the negotiation process for the real property as practicable, but not later than fourteen days before filing such statement of compensation or otherwise initiating the eminent domain action, unless the court for good cause allows a shorter period: (A) Advise the property owner of the services provided by the Ombudsman for Property Rights appointed pursuant to section 4 of this act, and the mediation available under section 5 of this act, (B) provide the name, address and telephone number of the Ombudsman for Property Rights, and (C) provide the property owner with a written statement explaining that oral representations or promises made during the negotiation process are not binding on the public agency seeking to acquire the property by eminent domain. The information provided under subparagraphs (A) to (C), inclusive, of this subdivision shall be in such form as the Ombudsman for Property Rights prescribes.

Sec. 11. Section 4-5 of the general statutes is repealed and the

House Bill No. 5846

following is substituted in lieu thereof (*Effective July 1, 2006*):

As used in sections 4-6, 4-7, as amended, and 4-8, the term "department head" means Secretary of the Office of Policy and Management, Commissioner of Administrative Services, Commissioner of Revenue Services, Banking Commissioner, Commissioner of Children and Families, Commissioner of Consumer Protection, Commissioner of Correction, Commissioner of Economic and Community Development, State Board of Education, Commissioner of Emergency Management and Homeland Security, Commissioner of Environmental Protection, Commissioner of Agriculture, Commissioner of Public Health, Insurance Commissioner, Labor Commissioner, Liquor Control Commission, Commissioner of Mental Health and Addiction Services, Commissioner of Public Safety, Commissioner of Social Services, Commissioner of Mental Retardation, Commissioner of Motor Vehicles, Commissioner of Transportation, Commissioner of Public Works, Commissioner of Veterans' Affairs, Commissioner of Health Care Access, Chief Information Officer, the chairperson of the Public Utilities Control Authority, the executive director of the Board of Education and Services for the Blind, [and] the executive director of the Connecticut Commission on Culture and Tourism and the Ombudsman for Property Rights.

Sec. 12. Subdivision (12) of subsection (a) of section 32-9t of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(12) "Eligible municipality" means (A) a municipality with an area designated as an enterprise zone pursuant to section 32-70, (B) a distressed municipality, as defined in subsection (b) of section 32-9p, [or] (C) a municipality that has a population in excess of one hundred thousand, or (D) any municipality that the commissioner determines is connected with the relocation of an out-of-state operation or the expansion of an existing facility that will result in a capital investment

House Bill No. 5846

by a company of not less than fifty million dollars.

Sec. 13. (*Effective from passage*) Section 8 of public act 06-186 shall take effect from passage.

Sec. 14. (NEW) (*Effective July 1, 2006*) (a) The Labor Commissioner, in consultation with the Commissioner of Economic and Community Development and the Commissioner of Education, shall, within available appropriations, establish and operate the Twenty-First Century Skills Training Program, the purposes of which shall be to: (1) Sustain high growth occupation and economically vital industries identified by such commissioners; and (2) assist workers in obtaining skills to start or move up their career ladder. Such job training program may include training designed to increase the basic skills of employees, including, but not limited to, training in written and oral communication, mathematics or science, or training in technical and technological skills and such other training as such commissioners determine is necessary to meet the needs of the employer. No more than five per cent of the appropriation for the program may be used for administrative purposes.

(b) Not less than fifty per cent of the cost of such training shall be borne by the employer requesting the training.

(c) The Labor Commissioner is authorized to adopt, pursuant to chapter 54 of the general statutes, any regulations required to carry out this section.

Sec. 15. Section 4-89 of the general statutes is amended by adding subsection (i) as follows (*Effective July 1, 2006*):

(NEW) (i) The provisions of this section shall not apply to appropriations to the Labor Department, from the General Fund, for the federal Workforce Investment Act. Such appropriations shall not lapse.

House Bill No. 5846

Sec. 16. (*Effective from passage*) There is established a juvenile jurisdiction planning and implementation committee that shall consist of the following members: (1) Six members of the General Assembly, one of whom shall be appointed by the speaker of the House of Representatives, one of whom shall be appointed by the president pro tempore of the Senate, one of whom shall be appointed by the majority leader of the House of Representatives, one of whom shall be appointed by the majority leader of the Senate, one of whom shall be appointed by the minority leader of the House of Representatives and one of whom shall be appointed by the minority leader of the Senate; (2) the chairpersons and ranking members of the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and human services, or their designees; (3) the Chief Court Administrator, or the Chief Court Administrator's designee; (4) the Commissioner of Children and Families, or the commissioner's designee; (5) the Commissioner of Correction, or the commissioner's designee; (6) a judge of the superior court assigned to hear juvenile matters, appointed by the Chief Justice; (7) the Chief Public Defender, or the Chief Public Defender's designee; (8) the Child Advocate, or the Child Advocate's designee; (9) the Chief State's Attorney, or the Chief State's Attorney's designee; (10) the Secretary of the Office of Policy and Management, or the secretary's designee; and (11) four members of the advocacy community, two of whom shall be appointed by each of the cochairs of the Juvenile Court Jurisdiction Committee. The members of the General Assembly appointed by the speaker of the House of Representatives and the president pro tempore of the Senate shall serve as the cochairs of the committee. All appointments to the committee shall be made not later than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority. The chairpersons of the committee shall schedule the first meeting of the committee to be held not later than sixty days after the effective date of this section. The committee shall plan for the implementation of any changes in the juvenile justice

House Bill No. 5846

system that would be required in order to extend jurisdiction in delinquency matters and proceedings to include sixteen-year-old and seventeen-year-old children within the Superior Court for Juvenile Matters. On or before February 1, 2007, the committee shall submit a report, in accordance with section 11-4a of the general statutes, on the committee's findings, together with any recommendations for appropriate legislation, to the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and human services.

Sec. 17. Section 29-179f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(a) There shall be in the Division of State Police within the Department of Public Safety a [state-wide cooperative crime control task force] State Urban Violence and Cooperative Crime Control Task Force that shall conduct and coordinate investigations in connection with crimes of violence and other criminal activity deemed beyond the ability of local authorities to contain.

(b) [The] Upon agreement between the chief elected official or chief of police of any municipality and the Commissioner of Public Safety, the task force may conduct any investigation [authorized by this section] under the direction of the Commissioner of Public Safety, or the commissioner's designee, at any place within the state [as may be deemed] it deems necessary.

(c) The task force may request and may receive from any federal, state or local agency, cooperation and assistance in the performance of its duties, including the temporary assignment of personnel necessary to carry out the performance of its functions.

(d) The task force may enter into mutual assistance and cooperation agreements with other states pertaining to law enforcement matters

House Bill No. 5846

extending across state boundaries and may consult and exchange information and personnel with agencies of other states with reference to law enforcement problems of mutual concern.

(e) The Commissioner of Public Safety shall appoint a commanding officer and other personnel as he deems necessary for the duties of the task force, within available appropriations.

(f) In order to participate in and utilize the task force, a municipality shall petition the Commissioner of Public Safety for assistance. Such petition shall contain [plans for continuing community programs, including, but not limited to, the enforcement of housing and health codes, street clean-up, graffiti removal and condemnation and demolition of abandoned buildings] a description of the problem, a record of the efforts made to solve or contain the problem by local authorities and a request for the deployment of the task force to address specific problems or investigations. The task force may deploy subject to agreement as described in subsection (b) of this section. Municipalities participating in the task force shall assign local resources and personnel to the extent of their ability to do so.

(g) The Commissioner of Public Safety may select such personnel from any municipality of the state as the commissioner deems necessary to act as temporary special state police officers to carry out the duties of the task force.

(h) Any municipal police officer while assigned to duty with the task force and working at the direction of the Commissioner of Public Safety, or the commissioner's designee, shall, when acting within the scope of such officer's authority, have the same powers, duties, privileges and immunities as are conferred upon a state police officer.

(i) Each municipality shall be responsible for the full payment of the compensation of personnel temporarily assigned to the task force and

House Bill No. 5846

such salary shall be payable to such assigned personnel while on duty with the task force.

(j) For purposes of indemnification of such personnel and its municipalities against any losses, damages or liabilities arising out of the service and activities of the task force, personnel while assigned to, and performing the duties of, the task force shall be deemed to be acting as employees of the state.

Sec. 18. Section 2 of public act 05-4 of the October 25 special session is repealed and the following is substituted in lieu thereof (*Effective June 1, 2006*):

(a) For purposes of this section, "residential weatherization products" means programmable thermostats, window film, caulking, window and door weather strips, insulation, water heater blankets, water heaters, natural gas and propane furnaces and boilers that meet the federal Energy Star standard, windows and doors that meet the federal Energy Star standard, oil furnaces and boilers that are not less than eighty-five per cent efficient and ground-based heat pumps that meet the minimum federal energy efficiency rating.

(b) Notwithstanding the provisions of the general statutes, from November 25, 2005, to April 1, 2006, and from June 1, 2006, to June 30, 2007, the provisions of chapter 219 of the general statutes shall not apply to sales of any residential weatherization products.

Sec. 19. (NEW) (*Effective from passage and applicable to projects with a commencement date on or after September 1, 2005*) (a) As used in this section:

(1) "Approved employment expansion project" means an employment expansion project approved by the commissioner pursuant to subsection (e) of this section.

(2) "Commencement date" means the commencement date of the

House Bill No. 5846

approved employment expansion project as provided in the certificate of eligibility issued by the commissioner pursuant to subsection (f) of this section.

(3) "Commissioner" means the Commissioner of Economic and Community Development.

(4) "Constituent corporation" means any corporation that holds or has held an interest in the sponsor of an approved employment expansion project (A) as a general partner, limited partner, member or otherwise, and (B) is subject to tax under chapter 208 of the general statutes either directly or by virtue of holding an interest in such sponsor.

(5) "Employment expansion project" means a project: (A) That will result in the creation of at least four hundred new jobs in this state over a period of not more than five full income years following the income year in which the commencement date occurs; (B) for which the allowance to the constituent corporations of credits under this section will be necessary to attract the project to this state; (C) that will be economically viable and will generate direct and indirect economic benefits to the state; and (D) that is, in the judgment of the commissioner, consistent with the strategic economic development priorities of the state and the municipality or municipalities in which the new jobs are to be created.

(6) "Income year" shall have the same meaning as in subdivision (5) of subsection (a) of section 12-213 of the 2006 supplement to the general statutes.

(7) "New employee" means a person hired by a sponsor or a constituent corporation to fill a new job full-time in this state. A new employee does not include a person who was employed in Connecticut by a related person with respect to the sponsor or

House Bill No. 5846

constituent corporation during the prior twelve months. The aggregate number of new employees at the end of any income year shall be equal to the excess, if any, of the (A) aggregate number of employees employed in this state by the sponsor and constituent corporations at the end of any income year, less (B) the aggregate number of employees employed in this state by the sponsor and constituent corporations on the commencement date.

(8) "New job" means a full-time job that (A) did not exist in this state prior to the sponsor's application to the commissioner for a certificate of eligibility under this section, and (B) is filled by a new employee. "New job" does not include a job created when an employee is shifted from an existing location in this state of the sponsor or any constituent corporation to such job.

(9) "Sponsor" means a partnership, limited partnership, limited liability company or other entity that is treated as a pass-through entity for federal income tax purposes.

(10) "Full-time job" means a job in which an employee is required to work at least thirty-five or more hours per week. A full-time job does not include a temporary or seasonal job.

(11) "Related person" means (A) a corporation, limited liability company, partnership, association or trust controlled by the taxpayer, (B) an individual, corporation, limited liability company, partnership, association or trust that is in control of the taxpayer, (C) a corporation, limited liability company, partnership, association or trust controlled by an individual, corporation, limited liability company, partnership, association or trust that is in control of the taxpayer, or (D) a member of the same controlled group as the taxpayer.

(12) "Control", with respect to a corporation, means ownership, directly or indirectly, of stock possessing fifty per cent or more of the

House Bill No. 5846

total combined voting power of all classes of the stock of such corporation entitled to vote. "Control", with respect to a trust, means ownership, directly or indirectly, of fifty per cent or more of the beneficial interest in the principal or income of such trust. The ownership of stock in a corporation, of a capital or profits interest in a partnership, limited liability company or association or of a beneficial interest in a trust shall be determined in accordance with the rules for constructive ownership of stock provided in Section 267(c) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, other than paragraph (3) of said Section 267(c).

(b) (1) There shall be allowed to each constituent corporation such credits that the constituent corporation otherwise would have been allowed under chapter 208 of the general statutes had such constituent corporation itself conducted its pro rata share of the business conducted by the sponsor during any relevant income year.

(2) Credits shall be allowable under this section for each of the five full income years following the income year in which the commencement date occurs.

(c) (1) For the purposes of chapter 208 of the general statutes, each constituent corporation shall be deemed to have itself conducted its pro rata share of the business conducted by the sponsor.

(2) The pro rata share of the business conducted by the sponsor that shall be deemed to have been conducted by each constituent corporation shall be the same percentage as such constituent corporation's distributive share of the profit or loss of the sponsor for any relevant income year.

(3) The limitation of section 12-217zz of the general statutes shall be applied on the return of each constituent corporation or on the

House Bill No. 5846

combined return filed by two or more constituent corporations.

(d) Any sponsor of an employment expansion project may submit an application for a certificate of eligibility to the commissioner in accordance with the provisions of this section. The application shall contain sufficient information to establish that the project is an employment expansion project, and shall include information concerning (1) the location or locations of the new jobs, (2) the number of new jobs to be created in each of the five full income years following the income year in which the commencement date occurs, (3) the physical infrastructure that might be created, renovated or expanded, (4) feasibility studies or business plans for the project, and (5) such other information the commissioner determines is necessary to demonstrate the financial viability of the employment expansion project. The commissioner may impose a fee for such application as the commissioner deems appropriate.

(e) (1) The commissioner, upon consideration of the application and any additional information that the commissioner requires concerning a proposed employment expansion project, may approve the project if the commissioner finds that the project is an employment expansion project. If the commissioner rejects an application, the commissioner shall specifically identify the defects in the application and specifically explain the reasons for such rejection. The commissioner shall render a decision on an application not later than ninety days after its receipt by the commissioner.

(2) The approval of an employment expansion project by the commissioner may be combined with the exercise of any of the other powers of the commissioner, including, but not limited to, the provision of financial assistance.

(3) The commissioner shall require the applicant to reimburse the commissioner for all or any part of the cost of any activities performed

House Bill No. 5846

in the exercise of due diligence reviewing an application pursuant to this subsection.

