



# Senate

General Assembly

**File No. 446**

February Session, 2006

Substitute Senate Bill No. 67

*Senate, April 10, 2006*

The Committee on Government Administration and Elections reported through SEN. DEFRONZO of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## **AN ACT CONCERNING GOVERNMENT ADMINISTRATION.**

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

1 Section 1. Subsection (b) of section 4b-91 of the 2006 supplement to  
2 the general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective from passage*):

4 (b) The Commissioner of Public Works, the joint committee or the  
5 constituent unit, as the case may be, shall determine the manner of  
6 submission and the conditions and requirements of such bids, and the  
7 time within which the bids shall be submitted, consistent with the  
8 provisions of sections 4b-91 to 4b-96, inclusive, as amended by this act.  
9 Such award shall be made within [sixty] one hundred twenty days  
10 after the opening of such bids. If the general bidder selected as the  
11 general contractor fails to perform the general contractor's agreement  
12 to execute a contract in accordance with the terms of the general  
13 contractor's general bid and furnish a performance bond and also a  
14 labor and materials or payment bond to the amount specified in the

15 general bid form, an award shall be made to the next lowest  
16 responsible and qualified general bidder. No employee of the  
17 Department of Public Works, the joint committee or a constituent unit  
18 with decision-making authority concerning the award of a contract  
19 and no public official, as defined in section 1-79, as amended, may  
20 communicate with any bidder prior to the award of the contract if the  
21 communication results in the bidder receiving information about the  
22 contract that is not available to other bidders, except that if the lowest  
23 responsible and qualified bidder's price submitted is in excess of funds  
24 available to make an award, the Commissioner of Public Works, the  
25 Joint Committee on Legislative Management or the constituent unit, as  
26 the case may be, may negotiate with such bidder and award the  
27 contract on the basis of the funds available, without change in the  
28 contract specifications, plans and other requirements. If the award of a  
29 contract on said basis is refused by such bidder, the Commissioner of  
30 Public Works, the Joint Committee on Legislative Management or the  
31 constituent unit, as the case may be, may negotiate with other  
32 contractors who submitted bids in ascending order of bid prices  
33 without change in the contract, specifications, plans and other  
34 requirements. In the event of negotiation with general bidders as  
35 provided in this section, the general bidder involved may negotiate  
36 with subcontractors on the same basis, provided such general bidder  
37 shall negotiate only with subcontractors named on such general  
38 bidder's general bid form.

39 Sec. 2. Subsection (a) of section 49-41 of the 2006 supplement to the  
40 general statutes is repealed and the following is substituted in lieu  
41 thereof (*Effective October 1, 2006*):

42 (a) Each contract exceeding one hundred thousand dollars in  
43 amount for the construction, alteration or repair of any public building  
44 or public work of the state or a municipality shall include a provision  
45 that the person to perform the contract shall furnish to the state or  
46 municipality on or before the award date, a bond in the amount of the  
47 contract which shall be binding upon the award of the contract to that  
48 person, with a surety or sureties satisfactory to the officer awarding

49 the contract, for the protection of persons supplying labor or materials  
50 in the prosecution of the work provided for in the contract for the use  
51 of each such person, provided no such bond shall be required to be  
52 furnished (1) in relation to any general bid in which the total estimated  
53 cost of labor and materials under the contract with respect to which  
54 such general bid is submitted is less than [fifty] one hundred thousand  
55 dollars, (2) in relation to any sub-bid in which the total estimated cost  
56 of labor and materials under the contract with respect to which such  
57 sub-bid is submitted is less than [fifty] one hundred thousand dollars,  
58 or (3) in relation to any general bid or sub-bid submitted by a  
59 consultant, as defined in section 4b-55, as amended. Any such bond  
60 furnished shall have as principal the name of the person awarded the  
61 contract.