(f) Upon approving an employment expansion project, the commissioner shall issue a certificate of eligibility certifying that the applicant has complied with the provisions of this section. The certificate of eligibility shall set forth the commencement date, as well as any other requirements the commissioner deems appropriate.

(g) Each constituent corporation claiming a credit or credits allowed under this section shall retain a copy of the certificate of eligibility issued under subsection (f) of this section and a copy of the certificate of continuing eligibility issued under subsection (g) of this section for each income year for which a credit is claimed for at least as long as such income year would otherwise be subject to audit.

(h) The credits allowed under this section may be used by constituent corporations joining in a combined corporation business tax return under section 12-223a of the general statutes.

(i) Any constituent corporation allowed a credit under this section may assign such credit to another constituent corporation, provided such other constituent corporation may claim such credit only with respect to an income year for which the assigning constituent corporation would have been eligible to claim such credit and such other constituent corporation or constituent corporations may not further assign such credit. The assignor and assignee shall jointly submit written notification of such assignment to the commission not later than thirty days after such assignment. The notification shall include the credit certificate number, the date of assignment, the amount of such credit assigned, the tax identification numbers for both the assignor and assignee, and any other information required by the commissioner. Failure to comply with this subsection will result in a disallowance of the tax credit until there is full compliance on both the

House Bill No. 5846

part of the assignor and the assignee. The commissioner shall provide a copy of the notification of assignment to the Commissioner of Revenue Services upon request.

(j) (1) The determination of whether the aggregate number of new jobs has been created shall be made as of the end of each of the five full income years following the income year in which the commencement date occurs. Not later than the first day of the fourth month of each year following each of such five income years, the commissioner shall require the sponsor to certify the aggregate number of new jobs created by the end of the preceding income year. Not later than the first day of the seventh month of each year following each of the five income years, the commissioner shall review such certification and, if the aggregate number of new jobs at the end of the preceding income year is at least ninety per cent of the aggregate number of such new jobs set forth in the certificate of eligibility for such income year, shall issue a certificate of continuing eligibility for such preceding income year.

(2) If the aggregate number of new jobs at the end of any such income year is less than ninety per cent of the aggregate number of such new jobs set forth in the certificate of eligibility for such income year, no credits attributable to the activities of the sponsor during such income year shall be allowed to the constituent corporations. The failure to achieve ninety per cent of the aggregate number of new jobs by the end of any applicable income year shall not preclude the allowance to the constituent corporations of credits from any prior or subsequent income year otherwise available under this section.

Sec. 20. Subdivision (8) of section 10 public act 06-136 is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(8) "Proceedings" means the proceedings of the State Bond Commission authorizing or relating to the issuance of bonds pursuant

House Bill No. 5846

to [subsection (b)] subdivision (5) of subsection (d) of this section, the provisions of any indenture of trust securing bonds, which provisions are incorporated into such proceedings, the provisions of any other documents or agreements which are incorporated into such proceedings and, to the extent applicable, a certificate of determination filed by the Treasurer in accordance with subdivision (3) of subsection (d) of this section.

Sec. 21. Subsections (b) and (c) of section 13b-61a of the 2006 supplement to the general statutes, as amended by section 15 public act 06-136, are repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(b) Notwithstanding the provisions of section 13b-61, as amended, for calendar quarters ending on or after September 30, 2006, the Comptroller shall deposit into the Special Transportation Fund an annual amount in accordance with the following schedule, from such funds received by the state from the tax imposed under said section 12-587 on the gross earnings from the sales of petroleum products, [attributable to sales of motor vehicle fuel.] Such transfers shall be made in quarterly installments.

Fiscal Year	Annual Transfer
2007	\$141,000,000
2008	\$164,000,000
2009	\$180,900,000
2010	\$180,900,000
2011	\$200,900,000
2012	\$200,900,000
2013	\$200,900,000
2014 and thereafter	\$219,400,000

(c) If in any calendar quarter ending on or after September 30, 2006, receipts from the tax imposed under section 12-587, as amended, are

House Bill No. 5846

less than twenty-five per cent of the total of (1) the amount required to be transferred pursuant to the Special Transportation Fund pursuant to [subsection] subsections (a) and (b) of this section, and (2) any other transfers required by law, the Comptroller shall certify to the Treasurer the amount of such shortfall and shall forthwith transfer an amount equal to such shortfall from the resources of the General Fund into the Special Transportation Fund.

Sec. 22. (*Effective from passage*) (a) The Commissioner of Consumer Protection, in consultation with the Attorney General, shall study the feasibility of establishing an electronic message registry that permits residents of this state to register with the Department of Consumer Protection an electronic mail address, Internet messaging address, facsimile number, wireless telephone number or electronic pager number for the purpose of preventing unsolicited electronic messages from being sent to such address or number.

(b) Not later than January 1, 2007, the commissioner shall submit a report pursuant to subsection (c) of this section, in accordance with section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and consumer protection, and to the select committee of the General Assembly having cognizance of matters relating to children.

(c) At a minimum, the study and report shall address:

(1) The process by which such registry would operate, including, but not limited, the process for (A) establishing and maintaining such registry, and (B) adding, removing and verifying information received from registrants;

(2) Whether such registry places an undue burden on interstate or foreign commerce, and the extent to which such registry may be implemented pursuant to the Constitution of the United States and the

House Bill No. 5846

laws of the United States enacted under the Constitution;

(3) Whether such registry should be limited (A) to registrants who have not attained the age of eighteen years, or (B) based on the content of the electronic message;

(4) The estimated cost of implementing and maintaining such registry, and potential sources of revenue for funding the implementation and maintenance of such registry;

(5) Whether criminal or civil liability should be imposed for the intentional or inadvertent sending of unsolicited electronic messages in violation of the requirements of such registry, and the feasibility of identifying the sender of the unsolicited electronic message; and

(6) The experience of other states in implementing and operating such registry.

Sec. 23. Section 46b-123d of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

The Chief Child Protection Attorney appointed under section 46b-123c shall, on or before July 1, 2006:

(1) Establish a system for the provision of: (A) Legal services and guardians ad litem to children and indigent respondents in family [contempt and paternity] matters in which the state has been ordered to pay the cost of such legal services and guardians ad litem, and (B) legal services and guardians ad litem to children and indigent [parents] legal parties in proceedings before the superior court for juvenile matters, [as defined in subsection (a) of section 46b-121, other than representation of] other than legal services for children in delinquency matters. To carry out the requirements of this section, the Chief Child Protection Attorney may contract with (i) appropriate not-

House Bill No. 5846

for-profit legal services agencies, and (ii) individual lawyers for the delivery of legal services to represent children and indigent [parents] legal parties in such proceedings;

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

(3) Provide initial and in-service training for guardians ad litem provided pursuant to this section and for attorneys providing legal services pursuant to this section, and establish training, practice and caseload standards for the representation of: (A) Indigent respondents in family [contempt and paternity] matters, and (B) children and indigent [parents] legal parties in juvenile matters, [as defined in subsection (a) of section 46b-121,] other than representation of children in delinquency matters. Such standards shall apply to any attorney who represents children or indigent [parents] respondents or legal parties in such matters pursuant to this section and shall be designed to ensure a high quality of legal representation. The training for attorneys required by this subdivision shall be designed to ensure proficiency in the procedural and substantive law related to such matters and to establish a minimum level of proficiency in relevant subject areas, including, but not limited to, family violence, child development, behavioral health, educational disabilities and cultural competence.

Sec. 24. Subsection (a) of section 46b-123e of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(a) The judicial authority before whom a juvenile or family matter described in section 46b-123d, as amended by this act, is pending shall determine eligibility for counsel for a child or youth and the parents or guardian of a child or youth if they are unable to afford counsel. Upon

House Bill No. 5846

a finding that a party is unable to afford counsel, the judicial authority shall appoint the Chief Child Protection Attorney [appointed under section 46b-123c] to provide representation. For purposes of determining eligibility for appointment of counsel, the judicial authority shall cause the parent or guardian of a child or youth to complete a written statement under oath or affirmation setting forth the parent or guardian's liabilities and assets, income and sources thereof, and such other information which the Commission on Child Protection shall designate and require on forms adopted by the Commission on Child Protection. Upon the appointment of [counsel for a parent, guardian, child or youth, the judicial authority shall notify] the Chief Child Protection Attorney pursuant to this subsection, [who] the Chief Child Protection Attorney shall assign the matter to an attorney under contract with the [Commission on Child Protection] Chief Child Protection Attorney to provide such representation.

Sec. 25. Section 21a-195a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(a) There is established the Connecticut Boxing [Promotion] Commission which shall be within the Department of [Consumer Protection for administrative purposes only] Public Safety. The commission shall consist of nine members, three to be appointed by the Governor, one to be appointed by the speaker of the House of Representatives, one to be appointed by the president pro tempore of the Senate, one to be appointed by the majority leader of the House of Representatives, one to be appointed by the majority leader of the Senate, one to be appointed by the minority leader of the House of Representatives and one to be appointed by the minority leader of the Senate. The initial appointments to the commission shall be made not later than November 1, 1998. Notwithstanding the provisions of subsection (c) of section 4-9a, as amended, the terms of each member of the commission shall be coterminous with the term of the appointing

House Bill No. 5846

authority or until a successor is chosen, whichever is later. The appointing authority shall fill any vacancy for the unexpired portion of the term. Members of the commission shall receive no compensation for their services. The commission shall hold at least one meeting each quarter.

(b) The commission shall make recommendations to the Governor, the Commissioner of [Consumer Protection, the Commissioner of Economic and Community Development] Public Safety and the General Assembly, upon the request thereof or at such time or times as the commission may determine, to encourage, develop and promote the sport of boxing in this state. Such recommendations shall include, but not be limited to: (1) Identifying any legal or administrative impediments to the development of the sport of boxing in this state; (2) identifying ways to improve state and local services designed to support and promote boxing; (3) identifying ways of developing young boxers through amateur boxing clubs and other programs; [and] (4) developing strategies to assist promoters of small-scale professional boxing events and to aid in the development of a market for large-scale professional boxing events in this state; and (5) developing ways to protect the health and safety of participants in boxing.

Sec. 26. Section 21a-196 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(a) As used in this chapter, "commissioner" means the Commissioner of [Consumer Protection] Public Safety.

(b) The commissioner shall have sole control of and jurisdiction over all amateur and professional boxing and sparring matches [and wrestling exhibitions] held, conducted or given within the state by any person or persons, club, corporation or association, except amateur boxing and sparring matches [or wrestling exhibitions] held under the

House Bill No. 5846

supervision of any school, college or university having an academic course of study or of the recognized athletic association connected with such school, college or university or amateur boxing and sparring matches [and wrestling exhibitions] held under the auspices of any amateur athletic association that has been determined by the commissioner to be capable of ensuring the health and safety of the participants; provided the commissioner may at any time assume jurisdiction over any amateur boxing or sparring match [or wrestling exhibition] if the commissioner determines that the health and safety of the participants is not being sufficiently safeguarded. The commissioner may appoint inspectors who shall, on the order of the commissioner, represent the commissioner at all boxing matches, [and wrestling exhibitions.] The commissioner may appoint a secretary who shall prepare for service such notices and papers as may be required and perform such other duties as the commissioner directs.

(c) The commissioner or the commissioner's authorized representative may [:(1) Issue subpoenas to any person involved in any matter under investigation pursuant to this chapter; (2) subpoena documentary material relating to any such matter; (3) administer an oath or affirmation to any person; or (4) conduct hearings in aid of any such investigation, provided none of the powers conferred by this chapter shall be used for the purpose of compelling any natural person to furnish testimony or evidence which might tend to incriminate the person or subject the person to a penalty or forfeiture. If any person fails or refuses to obey any such subpoena, the commissioner, after giving notice, may apply to the superior court for the judicial district of Hartford which court, after a hearing, may issue an order requiring such person to obey such subpoena or any part of such subpoena. Any disobedience of a final order of any court under this section shall be punished as contempt] cause a full investigation of the location, paraphernalia and equipment in respect to any boxing or sparring match and all other matters relating thereto to be made and shall

House Bill No. 5846

determine whether or not such match will be reasonably safe for the participants and for public attendance and may make reasonable orders concerning alterations, or betterments to the equipment, paraphernalia, and concerning the character and arrangement of the seating, means of egress, lighting, firefighting appliances, fire and police protection and such other provisions as shall make the match reasonably safe against both fire and casualty hazards.

(d) When any serious physical injury, as defined in subdivision (4) of section 53a-3, or death occurs in connection with a boxing or sparring match, the owner of the location of the match shall, not later than four hours after such occurrence, report the injury or death to the commissioner or the commissioner's designee. Not later than four hours after receipt of such report, the commissioner or the commissioner's designee shall cause an investigation of the occurrence to determine the cause of such serious physical injury or death. The commissioner or the commissioner's designee may enter into any place or upon any premises so registered or licensed in furtherance of such investigation and inspection.

[[d]] (e) The commissioner, in consultation with the Connecticut Boxing Commission shall adopt such regulations in accordance with chapter 54 as the commissioner deems necessary and desirable for the conduct, supervision and safety of boxing matches, including the licensing of the sponsors and the participants of such boxing matches, and for the development and promotion of the sport of boxing in this state, including, but not limited to, regulations to improve the competitiveness of the sport of boxing in this state relative to other states. Such regulations shall require fees for the issuance of licenses to such sponsors and participants as follows: (1) For referees, a fee of not less than sixty-three dollars; (2) for matchmakers and assistant matchmakers, a fee of not less than sixty-three dollars; (3) for timekeepers, a fee of not less than thirteen dollars; (4) for professional

House Bill No. 5846

boxers, a fee of not less than thirteen dollars; (5) for amateur boxers, a fee of not less than three dollars; (6) for managers, a fee of not less than sixty-three dollars; (7) for trainers, a fee of not less than thirteen dollars; (8) for seconds, a fee of not less than thirteen dollars; (9) for announcers, a fee of not less than thirteen dollars; and (10) for promoters, a fee of not less than two hundred fifty dollars.

(f) No organization, gymnasium or independent club shall host a sparring match unless such organization, gymnasium or independent club registers with the Department of Public Safety in accordance with this subsection. The commissioner shall register any organization, gymnasium or independent club that the commissioner deems qualified to host such matches. Application for such registration shall be made on forms provided by the department and accompanied by a fee of fifty dollars. For the purpose of enforcing the provisions of this chapter, the commissioner or an authorized representative may inspect the facility of any such organization, gymnasium or independent club. The Attorney General, at the request of the Commissioner of Public Safety, may apply in the name of the state of Connecticut to the Superior Court for an order temporarily or permanently restraining any organization, gymnasium or independent club from operating in violation of any provision of this chapter or the regulations adopted pursuant to this subsection. The commissioner, in consultation with the Connecticut Boxing Commission shall adopt such regulations, in accordance with chapter 54, as the commissioner deems necessary for the conduct, supervision and safety of sparring matches.

[(e)] (g) The state, acting by and in the discretion of the commissioner, may enter into a contract with any person for the services of such person acting as an inspector appointed in accordance with the provisions of this section.

[(f) The commissioner may disallow the conduct of any professional wrestling exhibition if the commissioner determines that the health

House Bill No. 5846

and safety of the participants is not being sufficiently safeguarded.]

Sec. 27. Section 4-124hh of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(a) The Office of Workforce Competitiveness shall, within available appropriations, establish a grant program to provide a flexible source of funding the creation and generation of talent in institutions of higher education and, with appropriate connections to vocational-technical schools and other secondary schools, for student outreach and development. Grants pursuant to this subsection shall be awarded to institutions of higher education and may be used to:

(1) Upgrade instructional laboratories to meet specific industry-standard laboratory and instrumentation skill requirements;

(2) Develop new curriculum and certificate and degree programs at the level of associate, bachelor, master's and doctorate, tied to industry identified needs;

(3) Develop seamlessly articulated career development programs in workforce shortage areas forecasted pursuant to subdivision (9) of subsection (b) of section 4-124w in collaboration with vocational-technical schools and other secondary schools and institutions of higher education; [and]

(4) Support undergraduate and graduate student research projects and experimental learning activities; and

(5) Establish a nanotechnology post-secondary education program and clearinghouse for curriculum development, scholarships and student outreach.

(b) The Office of Workforce Competitiveness shall, within available

House Bill No. 5846

appropriations, establish a grant program to provide funding for the advancement of research capabilities and research opportunities. Grants pursuant to this subsection shall be awarded to institutions of higher education and technology focused organizations and may be used to:

(1) Recruit eminent faculty in basic and applied research;

(2) Leverage federal funding for research centers; [and]

(3) Provide pilot funding for faculty to develop initial research data for the development of larger grant funding proposals and to nonstate granting entities, such as federal agencies; and

(4) Establish a Connecticut Nanotechnology Collaboration Initiative to foster industry-university relationships by providing:

(A) Discovery grants, not to exceed fifty thousand dollars, to support post-doctorate or graduate students working with industry on nanotechnology projects under the supervision of faculty members. Each discovery grant shall be matched with a direct or in-kind industry grant in the same amount;

(B) Collaborative grants, not to exceed one hundred fifty thousand dollars, to support university research teams working with industry on collaborative research projects focused on specific application development. Each collaborative grant shall be matched with an industry grant in the same amount;

(C) Prototype grants, not to exceed two hundred fifty thousand dollars, to enable universities and companies to demonstrate whether a prototype is manufacturable and functional and the cost effectiveness of nanotechnology-related applications. Each prototype grant shall be matched with an industry grant in an amount equal to two dollars for every one dollar of such prototype grant.

House Bill No. 5846

(c) The Office of Workforce Competitiveness shall, within available appropriations, establish a grant program to provide funding for the promotion of collaborative research applications between industry and institutions of higher education. Grants pursuant to this subsection shall be awarded to institutions of higher education, technology-focused organizations and business entities may be used:

(1) To improve technology infrastructure by advancing the development of shared use between institutions of higher education and business entities of laboratories and equipment, including, but not limited to, technology purchase, lease and installation, operating and necessary support personnel and maintenance; [and]

(2) As matching grants for joint projects between an industry, a technology-focused organization or a university. The office shall structure the matching grants to provide two rounds of funding annually and shall do outreach to companies. The matching grant part of the program shall include, but not be limited to, (A) one-to-one matching grants not to exceed one hundred thousand dollars, with in-kind match allowed for small and mid-sized companies, (B) involvement of a competitive process with outside reviewers using as key criteria (i) the demonstration of commercial relevance, and (ii) a clear path to the marketplace for any innovations developed in the course of the research, and (C) an aggressive marketing campaign through business organizations to raise industry awareness of resources from universities or technology-focused organizations; and

(3) To develop a Connecticut Center for Nanoscale Sciences and Development to provide a shared-use laboratory in one or more sites in the state to advance university research, industry application development and education involving the synthesis, characterization and fabrication of nanoscale materials, intermediates and devices and related program activities. The Office of Workforce Competitiveness shall conduct a feasibility study and business planning model leading

House Bill No. 5846

to the establishment of such center, including strategies for securing investments from the federal government and private entities. On or before January 1, 2007, said office shall submit the results of such study, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to commerce and higher education and employment advancement.

(d) The Office of Workforce Competitiveness shall, within available appropriations, establish a grant program to provide funding for the promotion of commercialization of research done by institutions of higher education. Grants pursuant to this subsection shall be awarded to institutions of higher education and business entities and may be used; [to:]

(1) [Provide] To provide funding to verify the technical and commercial feasibility of early stage discoveries by institutions of higher education that are disclosed or patented to accelerate and increase the likelihood that the technology will be successfully commercialized; [and]

(2) [Provide] To provide matching support for smaller institutions of higher education to allow for contracts with independent technology transfer organizations to provide specific service to support specific needs; and

(3) Through the Connecticut Small Business Innovation Research Office, supported by the Office of Workforce Competitiveness, to provide specialized technical assistance to advance nanotechnology awards to Connecticut companies and the small business innovation research program, including nanotechnology-related workshops and seminars, grant preparation assistance, marketing assistance, services related to matching grants and other technical assistance to assist companies with nanotechnology-related applications for the small

House Bill No. 5846

business innovation research program.

Sec. 28. Section 54-256 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(a) Any court, the Commissioner of Correction or the Psychiatric Security Review Board, prior to releasing into the community any person convicted or found not guilty by reason of mental disease or defect of a criminal offense against a victim who is a minor, a nonviolent sexual offense, a sexually violent offense or a felony found by the sentencing court to have been committed for a sexual purpose, except a person being released unconditionally at the conclusion of such person's sentence or commitment, shall require as a condition of such release that such person complete the registration procedure established by the Commissioner of Public Safety under sections 54-251, 54-252 and 54-254, as amended by this act. The court, the Commissioner of Correction or the Psychiatric Security Review Board, as the case may be, shall provide the person with a written summary of the person's obligations under sections 54-102g and 54-250 to 54-258a, inclusive, as amended by this act, and transmit the completed registration package to the Commissioner of Public Safety who shall enter the information into the registry established under section 54-257, as amended by this act. If a court transmits the completed registration package to the Commissioner of Public Safety with respect to a person released by the court, such package need not include identifying factors for such person. In the case of a person being released unconditionally who declines to complete the registration package through the court or the releasing agency, the court or agency shall: (1) Except with respect to information that is not available to the public pursuant to court order, rule of court or any provision of the general statutes, provide to the Commissioner of Public Safety the person's name, date of release into the community, anticipated residence address, if known, criminal history record, any known

House Bill No. 5846

treatment history and any other relevant information; (2) inform the person that such person has an obligation to register within three days with the Commissioner of Public Safety for a period of ten years following the date of such person's release or for life, as the case may be, and that if such person changes such person's address such person shall within five days register the new address in writing with the Commissioner of Public Safety and, if the new address is in another state or if such person is employed in another state, carries on a vocation in another state or is a student in another state, such person shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders; (3) provide the person with a written summary of the person's obligations under sections 54-102g and 54-250 to 54-258a, inclusive, as amended by this act, as explained to the person under subdivision (2) of this section; and (4) make a specific notation on the record maintained by that agency with respect to such person that the registration requirements were explained to such person and that such person was provided with a written summary of such person's obligations under sections 54-102g and 54-250 to 54-258a, inclusive, as amended by this act.

(b) Whenever a person is convicted or found not guilty by reason of mental disease or defect of an offense that will require such person to register under section 54-251, 54-252 or 54-254, as amended by this act, the court shall provide to the Department of Public Safety a written summary of the offense that includes the age and sex of any victim of the offense and a specific description of the offense. Such summary shall be added to the registry information made available to the public through the Internet.

Sec. 29. Section 53a-30 of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(a) When imposing sentence of probation or conditional discharge,

House Bill No. 5846

the court may, as a condition of the sentence, order that the defendant:

- (1) Work faithfully at a suitable employment or faithfully pursue a course of study or of vocational training that will equip the defendant for suitable employment;
- (2) undergo medical or psychiatric treatment and remain in a specified institution, when required for that purpose;
- (3) support the defendant's dependents and meet other family obligations;
- (4) make restitution of the fruits of the defendant's offense or make restitution, in an amount the defendant can afford to pay or provide in a suitable manner, for the loss or damage caused thereby and the court may fix the amount thereof and the manner of performance;
- (5) if a minor, (A) reside with the minor's parents or in a suitable foster home, (B) attend school, and (C) contribute to the minor's own support in any home or foster home;
- (6) post a bond or other security for the performance of any or all conditions imposed;
- (7) refrain from violating any criminal law of the United States, this state or any other state;
- (8) if convicted of a misdemeanor or a felony, other than a capital felony, a class A felony or a violation of section 21a-278, as amended, 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-57, 53a-58 or 53a-70b or any offense for which there is a mandatory minimum sentence which may not be suspended or reduced by the court, and any sentence of imprisonment is suspended, participate in an alternate incarceration program;
- (9) reside in a residential community center or halfway house approved by the Commissioner of Correction, and contribute to the cost incident to such residence;
- (10) participate in a program of community service labor in accordance with section 53a-39c;
- (11) participate in a program of community service in accordance with section 51-181c;
- (12) if convicted of a violation of subdivision (2) of subsection (a) of section 53-21, section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, undergo specialized sexual offender treatment;
- (13) if convicted of a criminal offense against a victim who is a minor, a nonviolent sexual offense or a sexually violent offense, as defined in section 54-250, as amended by this act, or of a felony that the court finds was committed for a sexual purpose, as provided in section 54-

House Bill No. 5846

254, as amended by this act, register such person's identifying factors, as defined in section 54-250, as amended by this act, with the Commissioner of Public Safety when required pursuant to section 54-251, 54-252 or 54-253, as amended by this act, as the case may be; (14) be subject to electronic monitoring, which may include the use of a global positioning system; (15) if convicted of a violation of section 46a-58, as amended, 53-37a, 53a-181j, 53a-181k or 53a-181l, participate in an anti-bias crime education program; (16) if convicted of a violation of section 53-247, 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 defendant; or (17) satisfy any other conditions reasonably related to the defendant's rehabilitation. The court shall cause a copy of any such order to be delivered to the defendant and to the probation officer, if any.

(b) When a defendant has been sentenced to a period of probation, the Court Support Services Division may require that the defendant comply with any or all conditions which the court could have imposed under subsection (a) of this section which are not inconsistent with any condition actually imposed by the court.

(c) At any time during the period of probation or conditional discharge, after hearing and for good cause shown, the court may modify or enlarge the conditions, whether originally imposed by the court under this section or otherwise, and may extend the period, provided the original period with any extensions shall not exceed the periods authorized by section 53a-29, as amended. The court shall cause a copy of any such order to be delivered to the defendant and to the probation officer, if any.

(d) The period of participation in an alternate incarceration program, unless terminated sooner, shall not exceed the period of probation authorized by section 53a-29, as amended, or two years, whichever is less.

House Bill No. 5846

(e) The court may require that the person subject to electronic monitoring 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] six dollars per day. Such amount shall be indexed annually to reflect the rate of inflation.

Sec. 30. (NEW) (*Effective July 1, 2006*) (a) There is established a Risk Assessment Board consisting of the Commissioner of Correction, the Commissioner of Mental Health and Addiction Services, the Commissioner of Public Safety, the Chief State's Attorney, the Chief Public Defender, the Chairperson of the Board of Pardons and Paroles, the Victim Advocate, the Executive Director of the Court Support Services Division of the Judicial Department and the chairpersons and ranking members of the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary and public safety, or their designees, a forensic psychiatrist with experience in the treatment of sexual offenders appointed by the Governor and a person trained in the identification, assessment and treatment of sexual offenders appointed by the Governor.

(b) The board shall develop a risk assessment scale that assigns weights to various risk factors including, but not limited to, the seriousness of the offense, the offender's prior offense history, the offender's characteristics, the availability of community supports, whether the offender has indicated or credible evidence in the record indicates that the offender will reoffend if released into the community and whether the offender demonstrates a physical condition that

House Bill No. 5846

minimizes the risk of reoffending, and specifies the risk level to which offenders with various risk assessment scores shall be assigned.

(c) The board shall use the risk assessment scale to assess the risk of reoffending of each person subject to registration under chapter 969 of the general statutes, including incarcerated offenders who are within one year of their estimated release date, and assign each such person a risk level of high, medium or low.

(d) Not later than February 1, 2007, the board shall submit a report to the joint standing committee of the General Assembly on the judiciary in accordance with section 11-4a of the general statutes setting forth its findings and recommendations concerning: (1) Whether information about sexual offenders assigned a risk level of high, medium or low should be made available to the public through the Internet; (2) the types of information about sexual offenders that should be made available to the public through the Internet which may include, but not be limited to, (A) the name, residential address, physical description and photograph of the registrant, (B) the offense or offenses of which the registrant was convicted or found not guilty by reason of mental disease or defect that required registration under chapter 969 of the general statutes, (C) a brief description of the facts and circumstances of such offense or offenses, (D) the criminal record of the registrant with respect to any prior convictions or findings of not guilty by reason of mental disease or defect for the commission of an offense requiring registration under chapter 969 of the general statutes, and (E) the name of the registrant's supervising correctional, probation or parole officer, and contact information for such officer; (3) whether any of the persons assigned a high risk level by the board pursuant to subsection (c) of this section meets the criteria for civil commitment pursuant to section 17a-498 of the general statutes; (4) whether additional restrictions should be placed on persons subject to registration under chapter 969 of the general statutes such as curfews

House Bill No. 5846

and intensive monitoring on certain holidays; and (5) whether persons convicted of a sexual offense who pose a high risk of reoffending should be required to register under chapter 969 of the general statutes regardless of when they were convicted or released into the community.