62 Sec. 3. Subsection (a) of section 3-37 of the general statutes is  
63 repealed and the following is substituted in lieu thereof (*Effective from*  
64 *passage*):

65 (a) The Treasurer shall, annually, on or before [October fifteenth]  
66 December thirty-first, submit a final audited report to the Governor  
67 and a copy of such report to the Investment Advisory Council, which  
68 shall include the following information concerning the activities of the  
69 office of the State Treasurer for the immediately preceding fiscal year  
70 ending June thirtieth: (1) Complete financial statements and  
71 accompanying footnotes for the combined investment funds prepared  
72 in accordance with generally accepted accounting principles, which  
73 financial statements shall be audited in accordance with generally  
74 accepted auditing standards and supplementary schedules depicting  
75 the interests of the component retirement plans and trust funds; (2)  
76 complete financial statements and accompanying footnotes for the  
77 Short Term Investment Fund prepared in accordance with generally  
78 accepted accounting principles and supplementary schedules listing all  
79 assets held by the Short Term Investment Fund; (3) a discussion and  
80 review of the performance of the combined investment funds and  
81 Short Term Investment Fund for such fiscal year in accordance with  
82 recognized and appropriate performance presentation and disclosure,

83 including an analysis of the return earned by the portfolio and each  
84 combined investment fund as well as the risk profile of the portfolio  
85 and each combined investment fund according to investment industry  
86 standards; (4) the activities and transactions in such reasonable detail  
87 as is appropriate of the cash management division including  
88 information on the state's cash receipts and disbursements for the fiscal  
89 year, and the debt management division including the financial  
90 statements of the tax-exempt proceeds fund prepared in accordance  
91 with generally accepted accounting principles; (5) financial statements  
92 and accompanying footnotes as well as a summary of operating results  
93 for the Second Injury Fund for such fiscal year; (6) a financial summary  
94 and report on the activities of the state's unclaimed property program  
95 for such fiscal year; and (7) such other information as the Treasurer  
96 deems of interest to the public.

97 Sec. 4. Section 9-242c of the 2006 supplement to the general statutes  
98 is repealed and the following is substituted in lieu thereof (*Effective*  
99 *from passage*):

100 (a) There is established the Voting Technology Standards Board.  
101 The board shall consist of:

102 (1) The Secretary of the State, or the Secretary's designee;

103 (2) The executive director of the State Elections Enforcement  
104 Commission, or the executive director's designee;

105 (3) The chairpersons and ranking members of the joint standing  
106 committee of the General Assembly having cognizance of matters  
107 relating to elections, or the chairpersons' and ranking members'  
108 designees;

109 (4) Two persons who are members of different political parties,  
110 appointed by the president of the Registrars of Voters Association of  
111 Connecticut;

112 (5) Two [persons] town clerks who are members of different  
113 political parties, appointed by the president of the Connecticut Town

114 Clerks Association, Inc.;

115 (6) A member of the faculty or an employee of The University of  
116 Connecticut, having expertise in computer architecture, appointed by  
117 the Governor; [and]

118 (7) One person representing a nonpartisan organization [for  
119 governmental accountability] dedicated to increasing voter  
120 participation and voter understanding of the election process,  
121 appointed by the Governor;

122 (8) One person appointed by the executive director of the Office of  
123 Protection and Advocacy for Persons with Disabilities; and

124 (9) A member of the faculty or an employee of the Connecticut State  
125 University system, having expertise in computer architecture,  
126 appointed by the chancellor.

127 (b) All appointments to the Voting Technology Standards Board  
128 shall be made not later than thirty days after July 8, 2005, provided the  
129 appointments by the executive director of the Office of Protection and  
130 Advocacy for Persons with Disabilities and the chancellor, in addition  
131 to the appointment in subdivision (7) of subsection (a) of this section  
132 shall be made not later than thirty days after the effective date of this  
133 section. Any vacancy shall be filled by the appointing authority. [The  
134 board shall elect] The Secretary of the State shall designate a  
135 chairperson and a vice-chairperson from among [its] the board's  
136 members, subject to approval by a majority vote of the board. The  
137 board shall be within the office of the Secretary of the State for  
138 administrative purposes only.