Sec. 31. Subdivision (2) of section 54-250 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(2) "Criminal offense against a victim who is a minor" means (A) 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, subdivision (2) of subsection (a) of section 53a-70, subdivision (1), (4), [or] (8) or (10) or subparagraph (B) of subdivision (9) of subsection (a) of section 53a-71, subdivision (2) of subsection (a) of section 53a-72a, subdivision (2) of subsection (a) of section 53a-86, subdivision (2) of subsection (a) of section 53a-87, section 53a-90a, 53a-196a, 53a-196b, 53a-196c, 53a-196d, 53a-196e or 53a-196f, (B) a violation of subparagraph (A) of subdivision (9) of subsection (a) of section 53a-71 or section 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-95, 53a-96 or 53a-186, provided the court makes a finding that, at the time of the offense, the victim was under eighteen years of age, (C) a violation of any of the offenses specified in subparagraph (A) or (B) of this subdivision for which a person is criminally liable under section 53a-8, 53a-48 or 53a-49, or (D) a violation of any predecessor statute to any offense specified in subparagraph (A), (B) or (C) of this subdivision the essential elements of which are substantially the same as said offense.

Sec. 32. Subdivision (5) of section 54-250 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(5) "Nonviolent sexual offense" means (A) a violation of section 53a-

House Bill No. 5846

73a or subdivision (2) of subsection (a) of section 53a-189a, or (B) a violation of any of the offenses specified in subparagraph (A) of this subdivision for which a person is criminally liable under section 53a-8, 53a-48 or 53a-49.

Sec. 33. Subdivision (11) of section 54-250 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(11) "Sexually violent offense" means (A) a violation of section 53a-70, except subdivision (2) of subsection (a) of said section, 53a-70a, 53a-70b, 53a-71, except subdivision (1), (4), [or] (8) or (10) or subparagraph (B) of subdivision (9) of subsection (a) of said section or subparagraph (A) of subdivision (9) of subsection (a) of said section if the court makes a finding that, at the time of the offense, the victim was under eighteen years of age, 53a-72a, except subdivision (2) of subsection (a) of said section, or 53a-72b, or of section 53a-92 or 53a-92a, provided the court makes a finding that the offense was committed with intent to sexually violate or abuse the victim, (B) a violation of any of the offenses specified in subparagraph (A) of this subdivision for which a person is criminally liable under section 53a-8, 53a-48 or 53a-49, or (C) a violation of any predecessor statute to any of the offenses specified in subparagraph (A) or (B) of this subdivision the essential elements of which are substantially the same as said offense.

Sec. 34. Subsection (a) of section 54-251 of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(a) Any person who has been convicted or found not guilty by reason of mental disease or defect of a criminal offense against a victim who is a minor or a nonviolent sexual offense, and is released into the community on or after October 1, 1998, shall, within three days

House Bill No. 5846

following such release or, if such person is in the custody of the Commissioner of Correction, at such time prior to release as the commissioner shall direct, and whether or not such person's place of residence is in this state, register such person's name, identifying factors, criminal history record and residence address with the Commissioner of Public Safety, on such forms and in such locations as the commissioner shall direct, and shall maintain such registration for ten years except that any person who has one or more prior convictions of any such offense or who is convicted of a violation of subdivision (2) of subsection (a) of section 53a-70 shall maintain such registration for life. Prior to accepting a plea of guilty or nolo contendere from a person with respect to a criminal offense against a victim who is a minor or a nonviolent sexual offense, the court shall (1) inform the person that the entry of a finding of guilty after acceptance of the plea will subject the person to the registration requirements of this section, and (2) determine that the person fully understands the consequences of the plea. If any person who is subject to registration under this section changes such person's name, such person shall, without undue delay, notify the Commissioner of Public Safety in writing of the new name. If [such] any person who is subject to registration under this section changes such person's address, such person shall, [within five days, register the new address in writing with the Commissioner of Public Safety,] without undue delay, notify the Commissioner of Public Safety in writing of the new address and, if the new address is in another state, such person shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders. If any person who is subject to registration under this section is employed at, carries on a vocation at or is a student at a trade or professional institution or institution of higher learning in this state, such person shall, without undue delay, notify the Commissioner of Public Safety of such status and of any change in such status. If any person who is subject to registration under this section is employed in another state, carries on

House Bill No. 5846

a vocation in another state or is a student in another state, such person shall, without undue delay, notify the Commissioner of Public Safety and shall also register with an appropriate agency in that state provided that state has a registration requirement for such offenders. During such period of registration, each registrant shall complete and return forms mailed to such registrant to verify such registrant's residence address and shall submit to the retaking of a photographic image upon request of the Commissioner of Public Safety. [If any person who is subject to registration under this section is employed at, carries on a vocation at or is a student at a trade or professional institution or institution of higher learning in this state, such person shall notify the Commissioner of Public Safety of such status and of any change in such status.]

Sec. 35. Subsection (c) of section 54-251 of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(c) Notwithstanding the provisions of subsection (a) of this section, the court may exempt any person who has been convicted or found not guilty by reason of mental disease or defect of a violation of subdivision (2) of subsection (a) of section 53a-73a or subdivision (2) of subsection (a) of section 53a-189a, from the registration requirements of this section if the court finds that registration is not required for public safety.

Sec. 36. Subsection (e) of section 54-251 of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(e) Any person who violates the provisions of subsection (a) of this section shall be guilty of a class D felony, except that, if such person violates the provisions of this section by failing to notify the Commissioner of Public Safety without undue delay of a change of

House Bill No. 5846

name, address or status or another reportable event, such person shall be subject to such penalty if such failure continues for five business days.

Sec. 37. Section 54-252 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(a) Any person who has been convicted or found not guilty by reason of mental disease or defect of a sexually violent offense, and (1) is released into the community on or after October 1, 1988, and prior to October 1, 1998, and resides in this state, shall, on October 1, 1998, or within three days of residing in this state, whichever is later, or (2) is released into the community on or after October 1, 1998, shall, within three days following such release or, if such person is in the custody of the Commissioner of Correction, at such time prior to release as the commissioner shall direct, register such person's name, identifying factors, criminal history record, documentation of any treatment received for mental abnormality or personality disorder, and residence address with the Commissioner of Public Safety on such forms and in such locations as said commissioner shall direct, and shall maintain such registration for life. Prior to accepting a plea of guilty or nolo contendere from a person with respect to a sexually violent offense, the court shall (A) inform the person that the entry of a finding of guilty after acceptance of the plea will subject the person to the registration requirements of this section, and (B) determine that the person fully understands the consequences of the plea. If any person who is subject to registration under this section changes such person's name, such person shall, without undue delay, notify the Commissioner of Public Safety in writing of the new name. If [such] any person who is subject to registration under this section changes such person's address, such person shall, [within five days, register the new address in writing with the Commissioner of Public Safety,] without undue delay, notify the Commissioner of Public Safety in writing of the new address and,

House Bill No. 5846

if the new address is in another state, such person shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders. If any person who is subject to registration under this section is employed at, carries on a vocation at or is a student at a trade or professional institution or institution of higher learning in this state, such person shall, without undue delay, notify the Commissioner of Public Safety of such status and of any change in such status. If any person who is subject to registration under this section is employed in another state, carries on a vocation in another state or is a student in another state, such person shall, without undue delay, notify the Commissioner of Public Safety and shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders. During such period of registration, each registrant shall complete and return forms mailed to such registrant to verify such registrant's residence address and shall submit to the retaking of a photographic image upon request of the Commissioner of Public Safety. [If any person who is subject to registration under this section is employed at, carries on a vocation at or is a student at a trade or professional institution or institution of higher learning in this state, such person shall notify the Commissioner of Public Safety of such status and of any change in such status.]

(b) Any person who has been subject to the registration requirements of section 54-102r of the general statutes, revised to January 1, 1997, as amended by section 1 of public act 97-183, shall, not later than three working days after October 1, 1998, register under this section and thereafter comply with the provisions of sections 54-102g and 54-250 to 54-258a, inclusive, as amended by this act, except that any person who was convicted or found not guilty by reason of mental disease or defect of an offense that is classified as a criminal offense against a victim who is a minor under subdivision (2) of section 54-250, as amended by this act, and that is subject to a ten-year period of

House Bill No. 5846

registration under section 54-251, as amended by this act, shall maintain such registration for ten years.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, during the initial registration period following October 1, 1998, the Commissioner of Public Safety may phase in completion of the registration procedure for persons released into the community prior to said date over the first three months following said date, and no such person shall be prosecuted for failure to register under this section during those three months provided such person complies with the directives of said commissioner regarding registration procedures.

(d) Any person who violates the provisions of this section shall be guilty of a class D felony, except that, if such person violates the provisions of this section by failing to notify the Commissioner of Public Safety without undue delay of a change of name, address or status or another reportable event, such person shall be subject to such penalty if such failure continues for five business days.

Sec. 38. Section 54-253 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(a) Any person who has been convicted or found not guilty by reason of mental disease or defect in any other state, in a federal or military court or in any foreign jurisdiction of any crime [,] (1) the essential elements of which are substantially the same as any of the crimes specified in subdivisions (2), (5) and (11) of section 54-250, as amended by this act, or (2) which requires registration as a sexual offender in such other state or in the federal or military system, and who resides in this state on and after October 1, 1998, shall, [within ten days of] without undue delay upon residing in this state, register with the Commissioner of Public Safety in the same manner as if such person had been convicted or found not guilty by reason of mental

House Bill No. 5846

disease or defect of such crime in this state, except that [for purposes of determining the ten-year period of registration under section 54-251, as amended by this act, such person shall be deemed to have initially registered on the date of such person's release into the community] the commissioner shall maintain such registration until such person is released from the registration requirement in such other state, federal or military system or foreign jurisdiction.

(b) If any person who is subject to registration under this section changes such person's name, such person shall, without undue delay, notify the Commissioner of Public Safety in writing of the new name. If any person who is subject to registration under this section changes such person's address, such person shall, without undue delay, notify the Commissioner of Public Safety in writing of the new address and, if the new address is in another state, such person shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders. If any person who is subject to registration under this section is employed at, carries on a vocation at or is a student at a trade or professional institution or institution of higher learning in this state, such person shall, without undue delay, notify the Commissioner of Public Safety of such status and of any change in such status. If any person who is subject to registration under this section is employed in another state, carries on a vocation in another state or is a student in another state, such person shall, without undue delay, notify the Commissioner of Public Safety and shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders. During such period of registration, each registrant shall complete and return forms mailed to such registrant to verify such registrant's residence address and shall submit to the retaking of a photographic image upon request of the Commissioner of Public Safety.

[(b)] (c) Any person not a resident of this state who is registered as a

House Bill No. 5846

sexual offender under the laws of any other state and who is employed in this state, carries on a vocation in this state or is a student in this state, shall, [within five days] without undue delay after the commencement of such employment, vocation or education in this state, register such person's name, identifying factors, criminal history record, locations visited on a recurring basis or residence address, if any, in this state, and residence address in such person's home state with the Commissioner of Public Safety on such forms and in such locations as said commissioner shall direct and shall maintain such registration until such employment, vocation or education terminates or until such person is released from registration as a sexual offender in such other state. If such person terminates such person's employment, vocation or education in this state or changes such person's address in this state such person shall, [within five days, provide notice in writing to the Commissioner of Public Safety] without undue delay, notify the Commissioner of Public Safety in writing of such termination or new address.

[(c) If any person who is subject to registration under this section is employed at, carries on a vocation at or is a student at a trade or professional institution or institution of higher learning in this state, such person shall notify the Commissioner of Public Safety of such status and of any change in such status.]

(d) Any person not a resident of this state who is registered as a sexual offender under the laws of any other state and who travels in this state on a recurring basis for periods of less than five days shall notify the Commissioner of Public Safety of such person's temporary residence in this state and of a telephone number at which such person may be contacted.

(e) Any person who violates the provisions of this section shall be guilty of a class D felony, except that, if such person violates the provisions of this section by failing to register with the Commissioner

House Bill No. 5846

of Public Safety without undue delay or notify the Commissioner of Public Safety without undue delay of a change of name, address or status or another reportable event, such person shall be subject to such penalty if such failure continues for five business days.

Sec. 39. Section 54-254 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(a) Any person who has been convicted or found not guilty by reason of mental disease or defect in this state on or after October 1, 1998, of any felony that the court finds was committed for a sexual purpose, may be required by the court upon release into the community or, if such person is in the custody of the Commissioner of Correction, at such time prior to release as the commissioner shall direct to register such person's name, identifying factors, criminal history record and residence address with the Commissioner of Public Safety, on such forms and in such locations as the commissioner shall direct, and to maintain such registration for ten years. If the court finds that a person has committed a felony for a sexual purpose and intends to require such person to register under this section, prior to accepting a plea of guilty or nolo contendere from such person with respect to such felony, the court shall (1) inform the person that the entry of a finding of guilty after acceptance of the plea will subject the person to the registration requirements of this section, and (2) determine that the person fully understands the consequences of the plea. If any person who is subject to registration under this section changes such person's name, such person shall, without undue delay, notify the Commissioner of Public Safety in writing of the new name. If [such] any person who is subject to registration under this section changes such person's address, such person shall, [within five days, register the new address in writing with the Commissioner of Public Safety,] without undue delay, notify the Commissioner of Public Safety in writing of the new address and, if the new address is in another state,

House Bill No. 5846

such person shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders. If any person who is subject to registration under this section is employed at, carries on a vocation at or is a student at a trade or professional institution or institution of higher learning in this state, such person shall, without undue delay, notify the Commissioner of Public Safety of such status and of any change in such status. If any person who is subject to registration under this section is employed in another state, carries on a vocation in another state or is a student in another state, such person shall, without undue delay, notify the Commissioner of Public Safety and shall also register with an appropriate agency in that state, provided that state has a registration requirement for such offenders. During such period of registration, each registrant shall complete and return forms mailed to such registrant to verify such registrant's residence address and shall submit to the retaking of a photographic image upon request of the Commissioner of Public Safety.

(b) Any person who violates the provisions of this section shall be guilty of a class D felony, except that, if such person violates the provisions of this section by failing to notify the Commissioner of Public Safety without undue delay of a change of name, address or status or another reportable event, such person shall be subject to such penalty if such failure continues for five business days.

Sec. 40. Section 54-257 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(a) The Department of Public Safety shall, not later than January 1, 1999, establish and maintain a registry of all persons required to register under sections 54-251, 54-252, 54-253 and 54-254, as amended by this act. The department shall, in cooperation with the Office of the Chief Court Administrator, the Department of Correction and the Psychiatric Security Review Board, develop appropriate forms for use

House Bill No. 5846

by agencies and individuals to report registration information, including changes of address. Upon receipt of registration information, the department shall enter the information into the registry and notify the local police department or state police troop having jurisdiction where the registrant resides or plans to reside. If a registrant notifies the Department of Public Safety that such registrant is employed at, carries on a vocation at or is a student at a trade or professional institution or institution of higher learning in this state, the department shall notify the law enforcement agency with jurisdiction over such institution. If a registrant reports a residence in another state, the department shall notify the state police agency of that state or such other agency in that state that maintains registry information, if known. The department shall also transmit all registration information, conviction data, photographic images and fingerprints to the Federal Bureau of Investigation in such form as said bureau shall require for inclusion in a national registry.