139 (c) The Voting Technology Standards Board shall adopt and, as  
140 needed, revise standards for electronic voting technology that will  
141 ensure the integrity of the state's voting systems. Said standards shall  
142 address: (1) Accuracy; (2) protecting voter anonymity; (3) maintaining  
143 secret ballots, except where a voter requests assistance; (4) preventing  
144 a voter from voting more than once on any ballot question and from

145 casting more votes for any office than there are persons to be elected to  
146 such office; (5) the equivalent of write-in votes; (6) reliable backup  
147 power sources so that a system is not subject to power failures; (7)  
148 handicapped accessibility; (8) simple ballot layout that will not be  
149 confusing to voters; (9) ease of navigation of multiple-screen ballots;  
150 (10) enabling voters to check and correct votes; (11) creating voter-  
151 verified paper trails; (12) adequate security precautions if individual  
152 voting systems are to be networked or if voting results will be  
153 communicated via the Internet; (13) the need for encryption; (14)  
154 adequate protection from computer viruses; [and] (15) testing and  
155 certification of the system; and (16) any other standards necessary to  
156 protect the integrity of the voting systems.

157 (d) Not later than January 16, 2006, the Voting Technology  
158 Standards Board shall submit a report containing the standards for  
159 electronic voting technology adopted under subsection (c) of this  
160 section to the joint standing committee of the General Assembly  
161 having cognizance of matters relating to elections, the Governor and  
162 the Secretary of the State, in accordance with the provisions of section  
163 11-4a. [The board shall terminate on the date that it submits such  
164 standards.]

165 Sec. 5. (*Effective from passage*) Notwithstanding any provision of the  
166 general statutes or any special act, charter or ordinance, the vote cast  
167 by the electors and voters of the town of Manchester at the referendum  
168 held on November 3, 2003, relating to approval of an appropriation for  
169 construction of road and sidewalk improvements, bridge design and  
170 repair, traffic signal upgrades, storm drainage and extension of the  
171 Charter Oak Greenway and the authorization of the issuance of bonds,  
172 notes and temporary notes and the acceptance of grants and other  
173 available funds to defray said appropriation, otherwise valid except  
174 for the failure to publish the correct dollar value of the appropriation  
175 and bond authorization in the notice of the referendum, is validated.  
176 All acts, votes and proceedings of the officers and officials of the town  
177 of Manchester pertaining to or taken in reliance on said referendum,  
178 otherwise valid except for the failure to publish the correct dollar value

179 of the appropriation and bond authorization in the notice of the  
180 referendum, are validated and effective as of the date taken.

181 Sec. 6. (NEW) (*Effective from passage*) The state aviation pioneer shall  
182 be Igor I. Sikorsky.

183 Sec. 7. Subsection (b) of section 52-380d of the general statutes is  
184 repealed and the following is substituted in lieu thereof (*Effective July*  
185 *1, 2006*):

186 (b) A release of a judgment lien on real property is sufficient if (1) it  
187 specifies the names of the judgment creditor and judgment debtor, the  
188 date of the lien, and the town and volume and page where the  
189 judgment lien certificate is recorded, and (2) the signature of the  
190 lienholder, attorney or personal representative is acknowledged and  
191 witnessed in the same manner as a deed on real property. The town  
192 clerk with whom the lien was recorded shall [note such release as by  
193 law provided and shall] index the record of each such release under  
194 the name of the judgment creditor and judgment debtor.

195 Sec. 8. Section 7-25 of the general statutes is repealed and the  
196 following is substituted in lieu thereof (*Effective July 1, 2006*):

197 Each town clerk shall, within five days after receipt of an instrument  
198 for record, enter the names of all the grantors in a grantor index and all  
199 the grantees in a grantee index, in alphabetical order, and cross-  
200 indexed as to the party first identified as grantor or grantee on the  
201 instrument, the nature of the instrument, the date of its receipt as  
202 endorsed upon the recorded instrument and thereafter, when available  
203 for entry, the book and page of such instrument or other suitable  
204 indication of its location approved by the Public Records  
205 Administrator. If such instrument is an assignment of mortgage,  
206 collateral assignment of mortgage, subordination of mortgage or other  
207 transfer of an interest in a mortgage, the mortgagor shall be deemed an  
208 additional grantor for purposes of this section. If such instrument is a  
209 grant or assignment of a mortgage to a party designated in the  
210 mortgage or assignment as the nominee for another, such nominee

211 shall be deemed to be the grantee of such mortgage or assignment for  
212 purposes of this section. If such instrument affects real property, the  
213 index shall include a reference to the location of such property, if  
214 contained in such instrument. If such instrument is a release or partial  
215 release, reference to only one previous book and page shall be indexed.  
216 Such general index shall be a permanent public record.

217 Sec. 9. Subsection (c) of section 7-24 of the general statutes is  
218 repealed and the following is substituted in lieu thereof (*Effective July*  
219 *1, 2006*):

220 (c) The town clerk shall, on receipt of any instrument for record,  
221 write thereon the day, month, year and time of day when he received  
222 it, and the record shall bear the same date and time of day; but he shall  
223 not be required to receive any instrument for record unless the fee for  
224 recording it is paid to him in advance except instruments received  
225 from the state or any political subdivision thereof, and, when he has  
226 received it for record, he shall not deliver it up to the parties or either  
227 of them until it has been recorded. When any town clerk has, upon  
228 receiving any instrument for record, written thereon the time of day  
229 when he received it as well as the day and year of such receipt, and  
230 when any town clerk has noted with the record of any instrument the  
231 time of day when he received the record, such entries of the time of  
232 day shall have the same effect as other entries that are required by law  
233 to be made. Each instrument for record shall have not less than a one  
234 inch margin surrounding each page.

235 Sec. 10. Subsection (a) of section 33-617 of the general statutes is  
236 repealed and the following is substituted in lieu thereof (*Effective*  
237 *October 1, 2006*):

238 (a) The Secretary of the State shall charge and collect the following  
239 fees for filing documents and issuing certificates and remit them to the  
240 Treasurer for the use of the state: (1) Filing application to reserve,  
241 register, renew or cancel registration of corporate name, thirty dollars;  
242 (2) filing transfer of reserved corporate name, thirty dollars; (3) filing  
243 certificate of incorporation, including appointment of registered agent,

244 fifty dollars; (4) filing change of address of registered agent or change  
245 of registered agent, twenty-five dollars; (5) filing notice of resignation  
246 of registered agent, twenty-five dollars; (6) filing amendment to  
247 certificate of incorporation, fifty dollars; (7) filing restated certificate of  
248 incorporation, fifty dollars; (8) filing certificate of merger or share  
249 exchange, thirty dollars; (9) filing certificate of correction, fifty dollars;  
250 (10) filing certificate of surrender of special charter and adoption of  
251 general certificate of incorporation, fifty dollars; (11) filing certificate of  
252 dissolution, twenty-five dollars; (12) filing certificate of revocation of  
253 dissolution, twenty-five dollars; (13) filing annual report, [seventy-five]  
254 eighty dollars or seventy dollars if electronically transmitted except as  
255 otherwise provided in sections 33-953 and 33-954; (14) filing  
256 application of foreign corporation for certificate of authority to transact  
257 business in this state and issuing certificate of authority, fifty dollars;  
258 (15) filing application of foreign corporation for amended certificate of  
259 authority to transact business in this state and issuing amended  
260 certificate of authority, fifty dollars; (16) filing application for  
261 withdrawal of foreign corporation and issuing certificate of  
262 withdrawal, fifty dollars; (17) filing application for reinstatement,  
263 seventy-five dollars; (18) filing a corrected annual report, fifty dollars;  
264 and (19) filing an interim notice of change of director or officer, ten  
265 dollars.

266 Sec. 11. Subsection (a) of section 33-1013 of the general statutes is  
267 repealed and the following is substituted in lieu thereof (*Effective*  
268 *October 1, 2006*):

269 (a) The Secretary of the State shall charge and collect the following  
270 fees for filing documents and issuing certificates and remit them to the  
271 Treasurer for the use of the state: (1) Filing application to reserve,  
272 register, renew or cancel registration of corporate name, thirty dollars;  
273 (2) filing transfer of reserved corporate name, thirty dollars; (3) filing a  
274 certificate of incorporation, including appointment of registered agent,  
275 ten dollars; (4) filing change of address of registered agent or change of  
276 registered agent, ten dollars; (5) filing notice of resignation of  
277 registered agent in duplicate, ten dollars; (6) filing certificate of