(b) The Department of Public Safety may suspend the registration of any person registered under section 54-251, 54-252, 54-253 or 54-254, as amended by this act, while such person is incarcerated, under civil commitment or residing outside this state. During the period that such registration is under suspension, the department is not required to verify the address of the registrant pursuant to subsection (c) of this section and may withdraw the registration information from public access. Upon the release of the registrant from incarceration or civil commitment or resumption of residency in this state by the registrant, the department shall reinstate the registration, redistribute the registration information in accordance with subsection (a) of this section and resume verifying the address of the registrant in accordance with subsection (c) of this section. Suspension of registration shall not affect the date of expiration of the registration obligation of the registrant under section 54-251, 54-252 or 54-253, as amended by this act.

House Bill No. 5846

(c) Except as provided in subsection (b) of this section, the Department of Public Safety shall verify the address of each registrant by mailing a nonforwardable verification form to the registrant at the registrant's last reported address. Such form shall require the registrant to sign a statement that the registrant continues to reside at the registrant's last reported address and return the form by mail by a date which is ten days after the date such form was mailed to the registrant. The form shall contain a statement that failure to return the form or providing false information is a violation of section 54-251, 54-252, 54-253 or 54-254, as amended by this act, as the case may be. Each person required to register under section 54-251, 54-252, 54-253 or 54-254, as amended by this act, shall have such person's address verified in such manner every ninety days after such person's initial registration date. In the event that a registrant fails to return the address verification form, the Department of Public Safety shall notify the local police department or the state police troop having jurisdiction over the registrant's last reported address, and that agency shall apply for a warrant to be issued for the registrant's arrest under section 54-251, 54-252, 54-253 or 54-254, as amended by this act, as the case may be. The Department of Public Safety shall not verify the address of registrants whose last reported address was outside this state.

(d) The Department of Public Safety shall include in the registry the most recent photographic image of each registrant taken by the department, the Department of Correction, a law enforcement agency or the Court Support Services Division of the Judicial Department and shall retake the photographic image of each registrant at least once every five years.

(e) Whenever the Commissioner of Public Safety receives notice from a superior court pursuant to section 52-11 or a probate court pursuant to section 45a-99 that such court has ordered the change of name of a person, and the department determines that such person is

House Bill No. 5846

listed in the registry, the department shall revise such person's registration information accordingly.

(f) The Commissioner of Public Safety shall develop a protocol for the notification of other state agencies, the Judicial Department and local police departments whenever a person listed in the registry changes such person's name and notifies the commissioner of the new name pursuant to section 54-251, 54-252, 54-253 or 54-254, as amended by this act, or whenever the commissioner determines pursuant to subsection (e) of this section that a person listed in the registry has changed such person's name.

Sec. 41. (NEW) (*Effective July 1, 2006*) Not later than January fifteenth of each year, the Department of Correction, the Board of Pardons and Paroles and the Court Support Services Division of the Judicial Department shall each submit a report setting forth the number of persons subject to registration under chapter 969 of the general statutes who are being electronically monitored while being supervised in the community by such agency, including monitoring by global positioning system devices, and what, if any, additional resources are needed by such agency to ensure that persons subject to registration under chapter 969 of the general statutes are being supervised while in the community.

Sec. 42. Section 53a-189a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(a) A person is guilty of voyeurism when, (1) with malice, [or intent to arouse or satisfy the sexual desire of such person or any other person,] such person knowingly photographs, films, videotapes or otherwise records the image of another person [(1)] (A) without the knowledge and consent of such other person, [(2)] (B) while such other person is not in plain view, and [(3)] (C) under circumstances where such other person has a reasonable expectation of privacy, or (2) with

House Bill No. 5846

intent to arouse or satisfy the sexual desire of such person or any other person, such person knowingly photographs, films, videotapes or otherwise records the image of another person (A) without the knowledge and consent of such other person, (B) while such other person is not in plain view, and (C) under circumstances where such other person has a reasonable expectation of privacy.

(b) Voyeurism is a class D felony.

Sec. 43. (NEW) (*Effective July 1, 2006*) (a) The State Police Bureau of Identification may maintain the fingerprints of arrested persons received pursuant to section 29-12 of the 2006 supplement to the general statutes and of persons who have submitted fingerprints in connection with a criminal history records check pursuant to section 29-17a of the 2006 supplement to the general statutes in an electronic format in lieu of a paper format.

(b) Whenever the bureau converts fingerprints contained in its files from a paper format to an electronic format, it may destroy the paper copy of such fingerprints.

Sec. 44. (NEW) (*Effective October 1, 2006*) (a) No person shall practice hypnosis or hold himself or herself out as a hypnotist in this state without first registering with the Department of Consumer Protection pursuant to subsection (b) of this section.

(b) Each person who practices hypnosis in this state shall, upon payment of an application fee of fifty dollars, register with the Department of Consumer Protection on a form provided by the department with such information and attestation as the Commissioner of Consumer Protection deems necessary, including, but not limited to, (1) such person's name in full, (2) such person's residential and business addresses, and (3) a representation, in writing, that such person is not subject to the registration requirements of

House Bill No. 5846

chapter 969 of the general statutes. Each such person shall notify the department, in writing, not later than thirty days after the date of any change in such person's name, residential address or business address or if such person becomes subject to the registration requirements of chapter 969 of the general statutes. A registration shall expire annually and may be renewed upon payment of a renewal fee of fifty dollars.

(c) The Commissioner of Consumer Protection may deny registration as a hypnotist to an individual who has been the subject of a finding rendered pursuant to subsection (d) of this section. The registry shall contain information concerning any individual who has been denied said registration, as well as any brief statement disputing such denial by such individual.

(d) The Department of Consumer Protection shall receive and investigate complaints against individuals who are practicing or have practiced hypnosis in this state and may cause a prosecution to be instigated based on such investigation. The grounds for complaint shall include physical or sexual abuse, misappropriation of property, and fraud or deceit in obtaining or attempting to obtain registration as a hypnotist. A hypnotist shall be given written notice by certified mail by the commissioner of any complaint against him or her. A hypnotist who wishes to appeal a complaint against him or her shall, not later than thirty days after the date of the mailing, file with the department a request in writing for a hearing to contest the complaint. Any such hearing shall be conducted pursuant to chapter 54 of the general statutes. The commissioner shall render a finding on such complaint and enter such finding on the registry. The commissioner shall have the authority to render a finding and enter such finding on the registry against an individual who is practicing or has practiced hypnosis in this state, without regard to whether such individual is on the registry or has obtained registration as a hypnotist from the department.

(e) A hypnotist may petition the Commissioner of Consumer

House Bill No. 5846

Protection to have the finding removed from the registry upon a determination by the commissioner that: (1) The employment and personal history of the hypnotist does not reflect a pattern of abusive, deceitful or fraudulent behavior; and (2) the conduct involved in the original finding was a singular occurrence. In no case shall a determination on a petition submitted under this subsection be made prior to the expiration of a one-year period beginning on the date on which the finding was added to the registry pursuant to subsection (d) of this section.

(f) The Commissioner of Consumer Protection may, after notice and hearing, in accordance with the provisions of chapter 54 of the general statutes, assess a civil penalty of not more than one hundred dollars against any person who has practiced hypnosis in this state without first registering with the department pursuant to subsection (b) of this section.

(g) The Commissioner of Consumer Protection shall revoke the registration of a person under this section after notice and hearing in accordance with the provisions of chapter 54 of the general statutes if such person becomes subject to the registration requirements of chapter 969 of the general statutes.

(h) The provisions of this section do not apply to any person licensed in this state to provide medical, dental, nursing, counseling or other health care, substance abuse or mental health services.

(i) The Commissioner of Consumer Protection, in consultation with the Commissioner of Public Health, may adopt regulations, in accordance with chapter 54 of the general statutes, to implement the provisions of this section.

(j) For purposes of this section, "hypnosis" means an artificially induced altered state of consciousness, characterized by heightened

House Bill No. 5846

suggestibility and receptivity to direction.

Sec. 45. Subdivision (9) of section 53a-65 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(9) "Psychotherapist" means a physician, psychologist, nurse, substance abuse counselor, social worker, clergyman, marital and family therapist, mental health service provider, hypnotist or other person, whether or not licensed or certified by the state, who performs or purports to perform psychotherapy.

Sec. 46. (NEW) (*Effective from passage*) (a) There is established a Lobster Restoration Advisory Committee to advise the Commissioner of Environmental Protection on matters relating to the development of a lobster v-notch conservation program to enhance recovery and rebuilding of lobster stock in Long Island Sound.

(b) The committee shall be comprised of the following eleven members: (1) The Commissioner of Environmental Protection, or the commissioner's designee, (2) the Commissioner of Agriculture, or the commissioner's designee, (3) the state's administrative commissioner to the Atlantic States Marine Fisheries Commission, (4) the state's legislative commissioner to the Atlantic States Marine Fisheries Commission, (5) the state's commissioner who has been appointed by the Governor to the Atlantic States Marine Fisheries Commission, (6) a representative of the Southern New England Fishermen's and Lobsterman's Association, (7) a representative of the Connecticut Commercial Lobstermen's Association, (8) a representative of the Long Island Western End Lobstermen's Association, (9) a representative of the state vocational aquaculture school known as the Sound School in New Haven, (10) a representative of a state vocational aquaculture school in Bridgeport, and (11) a representative of the Connecticut Seafood Council.

House Bill No. 5846

(c) The committee shall be appointed jointly by the Commissioners of Environmental Protection and Agriculture, after receiving appointment nominations from each group listed in subsection (b) of this section, not more than thirty days after the effective date of this section. The committee shall elect its own chairman and such other officers and adopt such rules of procedure as it may deem appropriate. Members of said committee shall receive no compensation for their services but shall be reimbursed for necessary expenses in the performance of their duties.

Sec. 47. (NEW) (*Effective from passage*) If the Lobster Management Board of the Atlantic States Marine Fisheries Commission approves a lobster v-notch restoration program having equivalent conservation value to the approved or future requirements of the Commission's Lobster Management Plan for Lobster Management Area 6 on or before November 1, 2006, then one hundred per cent of any appropriations made for the fiscal year ending June 30, 2007, for lobster stock recovery and conservation shall be made for the implementation of such program. If said Lobster Management Board does not approve such lobster restoration program on or before November 1, 2006, then sixty per cent of any such appropriations shall be used to implement the provisions of section 49 of this act and subsection (b) of section 26-157c of the general statutes, as amended by this act, and forty per cent of any such appropriation shall be used to implement the provisions of section 50 of this act.

Sec. 48. (NEW) (*Effective from passage*) Within available appropriations, the Commissioner of Environmental Protection shall establish a lobster trap allocation buy-back program to permanently retire lobster traps from the lobster fishery. The program shall provide for payment of fifteen dollars for each allocated lobster trap permanently retired from the lobster fishery.

Sec. 49. Section 26-157c of the general statutes is repealed and the

House Bill No. 5846

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

(a) The Commissioner of Environmental Protection shall adopt regulations, in accordance with the provisions of chapter 54, governing the taking of lobsters in the waters of this state and the possession of lobsters in the state regardless of where taken for the purpose of conserving and managing the populations of American lobster.

(b) Not later than April 1, 2007, the commissioner may adopt regulations, in accordance with the provisions of chapter 54, to implement the lobster trap allocation buy-back program established pursuant to section 48 of this act. Said regulations shall include, but not be limited to, provisions for a payment of fifteen dollars for each allocated lobster trap permanently retired from the lobster fishery. Said regulations shall be limited to the buy-back of lobster trap allocations of resident commercial lobster fishermen holding lobster trap allocations issued by the commissioner and who have reported lobster landings between January 1, 1999, and December 31, 2005, as determined by the commissioner, based on reports submitted pursuant to section 26-157b, or who have received license transfers with trap allocations, and shall not require the buy-back of lobster traps. For purposes of this subsection, "lobster trap" means lobster pot.

Sec. 50. (NEW) (*Effective from passage*) (a) The Commissioner of Environmental Protection shall establish an economic assistance program for resident commercial lobster fishermen.

(b) Not later than April 1, 2007, the Commissioner of Environmental Protection may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to implement the economic assistance program established in subsection (a) of this section for any resident commercial lobster fisherman who held a Connecticut license to take lobsters in 2006 and who held a lobster trap allocation issued by the commissioner, or who has received a license transfer with a trap

House Bill No. 5846

allocation, and who, not later than January 24, 2006, reported the landing of lobsters between January 1, 2004, and December 31, 2005, as determined by the commissioner, based on reports submitted pursuant to section 26-157b of the general statutes. The regulations shall include, but not be limited to, provisions for direct payment to such lobsterman based on the contribution such lobsterman's lobster catch made to the total qualifying catch of all qualifying lobster fishermen from Long Island Sound with any gear between January 1, 2004, and December 31, 2005, provided, in cases in which more than one fisherman has reported on the same catch report form, catches are attributed and payments made to the lead license holder indicated on the form.

Sec. 51. (NEW) (*Effective from passage*) A seafood dealer, wholesaler or shipper may possess and sell lobsters less than the Atlantic States Marine Fisheries Commission's American Lobster Fishery Management Plan Lobster Management Area 6 minimum legal length, as defined in regulations adopted pursuant to section 26-157c of the general statutes, as amended by this act, provided: (1) Such lobsters are not taken from said Lobster Management Area 6 waters or landed in this state, regardless of where such lobsters were taken, (2) such lobsters are not less than the minimum legal length in effect in the waters of the Lobster Management Area or nation of origin where taken and not less than three and one-quarter inches carapace length regardless of where taken, (3) such lobsters are not bartered, exchanged, sold or offered for sale to retail consumers in this state, and (4) such seafood dealer, wholesaler or shipper in possession of such lobsters possesses a manifest, bill of lading, invoice, purchase order or other written documentation identifying the state, Lobster Management Area or nation of origin, as applicable, where such lobsters were received, the number of such lobsters received that are less than said Lobster Management Area 6 minimum legal length and the date such lobsters were received. Such documentation shall be retained by the seafood dealer, wholesaler or shipper for a period of

House Bill No. 5846

six months from the date such lobsters were received and shall be made available to law enforcement officers upon request.

Sec. 52. (NEW) (*Effective October 1, 2006*) As used in sections 52 to 62, inclusive, of this act:

(1) "Certificate" means a certificate of registration issued under section 54 of this act.