278 amendment to certificate of incorporation, ten dollars; (7) filing  
279 restated certificate of incorporation, ten dollars; (8) filing certificate of  
280 merger, ten dollars; (9) filing certificate of correction, ten dollars; (10)  
281 filing certificate of surrender of special charter and adoption of  
282 certificate of incorporation, ten dollars; (11) filing certificate of  
283 dissolution, ten dollars; (12) filing certificate of revocation of  
284 dissolution, ten dollars; (13) filing annual report, [twenty-five] thirty  
285 dollars or twenty dollars if electronically transmitted; (14) filing  
286 application of foreign corporation for certificate of authority to conduct  
287 affairs in this state and issuing certificate of authority, twenty dollars;  
288 (15) filing application of foreign corporation for amended certificate of  
289 authority to conduct affairs in this state and issuing amended  
290 certificate of authority, twenty dollars; (16) filing application for  
291 withdrawal of foreign corporation and issuing certificate of  
292 withdrawal, twenty dollars; (17) filing certificate of reinstatement,  
293 including appointment of registered agent, fifty-five dollars; (18) filing  
294 a corrected annual report, twenty-five dollars; and (19) filing an  
295 interim notice of change of director or officer, ten dollars.

296 Sec. 12. Section 34-9 of the general statutes is repealed and the  
297 following is substituted in lieu thereof (*Effective October 1, 2006*):

298 As used in this chapter, unless the context otherwise requires:

299 (1) "Address" means location as described by the full street number,  
300 if any, street, city or town, state or country and not a mailing address  
301 such as a post office box.

302 (2) "Certificate of limited partnership" means the certificate referred  
303 to in section 34-10 and the certificate as amended or restated.

304 (3) "Consolidation" means a business combination pursuant to  
305 section 34-33b.

306 (4) "Contribution" means any cash, property, services rendered, or a  
307 promissory note or other binding obligation to contribute cash or  
308 property or to perform services, which a partner contributes to a

309 limited partnership in his capacity as a partner.

310 (5) "Event of withdrawal of a general partner" means an event that  
311 causes a person to cease to be a general partner as provided in section  
312 34-28.

313 (6) "Foreign limited partnership" means a partnership formed under  
314 the laws of any state other than this state and having as partners one or  
315 more general partners and one or more limited partners.

316 (7) "General partner" means a person who has been admitted to a  
317 limited partnership as a general partner in accordance with the  
318 partnership agreement and named in the certificate of limited  
319 partnership as a general partner.

320 (8) "Interests" means the proprietary interests in an other entity.

321 (9) "Limited partner" means a person who has been admitted to a  
322 limited partnership as a limited partner in accordance with the  
323 partnership agreement.

324 (10) "Limited partnership" and "domestic limited partnership"  
325 means a partnership formed by two or more persons under the  
326 provisions of this chapter and having one or more general partners  
327 and one or more limited partners.

328 (11) "Merger" means a business combination pursuant to section 34-  
329 33a.

330 (12) "Organizational documents" means the basic document or  
331 documents that create, or determine the internal governance of, an  
332 other entity.

333 (13) "Other entity" means any association or legal entity, other than  
334 a domestic or foreign limited partnership, organized to conduct  
335 business, including, but not limited to, a corporation, general  
336 partnership, limited liability partnership, limited liability company,  
337 joint venture, joint stock company, business trust, statutory trust and

338 real estate investment trust.

339 (14) "Partner" means a limited or general partner.

340 (15) "Partnership agreement" means any valid agreement, written or  
341 oral, of the partners as to the affairs of a limited partnership and the  
342 conduct of its business.

343 (16) "Partnership interest" means a partner's share of the profits and  
344 losses of a limited partnership and the right to receive distributions of  
345 partnership assets.

346 (17) "Party to a consolidation" means any domestic or foreign  
347 limited partnership or other entity that will consolidate under a plan of  
348 consolidation.

349 (18) "Party to a merger" means any domestic or foreign limited  
350 partnership or other entity that will merge under a plan of merger.

351 (19) "Person" means a natural person, partnership, limited  
352 partnership, foreign limited partnership, trust, estate, association,  
353 limited liability company or corporation.

354 (20) "Plan of merger" means a plan entered into pursuant to section  
355 34-33a.

356 (21) "Plan of consolidation" means a plan entered into pursuant to  
357 section 34-33b.

358 (22) "State" means a state, territory, or possession of the United  
359 States, the District of Columbia or the Commonwealth of Puerto Rico.

360 (23) "Survivor" means, in a merger or consolidation, the limited  
361 partnership or other entity into which one or more other limited  
362 partnerships or other entities are merged or consolidated.

363 (24) "Electronic transmission" or "electronically transmitted" means  
364 any process of communication not directly involving the physical  
365 transfer of paper that is suitable for the retention, retrieval and

366 reproduction of information by the recipient.

367 (25) "Sign" or "signature" means any manual, facsimile, conformed  
368 or electronic signature, as defined in section 1-267.

369 Sec. 13. Subsection (a) of section 34-38n of the general statutes is  
370 repealed and the following is substituted in lieu thereof (*Effective*  
371 *October 1, 2006*):

372 (a) The Secretary of the State shall receive, for filing any document  
373 or certificate required to be filed under sections 34-10, 34-13a, 34-13e,  
374 34-32, 34-32a, 34-32c, 34-38g and 34-38s, the following fees: (1) For  
375 reservation or cancellation of reservation of name, thirty dollars; (2) for  
376 a certificate of limited partnership and appointment of statutory agent,  
377 sixty dollars; (3) for a certificate of amendment, sixty dollars; (4) for a  
378 certificate of merger or consolidation, thirty dollars; (5) for a certificate  
379 of cancellation, thirty dollars; (6) for a certificate of registration, sixty  
380 dollars; (7) for a change of agent or change of address of agent, ten  
381 dollars; (8) for a certificate of reinstatement, sixty dollars; and (9) for an  
382 annual report, [ten] fifteen dollars or five dollars if electronically  
383 transmitted.

384 Sec. 14. Subsection (a) of section 34-112 of the general statutes is  
385 repealed and the following is substituted in lieu thereof (*Effective*  
386 *October 1, 2006*):

387 The Secretary of the State shall charge and collect the following fees  
388 and remit them to the Treasurer for the use of the state:

389 (a) Fees for filing documents and issuing certificates: (1) Filing  
390 application to reserve a limited liability company name or to cancel a  
391 reserved limited liability company name, thirty dollars; (2) filing  
392 transfer of reserved limited liability company name, thirty dollars; (3)  
393 filing articles of organization, including appointment of statutory  
394 agent, sixty dollars; (4) filing change of address of statutory agent or  
395 change of statutory agent, twenty-five dollars; (5) filing notice of  
396 resignation of statutory agent in duplicate, twenty-five dollars; (6)

397 filing amendment to articles of organization, sixty dollars; (7) filing  
398 restated articles of organization, sixty dollars; (8) filing articles of  
399 merger or consolidation, thirty dollars; (9) filing articles of dissolution  
400 by resolution, twenty-five dollars; (10) filing articles of dissolution by  
401 expiration, twenty-five dollars; (11) filing judicial decree of dissolution,  
402 twenty-five dollars; (12) filing certificate of reinstatement, sixty dollars;  
403 (13) filing application by a foreign limited liability company for  
404 certificate of registration to transact business in this state and issuing  
405 certificate of registration, sixty dollars; (14) filing application of foreign  
406 limited liability company for amended certificate of registration to  
407 transact business in this state and issuing amended certificate of  
408 registration, sixty dollars; (15) filing application for withdrawal of  
409 foreign limited liability company and issuing certificate of withdrawal,  
410 sixty dollars; (16) filing an annual report, [ten] fifteen dollars or five  
411 dollars if electronically transmitted; and (17) filing an interim notice of  
412 change of manager or member, ten dollars.

413 Sec. 15. Section 34-301 of the general statutes is repealed and the  
414 following is substituted in lieu thereof (*Effective October 1, 2006*):

415 As used in sections 34-300 to 34-399, inclusive:

416 (1) "Business" includes every trade, occupation and profession.