(2) "Commissioner" means the Commissioner of Consumer Protection or any person designated by the commissioner to administer and enforce the provisions of sections 52 to 62, inclusive, of this act.

(3) "Companion services" means nonmedical, basic supervision services to ensure the well-being and safety of a person in such person's home.

(4) "Employee" means any person employed by, or who enters into a contract to perform services for, a homemaker-companion agency, including, but not limited to, temporary employees, pool employees and independent contractors.

(5) "Homemaker services" means nonmedical, supportive services that ensure a safe and healthy environment for a person in such person's home, such services to include assistance with personal hygiene, cooking, household cleaning, laundry and other household chores.

(6) "Homemaker-companion agency" means any public or private organization, employing one or more persons that is engaged in the business of providing companion services or homemaker services. Homemaker-companion agency shall not include a home health care agency, as defined in subsection (d) of section 19a-490 of the general statutes, or a homemaker-home health aide agency, as defined in

House Bill No. 5846

subsection (e) of section 19a-490 of the general statutes.

(7) "Service plan" means a written document provided by a homemaker-companion agency to a person utilizing services provided by such agency, that specifies the anticipated scope, type, frequency and duration of homemaker or companion services that are to be provided by such agency for the benefit of the person.

Sec. 53. (NEW) (*Effective October 1, 2006*) No person acting individually or jointly with any other person shall establish, conduct, operate or maintain a homemaker-companion agency in this state without first obtaining a certificate of registration from the Commissioner of Consumer Protection pursuant to section 54 of this act.

Sec. 54. (NEW) (*Effective October 1, 2006*) (a) Any person seeking a certificate of registration as a homemaker-companion agency shall apply to the Commissioner of Consumer Protection, in writing, on a form provided by the commissioner. The application shall include the applicant's name, residence address, business address, business telephone number and such other information as the commissioner may require. An applicant shall also be required to certify under oath to the commissioner that: (1) Such agency complies with the requirements of section 60 of this act concerning employee comprehensive background checks, (2) such agency provides all persons receiving homemaker or companion services with a written individualized contract or service plan that specifically identifies the anticipated scope, type, frequency and duration of homemaker or companion services provided by the agency to the person, (3) such agency maintains a surety bond, and (4) all records maintained by such agency shall be open, at all reasonable hours, for inspection, copying or audit by the commissioner.

(b) Each application for a certificate of registration as a homemaker-

House Bill No. 5846

companion agency shall be accompanied by a fee of three hundred dollars.

(c) Upon the failure by a homemaker-companion agency to comply with the registration provisions of this section, the Attorney General, at the request of the Commissioner of Consumer Protection, is authorized to apply in the name of the state of Connecticut to the Superior Court for an order temporarily or permanently restraining and enjoining a homemaker-companion agency from continuing to do business in the state.

Sec. 55. (NEW) (*Effective October 1, 2006*) Upon receipt of a completed application and fee, the Commissioner of Consumer Protection shall issue and deliver to the applicant a certificate to engage in the business for which the application was made; or refuse to issue the certificate. The commissioner may suspend, revoke or refuse to issue or renew any certificate issued under sections 52 to 62, inclusive, of this act or may place a registrant on probation or issue a letter of reprimand. No application for the reinstatement of a certificate which has been revoked shall be accepted by the commissioner within one year after the date of such revocation.

Sec. 56. (NEW) (*Effective October 1, 2006*) (a) Upon refusal to issue or renew a certificate, the Commissioner of Consumer Protection shall notify the applicant of the denial and of the applicant's right to request a hearing not later than ten days after the date of receipt of the notice of denial.

(b) If the applicant requests a hearing within such ten days, the commissioner shall give notice of the grounds for the commissioner's refusal and shall conduct a hearing concerning such refusal in accordance with the provisions of chapter 54 of the general statutes concerning contested cases.

House Bill No. 5846

(c) If the commissioner's denial of a certificate is sustained after such hearing, an applicant may make new application not less than one year after the date on which such denial was sustained.

Sec. 57. (NEW) (*Effective October 1, 2006*) (a) The Commissioner of Consumer Protection, at all reasonable hours, may inspect, copy or audit all records maintained by such agency. The commissioner may conduct investigations and hold hearings on any matter under the provisions of sections 52 to 62, inclusive, of this act. The commissioner may issue subpoenas, administer oaths, compel testimony and order the production of books, records and documents. If any person refuses to appear, to testify or to produce any book, record, paper or document when so ordered, upon application of the commissioner, a judge of the Superior Court may make such order as may be appropriate to aid in the enforcement of this section.

(b) The Attorney General, at the request of the commissioner, is authorized to apply in the name of the state of Connecticut to the Superior Court for an order temporarily or permanently restraining and enjoining any person from violating any provision of sections 52 to 62, inclusive, of this act.

Sec. 58. (NEW) (*Effective October 1, 2006*) (a) The Commissioner of Consumer Protection may revoke, suspend or refuse to issue or renew any certificate of registration as a homemaker-companion agency or place an agency on probation or issue a letter of reprimand for: (1) Conduct by the agency, or by an employee of the agency while in the course of employment, of a character likely to mislead, deceive or defraud the public or the commissioner; or (2) engaging in any untruthful or misleading advertising.

(b) The commissioner shall not revoke or suspend any certificate of registration except upon notice and hearing in accordance with chapter 54 of the general statutes.

House Bill No. 5846

Sec. 59. (NEW) (*Effective October 1, 2006*) (a) Each person obtaining a homemaker-companion agency certificate of registration shall: (1) Exhibit the agency's certificate of registration upon request by any interested party, (2) state in any advertisement the fact that the agency is registered, and (3) include the agency's registration number in any advertisement.

(b) No person shall: (1) Present or attempt to present, as such person's own, the certificate of another, (2) knowingly give false evidence of a material nature to the Commissioner of Consumer Protection for the purpose of procuring a certificate, (3) represent himself or herself falsely as, or impersonate, a registered homemaker-companion agency, (4) use or attempt to use a certificate which has expired or which has been suspended or revoked, (5) offer to provide homemaker or companion services without having a current certificate of registration under the provisions of sections 52 to 62, inclusive, of this act, or (6) represent in any manner that such person's registration constitutes an endorsement by the commissioner of the quality of services provided by such person.

(c) In addition to any other remedy provided for in sections 52 to 58, inclusive, of this act, any person who violates any provision of subsection (b) of this section, shall be fined not more than one thousand dollars or imprisoned not more than six months, or both.

(d) Certificates issued to a homemaker-companion agency shall not be transferable or assignable.

(e) All certificates issued under the provisions of sections 52 to 62, inclusive, of this act shall expire annually. The fee for renewal of a certificate shall be the same as the fee charged for an original application pursuant to section 54 of this act. Fees collected pursuant to the issuance of a certificate or renewal of a certificate shall be deposited in the General Fund.

House Bill No. 5846

(f) Failure to receive a notice of expiration of registration or a renewal application shall not exempt a homemaker-companion agency from the obligation to renew.

Sec. 60. (NEW) (*Effective October 1, 2006*) Each homemaker-companion agency shall require that any employee of such agency hired on or after October 1, 2006, submit to a comprehensive background check. In addition, each homemaker-companion agency shall require that any employee of such agency hired on or after October 1, 2006, complete and sign a form which contains questions as to whether the current or prospective employee was convicted of a crime involving violence or dishonesty in a state court or federal court in any state; or was subject to any decision imposing disciplinary action by a licensing agency in any state, the District of Columbia, a United States possession or territory or a foreign jurisdiction. Any employee of a homemaker-companion agency hired on or after October 1, 2006, who makes a false written statement regarding such prior criminal convictions or disciplinary action shall be guilty of a class A misdemeanor.

Sec. 61. (NEW) (*Effective October 1, 2006*) Not later than seven calendar days after the date on which a homemaker-companion agency commences providing homemaker services or companion services, such agency shall provide the person who receives the services, or the authorized representative of such person, with a written contract or service plan that prescribes the anticipated scope, type, frequency, duration and cost of the services provided by the agency. In addition, any contract or service plan provided by a homemaker-companion agency to a person receiving services shall also provide notice (1) of the person's right to request changes to, or review of the contract or service plan, (2) of the employees of such agency who, pursuant to section 60 of this act are required to submit to a comprehensive background check, and (3) that such agency's records

House Bill No. 5846

are available for inspection or audit by the Department of Consumer Protection. No contract or service plan for the provision of homemaker or companion services shall be valid against the person who receives the services or the authorized representative of such person, unless the contract or service plan has been signed by a duly authorized representative of the homemaker-companion agency and the person who receives the services or the authorized representative of such person. The requirements of this section shall not apply to homemaker services or companion services provided under the Connecticut home-care program for the elderly administered by the Department of Social Services in accordance with section 17b-342 of the 2006 supplement to the general statutes.

Sec. 62. (NEW) (*Effective October 1, 2006*) (a) The Commissioner of Consumer Protection shall adopt regulations, in accordance with chapter 54 of the general statutes, to carry out the provisions of sections 52 to 61, inclusive, of this act. The Commissioner of Consumer Protection may implement policies and procedures necessary to administer the provisions of said sections 52 to 61, inclusive, while in the process of adopting such policies and procedures as regulations, provided the commissioner prints notice of the intent to adopt the regulations in the Connecticut Law Journal not later than twenty days after the date of implementation. Such policies and procedures shall be valid until the time final regulations are adopted.

(b) Not later than January 1, 2008, the Commissioner of Consumer Protection shall report, in accordance with section 11-4a of the general statutes, on the implementation of the provisions of sections 52 to 61, inclusive, of this act to the select committee of the General Assembly having cognizance of matters relating to aging and to the office of the Governor. Such report may include recommended revisions to the general statutes or other changes that the commissioner deems necessary or advisable to enhance the implementation of the

House Bill No. 5846

provisions of sections 52 to 61, inclusive, of this act.

Sec. 63. (NEW) (*Effective from passage*) The Department of Economic and Community Development shall establish, in consultation with the Connecticut Center for Advanced Technology, a Connecticut Hydrogen-Fuel Cell Coalition.

Sec. 64. (NEW) (*Effective from passage*) The Department of Economic and Community Development shall contract with the Connecticut Center for Advanced Technology to develop a plan for fuel cell economic development, in consultation with the Connecticut Hydrogen-Fuel Cell Coalition, the Renewable Energy Investment Fund, established pursuant to subsection (c) of section 16-245n of the 2006 supplement to the general statutes and other appropriate state agencies. The plan shall include a strategy to (1) facilitate the commercialization of hydrogen-based technologies and fuel cells; (2) enhance energy reliability and security; (3) promote the improved efficiency and environmental performance of transportation and electric generation with reduced emissions, reduced greenhouse gases, more efficient use of nonrenewable fuels, and increased use of renewable and sustainable fuels; (4) facilitate the installation of infrastructure for hydrogen production, storage, transportation and fueling capability; (5) disseminate information regarding the benefits of hydrogen-based technologies and fuel cells; (6) develop strategies to retain and expand hydrogen and fuel cell industries in Connecticut; (7) in consultation with the Department of Transportation, identify areas within the state transportation system that would benefit from the integration of potential mass transit and fleet transit locations with hydrogen or natural gas and hydrogen mixture refueling stations; and (8) in consultation with electric and natural gas service providers, identify areas in the electric and natural gas distribution system of the state that would benefit from the development of distributed generation through hydrogen or fuel cell technology as a reliability

House Bill No. 5846

asset necessary for voltage control, grid security, or system reliability, or for the provision of required uninterruptible service at customer sites. On or before January 1, 2007, the department shall submit a preliminary report, in accordance with section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to commerce on the progress of the plan, and on or before January 1, 2008, shall submit a final report, in accordance with section 11-4a of the general statutes, on such plan to said committee.

Sec. 65. Section 22-38a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

The Commissioner of Agriculture shall establish and administer a program to promote the marketing of farm products grown and produced in Connecticut for the purpose of encouraging the development of agriculture in the state. The commissioner may, within available appropriations, provide a grant-in-aid to any person, firm, partnership or corporation engaged in the promotion and marketing of such farm products, provided the words "CONNECTICUT-GROWN" or "CT-Grown" are clearly incorporated in such promotional and marketing activities. The commissioner shall (1) provide for the design, plan and implementation of a multiyear, state-wide marketing and advertising campaign, including, but not limited to, television and radio advertisements, promoting the availability of, and advantages of purchasing, Connecticut-grown farm products, (2) establish and continuously update a web site connected with such advertising campaign that includes, but is not limited to, a comprehensive listing of Connecticut farmers' markets, pick-your-own farms, roadside and on-farm markets, farm wineries, garden centers and nurseries selling predominantly Connecticut-grown horticultural products and agri-tourism events and attractions, and (3) conduct efforts to promote interaction and business relationships between farmers and

House Bill No. 5846

restaurants, grocery stores, institutional cafeterias and other potential institutional purchasers of Connecticut-grown farm products, including, but not limited to, (A) linking farmers and potential purchasers through a separate feature of the web site established pursuant to this section, and (B) organizing state-wide or regional events promoting Connecticut-grown farm products, where farmers and potential institutional customers are invited to participate. The commissioner shall use his best efforts to solicit cooperation and participation from the farm, corporate, retail, wholesale and grocery communities in such advertising, Internet-related and event planning efforts, including, but not limited to, soliciting private sector matching funds. The commissioner shall use all of the funds provided to the Department of Agriculture pursuant to subparagraph (C) of subdivision (4) of section 4-66aa of the 2006 supplement to the general statutes for the purposes of this section. The commissioner shall report annually to the joint standing committee of the General Assembly having cognizance of matters relating to the environment on issues with respect to efforts undertaken pursuant to the requirements of this section, including, but not limited to, the amount of private matching funds received and expended by the department. The commissioner may adopt, in accordance with chapter 54, such regulations as he deems necessary to carry out the purposes of this section.

Sec. 66. Section 22-38c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

There shall be an expand and grow Connecticut agriculture account, which shall be a separate, nonlapsing account within the General Fund. Funds received pursuant to section 26-194 and section 22-38a, shall be deposited into said account. The Commissioner of Agriculture [may] shall make payments from said account to fund the programs established in [section] sections 22-38a, and 22-38b.

Sec. 67. Subsection (a) of section 9-7a of the general statutes is

House Bill No. 5846

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

(a) There is established a State Elections Enforcement Commission to consist of five members, not more than two of whom shall be members of the same political party and at least one of whom shall not be affiliated with any political party. Of the members first appointed hereunder, one shall be appointed by the minority leader of the House of Representatives and shall hold office for a term of one year from July 1, 1974; one shall be appointed by the minority leader of the Senate and shall hold office for a term of three years from said July first; one shall be appointed by the speaker of the House of Representatives and shall hold office for a term of one year from said July first; one shall be appointed by the president pro tempore of the Senate and shall hold office for a term of three years from said July first, and one shall be appointed by the Governor, provided that such member shall not be affiliated with any political party, and shall hold office for a term of five years from said July first. Thereafter, members shall be appointed for terms of five years from July first in the year of their appointment and shall be appointed by the person holding the same office as was held by the person making the original appointment, provided any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. All appointments shall be made with the consent of the state Senate and House of Representatives, provided the initial appointees may serve without confirmation from July 1, 1974, subject to approval at the next regular session of the General Assembly. No person who has served within the previous three years as a public official, other than a member of the State Elections Enforcement Commission, or who has served within the previous three years as a political party officer, shall be appointed to membership on the commission. For purposes of this subsection the term "public official" means an individual who holds or has held a state, district or municipal office as defined in

House Bill No. 5846

section 9-372 but shall not include a justice of the peace or a notary public and the term "political party officer" means an officer or member of a national committee of a political party, state central or town committee, or any person employed by any such committee for compensation. The commission shall elect one of its members to serve as chairperson and another member to serve as vice-chairperson. Each member of the commission shall be compensated at the rate of [fifty] two hundred dollars per day for any day on which he participates in a regular commission meeting or hearing, and shall be paid by the state for his reasonable expenses, including necessary stenographic and clerical help.

Sec. 68. Subsection (f) of section 1-80 of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) Members of the board shall be compensated at the rate of [fifty] two hundred dollars per day for each day they attend a meeting or hearing and shall receive reimbursement for their necessary expenses incurred in the discharge of their official duties.

Sec. 69. Subsection (b) of section 1-205 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Each member shall receive [fifty] two hundred dollars per day for each day such member is present at a commission hearing or meeting, and shall be entitled to reimbursement for actual and necessary expenses incurred in connection therewith, in accordance with the provisions of section 4-1.

Sec. 70. (NEW) (*Effective October 1, 2006*) (a) Notwithstanding any provision of the general statutes, any new construction of a state facility, except salt sheds, parking garages, maintenance facilities or

House Bill No. 5846

school construction, that is projected to cost five million dollars or more, and is approved and funded on or after January 1, 2007, shall comply with the regulations adopted pursuant to subsection (b) of this section. The Secretary of the Office of Policy and Management, in consultation with the Commissioner of Public Works and the Institute for Sustainable Energy, shall exempt any facility from complying with said regulations if said secretary finds, in a written analysis, that the cost of such compliance significantly outweighs the benefits.

(b) Not later than January 1, 2007, the Secretary of the Office of Policy and Management, in consultation with the Commissioner of Public Works, the Commissioner of Environmental Protection and the Commissioner of Public Safety, shall adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to adopt building construction standards that are consistent with or exceed the silver building rating of the Leadership in Energy and Environmental Design's rating system for new commercial construction and major renovation projects, as established by the United States Green Building Council, or an equivalent standard, including, but not limited to, a two-globe rating in the Green Globes USA design program, and thereafter update such regulations as the secretary deems necessary.

Sec. 71. Section 2-9 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 3, 2007*):

The clerk of the Senate shall receive a salary of [~~eighteen~~] twenty-five thousand dollars for each regular session of the General Assembly and sixty dollars per day for each day the General Assembly is convened in special session; the assistant clerk of the Senate, [~~sixteen thousand eight hundred~~] twenty-three thousand three hundred fifty dollars for each regular session of the General Assembly and forty-eight dollars per day for each day the General Assembly is convened in special session; the clerk of the House of Representatives, [~~eighteen~~] twenty-five thousand dollars for each regular session of the General

House Bill No. 5846

Assembly and sixty dollars per day for each day the General Assembly is convened in special session; the assistant clerk of the House of Representatives, [sixteen thousand eight hundred] twenty-three thousand three hundred fifty dollars for each regular session of the General Assembly and forty-eight dollars per day for each day the General Assembly is convened in special session; the chaplains of the Senate and the House of Representatives, [seven thousand two hundred] ten thousand dollars each for each regular session of the General Assembly and thirty dollars per day for each day the General Assembly is convened in special session; the messengers of the Senate and of the House of Representatives, [three thousand nine hundred] five thousand four hundred twenty-five dollars each for each regular session and twenty-four dollars per day for each day the General Assembly is convened in special session; which salaries shall be full payment for the performance of all services required of said officers in the discharge of their duties, and for all assistance and all expenses and disbursements not otherwise provided for. The Comptroller shall draw his order on the Treasurer for transportation for said officers, and for the messengers assigned to the speaker of the House, the president pro tempore of the Senate and the minority and majority leaders of the House and Senate and the sergeants-at-arms and assistant sergeants-at-arms of the House and the Senate, between their respective homes and Hartford during the session of the General Assembly at such sum per mile as shall from time to time be determined by the Joint Committee on Legislative Management. The clerk of the Senate and the clerk of the House of Representatives shall, with the approval and consent of the Joint Committee on Legislative Management, obtain such suitable offices and, with the approval of said committee, such office fixtures and supplies, including telephone, as may be necessary to the performance of their respective duties. The Comptroller is directed to draw his order on the Treasurer in payment for the same. The salaries of the clerks and employees of the General Assembly for a regular session shall be paid as follows: In each year, one-fifth of such

House Bill No. 5846

compensation in the month of February and thereafter one-fifth of such compensation within each succeeding month until such compensation is paid in full or such employee may elect in each year to receive the compensation for such year in twelve monthly installments of substantially equal amount. Compensation for any special session shall be payable monthly during such session.

Sec. 72. (*Effective from passage*) To the extent that a permanent full-time employee of the Joint Committee on Legislative Management received one hour of compensatory time for each two hours of overtime worked by such employee prior to the effective date of this section, such employee shall receive, on and after January 1, 2006, one hour of compensatory time for each one hour of overtime worked by such employee after January 1, 2006. On and after the effective date of this section, each such permanent full-time employee shall receive one hour of compensatory time for each one hour of overtime worked.

Sec. 73. (NEW) (*Effective July 1, 2006*) There is established an account within the General Fund to be known as the "state-wide tourism marketing account". The account may contain all moneys required by law to be deposited in the account. Any balance remaining in said account at the end of any fiscal year shall be carried forward in said account for the fiscal year next succeeding. The moneys in said account shall be allocated for implementation of the state-wide marketing plan.

Sec. 74. Subsection (e) of section 4-89 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(e) The provisions of this section shall not apply to appropriations for Department of Transportation equipment, the highway and planning research program administered by the Department of Transportation, Department of Environmental Protection equipment or the purchase of public transportation equipment, the minor capital

House Bill No. 5846

improvement account in the Department of Public Works, the litigation/settlement account in the Office of Policy and Management, library or educational equipment for the constituent units of the state system of higher education, or library or educational materials for the State Library, or the state-wide tourism marketing account of the Commission on Culture and Tourism. Such appropriations shall not lapse until the end of the fiscal year succeeding the fiscal year of the appropriation, provided an obligation to spend such funds has been incurred in the next preceding fiscal year, except that for the purposes of library or educational equipment or materials, such funds shall not exceed twenty-five per cent of the amount of the appropriation for such purposes.

Sec. 75. Subsection (b) of section 46b-124 of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(b) All records of cases of juvenile matters, as provided in section 46b-121, except delinquency proceedings, or any part thereof, and all records of appeals from probate brought to the superior court for juvenile matters pursuant to subsection (b) of section 45a-186, shall be confidential and for the use of the court in juvenile matters, and open to inspection or disclosure to any third party, including bona fide researchers commissioned by a state agency, only upon order of the Superior Court, except that: (1) The records concerning any matter transferred from a court of probate pursuant to section 45a-623 or subsection (g) of section 45a-715 or any appeal from probate to the superior court for juvenile matters pursuant to subsection (b) of section 45a-186 shall be available to the court of probate from which such matter was transferred or from which such appeal was taken; (2) such records shall be available to (A) the attorney representing the child or youth, including the Division of Public Defender Services, in any proceeding in which such records are relevant, (B) the parents or

House Bill No. 5846

guardian of the child or youth until such time as the child or youth reaches the age of majority or becomes emancipated, (C) an adult adopted person in accordance with the provisions of sections 45a-736, 45a-737 and 45a-743 to 45a-757, inclusive, (D) employees of the Division of Criminal Justice who in the performance of their duties require access to such records, (E) employees of the judicial branch who in the performance of their duties require access to such records, (F) another court under the provisions of subsection (d) of section 46b-115j, (G) the subject of the record, upon submission of satisfactory proof of the subject's identity, pursuant to guidelines prescribed by the Office of the Chief Court Administrator, provided the subject has reached the age of majority or has been emancipated, [and] (H) the Department of Children and Families, and (I) the employees of the Commission on Child Protection who in the performance of their duties require access to such records; and (3) all or part of the records concerning a youth in crisis with respect to whom a court order has been issued pursuant to subdivision (1) of subsection (c) of section 46b-150f may be made available to the Department of Motor Vehicles, provided such records are relevant to such order. Any records of cases of juvenile matters, or any part thereof, provided to any persons, governmental and private agencies, and institutions pursuant to this section shall not be disclosed, directly or indirectly, to any third party not specified in subsection (d) of this section, except as provided by court order or in the report required under section 54-76d, as amended, or 54-91a.

Sec. 76. Subsection (f) of section 17a-28 of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(f) The commissioner or the commissioner's designee shall, upon request, promptly provide copies of records, without the consent of a person, to (1) a law enforcement agency, (2) the Chief State's Attorney

House Bill No. 5846

or the Chief State's Attorney's designee or a state's attorney for the judicial district in which the child resides or in which the alleged abuse or neglect occurred or the state's attorney's designee, for purposes of investigating or prosecuting an allegation of child abuse or neglect, (3) the attorney appointed to represent a child in any court in litigation affecting the best interests of the child, (4) a guardian ad litem appointed to represent a child in any court in litigation affecting the best interests of the child, (5) the Department of Public Health, which licenses any person to care for children for the purposes of determining suitability of such person for licensure, subject to the provisions of sections 17a-101g, as amended, and 17a-101k, as amended, (6) any state agency which licenses such person to educate or care for children pursuant to section 10-145b, as amended, or 17a-101j, subject to the provisions of sections 17a-101g, as amended, and 17a-101k, as amended, concerning nondisclosure of findings of responsibility for abuse and neglect, (7) the Governor, when requested in writing, in the course of the Governor's official functions or the Legislative Program Review and Investigations Committee, the committee of the General Assembly on judiciary and the committee of the General Assembly having cognizance of matters involving children when requested in the course of such committees' official functions in writing, and upon a majority vote of said committee, provided no names or other identifying information shall be disclosed unless it is essential to the legislative or gubernatorial purpose, (8) a local or regional board of education, provided the records are limited to educational records created or obtained by the state or Connecticut-Unified School District #2, established pursuant to section 17a-37, [and] (9) a party in a custody proceeding under section 17a-112 or 46b-129, in the Superior Court where such records concern a child who is the subject of the proceeding or the parent of such child, and (10) to the Chief Child Protection Attorney, or his or her designee, for purposes of ensuring competent representation by the attorneys who the Chief Child Protection Attorney contracts with to provide legal and guardian

House Bill No. 5846

ad litem services to the subjects of said records and to ensure accurate payments for services rendered by said contract attorneys. A disclosure under this section shall be made of any part of a record, whether or not created by the department, provided no confidential record of the Superior Court shall be disclosed other than the petition and any affidavits filed therewith in the superior court for juvenile matters, except upon an order of a judge of the Superior Court for good cause shown. The commissioner shall also disclose the name of any individual who cooperates with an investigation of a report of child abuse or neglect to such law enforcement agency or state's attorney for purposes of investigating or prosecuting an allegation of child abuse or neglect. The commissioner or the commissioner's designee shall, upon request, subject to the provisions of sections 17a-101g, as amended, and 17a-101k, as amended, promptly provide copies of records, without the consent of the person, to (A) the Department of Public Health for the purpose of determining the suitability of a person to care for children in a facility licensed under sections 19a-77 to 19a-80, inclusive, as amended, 19a-82 to 19a-87, inclusive, and 19a-87b, as amended, and (B) the Department of Social Services for determining the suitability of a person for any payment from the department for providing child care.

Sec. 77. Section 2-71x of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

For the fiscal year ending June 30, [2004] 2007, and each fiscal year thereafter, the [Commissioner of Revenue Services] Comptroller shall segregate two million five hundred thousand dollars of the amount of the funds received by the state from the tax imposed under chapter 211 on public service companies providing community antenna television service in this state. The moneys segregated by the [commissioner] Comptroller shall be deposited with the Treasurer and made available to the Office of Legislative Management to defray the cost of providing

House Bill No. 5846

the citizens of this state with Connecticut Television Network coverage of state government deliberations and public policy events.

Sec. 78. Subdivision (20) of section 32-34 of the general statutes, as amended by section 3 of public act 06-83, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(20) "Start-up financing" means financial aid to companies in the process of organizing as a business or that have been in operation for less than one year and (A) have completed product development and initial marketing but have not sold such product commercially, and (B) have established viability by performing market studies, assembling key management, developing a business plan [or] and may also qualify for start-up financing by demonstrating viability by other means deemed appropriate by the [grantor] corporation.

Sec. 79. Subsection (f) of section 20 public act 06-83 is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(f) The [commissioner] commission, in consultation with the [commission, may] commissioner, shall adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, as may be necessary for the administration of this section.

Sec. 80. Subdivision (58) of section 12-412 of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(58) Sales of any services rendered for purposes of (A) personnel services, (B) commercial or industrial marketing, development, testing or research services, or (C) business analysis and management services, whenever, pursuant to a joint venture agreement, the recipient of any such services is either a corporation, [or] a partnership, or a limited liability company, and such services are rendered by one or more corporate shareholders, or a corporate partner or corporate

House Bill No. 5846

member in such joint venture, and in accordance with which the company rendering such service must have an ownership interest equivalent to not less than twenty-five per cent of total ownership in such joint venture, provided (i) the purpose of such joint venture is directly related to production or development of new or experimental products or systems and the marketing and support thereof, (ii) at least one of the corporations participating in such joint venture shall have been actively engaged in business in this state for not less than ten years, and (iii) exemption for such sales in accordance with this subsection, with respect to any single joint venture, shall not be allowed for a period in excess of [ten consecutive years] twenty consecutive years from the date of such venture's incorporation, formation or organization, or in the case of a joint venture in existence prior to January 1, 1986, within the aircraft industry, for a period in excess of thirty consecutive years, and such exemption shall be applicable to sales of such services rendered on or after January 1, 1986.