417 (2) "Debtor in bankruptcy" means a person who is the subject of: (A)  
418 An order for relief under Title 11 of the United States Code or a  
419 comparable order under a successor statute of general application; or  
420 (B) a comparable order under federal, state or foreign law governing  
421 insolvency.

422 (3) "Distribution" means a transfer of money or other property from  
423 a partnership to a partner in the partner's capacity as a partner or to  
424 the partner's transferee.

425 (4) "Foreign registered limited liability partnership" includes a  
426 partnership formed pursuant to an agreement governed by the laws of  
427 any state other than this state and registered or denominated as a

428 registered limited liability partnership or limited liability partnership  
429 under the laws of such other state.

430 (5) "Interests" means the proprietary interests in an other entity.

431 (6) "Merger" means a business combination pursuant to section 34-  
432 388.

433 (7) "Organizational documents" means the basic document or  
434 documents that create, or determine the internal governance of, an  
435 other entity.

436 (8) "Other entity" means any association or legal entity, other than a  
437 domestic or foreign partnership, organized to conduct business,  
438 including, but not limited to, a corporation, limited partnership,  
439 limited liability partnership, limited liability company, joint venture,  
440 joint stock company, business trust, statutory trust and real estate  
441 investment trust.

442 (9) "Partnership" means an association of two or more persons to  
443 carry on as co-owners a business for profit formed under section 34-  
444 314, predecessor law or comparable law of another jurisdiction, and  
445 includes for all purposes of the laws of this state a registered limited  
446 liability partnership.

447 (10) "Partnership agreement" means the agreement, whether  
448 written, oral or implied, among the partners concerning the  
449 partnership, including amendments to the partnership agreement.

450 (11) "Partnership at will" means a partnership in which the partners  
451 have not agreed to remain partners until the expiration of a definite  
452 term or the completion of a particular undertaking.

453 (12) "Partnership interest" or "partner's interest in the partnership"  
454 means all of a partner's interests in the partnership, including the  
455 partner's transferable interest and all management and other rights.

456 (13) "Party to a merger" means any domestic or foreign partnership

457 or other entity that will merge under a plan of merger.

458 (14) "Person" means an individual, corporation, limited liability  
459 company, business trust, estate, trust, partnership, association, joint  
460 venture, government, governmental subdivision, agency or  
461 instrumentality, or any other legal or commercial entity.

462 (15) "Plan of merger" means a plan entered into pursuant to section  
463 34-388.

464 (16) "Property" means all property, real, personal or mixed, tangible  
465 or intangible, or any interest therein.

466 (17) "Registered limited liability partnership" includes a partnership  
467 formed pursuant to an agreement governed by the laws of this state,  
468 registered under section 34-419, and complying with sections 34-406  
469 and 34-420.

470 (18) "State" means a state of the United States, the District of  
471 Columbia, the Commonwealth of Puerto Rico or any territory or  
472 insular possession subject to the jurisdiction of the United States.

473 (19) "Statement" means a statement of partnership authority under  
474 section 34-324, a statement of denial under section 34-325, a statement  
475 of dissociation under section 34-365, a statement of dissolution under  
476 section 34-376, a statement of merger under section 34-390, or an  
477 amendment or cancellation of any of the foregoing.

478 (20) "Survivor" in a merger means the partnership or other entity  
479 into which one or more other partnerships or other entities are merged  
480 or consolidated. A survivor of a merger may preexist the merger or be  
481 created by the merger.

482 (21) "Transfer" includes an assignment, conveyance, lease,  
483 mortgage, deed and encumbrance.

484 (22) "Electronic transmission" or "electronically transmitted" means  
485 any process of communication not directly involving the physical

486 transfer of paper that is suitable for the retention, retrieval and  
487 reproduction of information by the recipient.

488 (23) "Sign" or "signature" means any manual, facsimile, conformed  
489 or electronic signature, as defined in section 1-267.