Sec. 81. Subparagraph (FF) of subdivision (37) of subsection (a) of section 12-407 of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2006*):

(FF) Health and athletic club services, exclusive of (i) any such services provided without any additional charge which are included in any dues or initiation fees paid to any such club, which dues or fees are subject to tax under section 12-543, [and] (ii) any such services provided by a municipality or an organization that is described in Section 501(c) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, and (iii) yoga instruction provided at a yoga studio.

Sec. 82. Subdivision (1) of section 12-412 of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu

House Bill No. 5846

thereof (*Effective July 1, 2006*):

(1) (A) Sales of tangible personal property or services to the United States, the state of Connecticut or any of the political subdivisions thereof, or its or their respective agencies; (B) sales of tangible personal property or services used to develop property which the state of Connecticut is under contract to purchase through a long-term financing contract; (C) sales and use of any services or tangible personal property to be incorporated into or used or otherwise consumed in (i) the demolition, remediation or preparation of the Adriaen's Landing site and the stadium facility site for purposes of the overall project, each as defined in section 32-651, (ii) the construction of the convention center, the Connecticut Center for Science and Exploration, the stadium facility and the related parking facilities and site preparation and infrastructure improvements, each as defined in section 32-651, or (iii) the construction of any future capital improvement to the convention center, the stadium facility or the related parking facilities.

Sec. 83. Section 32-651 of the general statutes is amended by adding subdivision (43) as follows (*Effective July 1, 2006*):

(NEW) (43) "Connecticut Center for Science and Exploration" means the science center facility constructed and operated in the Adriaen's Landing site.

Sec. 84. (NEW) (*Effective October 1, 2006*) For the purposes of sections 84 to 87, inclusive, of this act:

(1) "Barrier" means a denial of employment or a license based on an eligible offender's conviction of a crime without due consideration of whether the nature of the crime bears a direct relationship to such employment or license;

(2) "Eligible offender" means a person who has been convicted of a

House Bill No. 5846

crime or crimes in this state or another jurisdiction and who is a resident of this state and is applying for a provisional pardon or is under the jurisdiction of the Board of Pardons and Paroles;

(3) "Employment" means any remunerative work, occupation or vocation or any form of vocational training, but does not include employment with a law enforcement agency;

(4) "Forfeiture" means a disqualification or ineligibility for employment or a license by reason of law based on an eligible offender's conviction of a crime;

(5) "License" means any license, permit, certificate or registration that is required to be issued by the state or any of its agencies to pursue, practice or engage in an occupation, trade, vocation, profession or business; and

(6) "Provisional pardon" means a form of relief from barriers or forfeitures to employment or the issuance of licenses granted to an eligible offender by the Board of Pardons and Paroles pursuant to section 85 of this act.

Sec. 85. (NEW) (*Effective October 1, 2006*) (a) The Board of Pardons and Paroles may issue a provisional pardon to relieve an eligible offender of barriers or forfeitures by reason of such person's conviction of the crime or crimes specified in such provisional pardon. Such provisional pardon may be limited to one or more enumerated barriers or forfeitures or may relieve the eligible offender of all barriers and forfeitures. No provisional pardon shall apply or be construed to apply to the right of such person to retain or be eligible for public office.

(b) The Board of Pardons and Paroles may, in its discretion, issue a provisional pardon to an eligible offender upon verified application of such person. The board may issue a provisional pardon at any time after the sentencing of an eligible offender.

House Bill No. 5846

(c) The board shall not issue a provisional pardon unless the board is satisfied that:

(1) The person to whom the provisional pardon is to be issued is an eligible offender;

(2) The relief to be granted by the provisional pardon may promote the public policy of rehabilitation of ex-offenders through employment; and

(3) The relief to be granted by the provisional pardon is consistent with the public interest in public safety and the protection of property.

(d) In accordance with the provisions of subsection (c) of this section, the board may limit the applicability of the provisional pardon to specified types of employment or licenses for which the eligible offender is otherwise qualified.

(e) The board may, for the purpose of determining whether such provisional pardon should be issued, request its staff to conduct an investigation of the applicant and submit to the board a report of the investigation. Any written report submitted to the board pursuant to this subsection shall be confidential and not disclosed except where required or permitted by any provision of the general statutes or upon specific authorization of the board.

(f) If a provisional pardon is issued by the board while an eligible offender is on probation or parole, the provisional pardon shall be deemed to be temporary until the person completes such person's period of probation or parole. During the period that such provisional pardon is temporary, the board may revoke such provisional pardon for violation of the conditions of such person's probation or parole.

(g) The board may at any time issue a new provisional pardon to enlarge the relief previously granted, and the provisions of subsections

House Bill No. 5846

(a) to (e), inclusive, of this section shall apply to the issuance of any new provisional pardon.

(h) The application for a provisional pardon, the report of an investigation conducted pursuant to subsection (e) of this section, the provisional pardon and the revocation of a provisional pardon shall be in such form and contain such information as the Board of Pardons and Paroles shall prescribe.

Sec. 86. Section 54-130a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(a) Jurisdiction over the granting of, and the authority to 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 shall be vested in the Board of Pardons and Paroles.

(b) Said board shall have authority to grant pardons, conditioned, provisional or absolute, for any offense against the state at any time after the imposition and before or after the service of any sentence.

(c) Whenever the board grants an absolute pardon to any person, the [secretary of said] board shall cause notification of such pardon to be made in writing to the clerk of the court in which such person was convicted, or the Office of the Chief Court Administrator if such person was convicted in the Court of Common Pleas, the Circuit Court, a municipal court, or a trial justice court.

(d) Whenever the board grants a provisional pardon to any person, the board shall cause notification of such pardon to be made in writing to the clerk of the court in which such person was convicted. The granting of a provisional pardon does not entitle such person to erasure of the record of the conviction of the offense or relieve such person from disclosing the existence of such conviction as may be

House Bill No. 5846

required.

Sec. 87. Section 31-51i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(a) For the purposes of this section, "employer" means any person engaged in business who has one or more employees, including the state or any political subdivision of the state.

(b) No employer or an employer's agent, representative or designee may require an employee or prospective employee to disclose the existence of any arrest, criminal charge or conviction, the records of which have been erased pursuant to section 46b-146, 54-76o or 54-142a.

(c) An employment application form that contains any question concerning the criminal history of the applicant shall contain a notice, in clear and conspicuous language: (1) That the applicant is not required to disclose the existence of any arrest, criminal charge or conviction, the records of which have been erased pursuant to section 46b-146, 54-76o or 54-142a, (2) that criminal records subject to erasure pursuant to section 46b-146, 54-76o or 54-142a are records pertaining to a finding of delinquency or that a child was a member of a family with service needs, an adjudication as a youthful offender, a criminal charge that has been dismissed or nolle, a criminal charge for which the person has been found not guilty or a conviction for which the person received an absolute pardon, and (3) that any person whose criminal records have been erased pursuant to section 46b-146, 54-76o or 54-142a shall be deemed to have never been arrested within the meaning of the general statutes with respect to the proceedings so erased and may so swear under oath.

(d) No employer or an employer's agent, representative or designee shall deny employment to a prospective employee solely on the basis that the prospective employee had a prior arrest, criminal charge or

House Bill No. 5846

conviction, the records of which have been erased pursuant to section 46b-146, 54-760 or 54-142a or that the prospective employee had a prior conviction for which the prospective employee has received a provisional pardon pursuant to section 54-130a, as amended by this act.

(e) No employer or an employer's agent, representative or designee shall discharge, or cause to be discharged, or in any manner discriminate against, any employee solely on the basis that the employee had, prior to being employed by such employer, an arrest, criminal charge or conviction, the records of which have been erased pursuant to section 46b-146, 54-760 or 54-142a or that the employee had, prior to being employed by such employer, a prior conviction for which the employee has received a provisional pardon pursuant to section 54-130a, as amended by this act.

(f) The portion of an employment application form which contains information concerning the criminal history record of an applicant or employee shall only be available to the members of the personnel department of the company, firm or corporation or, if the company, firm or corporation does not have a personnel department, the person in charge of employment, and to any employee or member of the company, firm or corporation, or an agent of such employee or member, involved in the interviewing of the applicant.

(g) Notwithstanding the provisions of subsection (f) of this section, the portion of an employment application form which contains information concerning the criminal history record of an applicant or employee may be made available as necessary to persons other than those specified in said subsection (f) by:

(1) A broker-dealer or investment adviser registered under chapter 672a in connection with (A) the possible or actual filing of, or the collection or retention of information contained in, a form U-4 Uniform

House Bill No. 5846

Application for Securities Industry Registration or Transfer, (B) the compliance responsibilities of such broker-dealer or investment adviser under state or federal law, or (C) the applicable rules of self-regulatory organizations promulgated in accordance with federal law;

(2) An insured depository institution in connection with (A) the management of risks related to safety and soundness, security or privacy of such institution, (B) any waiver that may possibly or actually be sought by such institution pursuant to section 19 of the Federal Deposit Insurance Act, 12 USC 1829(a), (C) the possible or actual obtaining by such institution of any security or fidelity bond, or (D) the compliance responsibilities of such institution under state or federal law; and

(3) An insurance producer licensed under chapter 701a in connection with (A) the management of risks related to security or privacy of such insurance producer, or (B) the compliance responsibilities of such insurance producer under state or federal law.

Sec. 88. (*Effective July 1, 2006*) (a) The sum of \$4,000,000 appropriated to the Office of Policy and Management for fiscal year ending June 30, 2006, for Urban Youth Employment is transferred to the Labor Department to be distributed to the five regional workforce investment boards as follows: \$1,300,000 to Capital Workforce Partners; \$900,000 to the Workforce Alliance; \$500,000 to The Workplace, Inc.; \$900,000 to the Northwest Regional Workforce Investment Board, Inc.; and \$400,000 to the Eastern CT Workforce Investment Board.

(b) At least seventy-five per cent of the amount appropriated to each board pursuant to subsection (a) of this section shall be allocated to one or more distressed municipalities in such board's region, and the remaining amount shall be allocated to other municipalities in the region for Summer Youth Employment programs. Each board shall have the option to allocate up to twenty-five per cent of the amount

House Bill No. 5846

appropriated, or any unspent amounts allocated to the Summer Youth Employment program in such board's region, for other year-round workforce development programs for youths fourteen to nineteen years of age who meet family income requirements, as documented by participation in reduced or fully subsidized school meal programs.

Sec. 89. (*Effective July 1, 2006*) Connecticut Innovations, Incorporated shall pay to Connecticut United for Research Excellence, the state's bioscience cluster, the sum of \$1,500,000, to be paid out over five years commencing July 1, 2006, for the operation of Connecticut United for Research Excellence's BioBus. Said sum shall be paid from available appropriations.

Sec. 90. (*Effective July 1, 2006*) During the fiscal year ending June 30, 2007, the Agricultural Experiment Station shall transfer the sum of \$300,000 from the IPM account to The University of Connecticut to develop and implement (1) nonagricultural integrated pest management programs which shall include, but not be limited to, programs for trees, shrubs, turf and structural applications of integrated pest management techniques, and (2) agricultural integrated pest management programs, including, but not limited to, programs for vegetables, fruit, forage crops and nurseries.

Sec. 91. (*Effective July 1, 2006*) The sum of \$50,000 appropriated to the Office of Workforce Competitiveness for the fiscal year ending June 30, 2007, to establish a Nanotechnology Collaboration Initiative shall be transferred to the Department of Higher Education for the identification of model nanotechnology curriculum and assessment of its application in Connecticut colleges and universities.

Sec. 92. (*Effective July 1, 2006*) The sum of \$75,000, appropriated to the victim security account within the Judicial Department, from the General Fund, for the fiscal year ending June 30, 2007, shall be transferred to the witness protection account of the Division of

House Bill No. 5846

Criminal Justice for the purposes of providing protective services in accordance with sections 54-82t and 54-82u of the general statutes to victims of the offense of trafficking in persons as provided in section 1 of public act 06-43.

Sec. 93. (NEW) (*Effective July 1, 2006*) Up to \$234,000 of the unexpended balance of funds appropriated to the Public Defenders Services Commission in subsection (a) of section 47 of public act 05-3, for Personnel Services, for the Child Protection Commission, and transferred by the Finance Advisory Committee to the Child Protection Commission account, shall not lapse on June 30, 2006, and such funds shall continue to be available for such purpose during the fiscal year ending June 30, 2007.

Sec. 94. (*Effective July 1, 2006*) The sum of \$50,000 appropriated to the Department of Public Safety for the fiscal year ending June 30, 2007, for Other Expenses shall be transferred to the Department of Consumer Protection for Other Expenses.

Sec. 95. (*Effective July 1, 2006*) The sum of \$450,000 appropriated to the Department of Environmental Protection, from the General Fund, for the fiscal year ending June 30, 2006, for PAYMENT TO LOCAL GOVERNMENTS, Beach Erosion Pilot Project, shall be transferred to the Department of Environmental Protection, OTHER CURRENT EXPENSES, for Beach Erosion Pilot Project.

Sec. 96. (NEW) (*Effective July 1, 2006*) For the fiscal year ending June 30, 2008, and each fiscal year thereafter, one million six hundred thousand dollars of the appropriation to the Mashantucket Pequot and Mohegan Fund, for Grants to Towns, shall be distributed to municipalities that are members of the Southeastern Connecticut Council of Governments and to any distressed municipality that is a member of the Northeastern Connecticut Council of Governments or the Windham Area Council of Governments. Said amount shall be

House Bill No. 5846

distributed proportionately to each such municipality based on the total amount of payments received by all such municipalities from said fund in the preceding fiscal year, determined in accordance with section 3-55j of the general statutes. The grants payable in accordance with this section shall be determined prior to the determination of grants pursuant to said section 3-55j and shall not be reduced proportionately if the total of the grants payable to each municipality pursuant to said section exceeds the amount appropriated for such grants with respect to such year. The payments to municipalities authorized by this section shall be made in accordance with the schedule set forth in section 3-55i of the general statutes.

Sec. 97. Section 2-1h of the general statutes is repealed. (*Effective from passage*)

Sec. 98. Sections 8 to 11, inclusive, of public act 06-43, are repealed. (*Effective July 1, 2006*)

Sec. 99. Subdivision (14) of section 21a-6 of the general statutes is repealed. (*Effective October 1, 2006*)

Approved May 26, 2006.