490 Sec. 16. Subsection (a) of section 34-413 of the general statutes is  
491 repealed and the following is substituted in lieu thereof (*Effective from*  
492 *passage*):

493 (a) Fees for filing documents and processing certificates: (1) Filing  
494 application to reserve a registered limited liability partnership name or  
495 to cancel a reserved limited liability partnership name, thirty dollars;  
496 (2) filing transfer of reserved registered limited liability partnership  
497 name, thirty dollars; (3) filing change of address of statutory agent or  
498 change of statutory agent, twenty-five dollars; (4) filing certificate of  
499 limited liability partnership, sixty dollars; (5) filing amendment to  
500 certificate of limited liability partnership, sixty dollars; (6) filing  
501 renunciation of status report, twenty-five dollars; (7) filing certificate of  
502 authority to transact business in this state, including appointment of  
503 statutory agent, sixty dollars; (8) filing amendment to certificate of  
504 authority to transact business in this state, sixty dollars; (9) filing  
505 withdrawal of certificate of authority, sixty dollars; (10) filing an  
506 annual report, [ten] fifteen dollars or five dollars if electronically  
507 transmitted; and (11) filing statement of merger, thirty dollars.

508 Sec. 17. (NEW) (*Effective from passage*) (a) Upon the request of a  
509 political subdivision of the state, the Commissioner of Public Works  
510 may provide design and construction services, in accordance with the  
511 provisions of title 4b of the general statutes, for the design,  
512 construction, renovation, repair or improvement of a facility owned or  
513 to be owned by such political subdivision provided the project is  
514 undertaken concomitantly with and in the general vicinity of a project  
515 administered by the Department of Public Works and the provision of  
516 such services does not result in the loss of any state jobs.

517 (b) The Commissioner of Public Works may accept funds from a

518 political subdivision of the state for the costs of providing such design  
519 or construction services described in subsection (a) of this section in  
520 addition to any administrative costs incurred by the state in providing  
521 such services.

522 Sec. 18. Subsection (a) of section 14-300 of the general statutes is  
523 repealed and the following is substituted in lieu thereof (*Effective from*  
524 *passage*):

525 (a) The traffic authority or, in the case of a highway that is adjacent  
526 to a state-owned or leased property under the care and control of the  
527 Commissioner of Public Works, the Commissioner of Public Works  
528 shall have power to designate, by appropriate devices or markers or by  
529 lines upon the surface of the highway, such crosswalks and  
530 intersections as, in its opinion, constitute an especial danger to  
531 pedestrians crossing the highway including, but not limited to,  
532 specially marked crosswalks in the vicinity of schools, which  
533 crosswalks shall have distinctive markings, in accordance with the  
534 regulations of the State Traffic Commission, to denote use of such  
535 crosswalks by school children; and may maintain suitable signs located  
536 at intervals along highways, particularly where there are no sidewalks,  
537 directing pedestrians to walk facing vehicular traffic.

538 Sec. 19. Subsection (a) of section 10-29a of the 2006 supplement to  
539 the general statutes is amended by adding subdivision (51) as follows  
540 (*Effective from passage*):

541 (NEW) (51) The Governor shall proclaim August twenty-third of  
542 each year to be Missing Persons Day to raise awareness of the plight of  
543 the families of state citizens who have been reported as missing and in  
544 honor of William Smolinski, Jr. Suitable exercises shall be held in the  
545 State Capitol and elsewhere as the Governor designates for the  
546 observance of the day.

547 Sec. 20. Section 4-250 of the general statutes is repealed and the  
548 following is substituted in lieu thereof (*Effective from passage*):

549 As used in sections 4-250 to 4-252, inclusive, as amended by this act:

550 (1) "Gift" has the same meaning as provided in section 1-79, as  
551 amended, except that the exclusion in subdivision (12) of subsection (e)  
552 of said section 1-79, as amended, for a gift for the celebration of a major  
553 life event shall not apply;

554 (2) "Quasi-public agency", "public official" and "state employee"  
555 have the same meanings as provided in section 1-79, as amended;

556 (3) "State agency" means any office, department, board, council,  
557 commission, institution or other agency in the executive, legislative or  
558 judicial branch of state government;

559 (4) "Large state contract" means an agreement or a combination or  
560 series of agreements between a state agency or a quasi-public agency  
561 and a person, firm or corporation, having a total [cost to such state  
562 agency or quasi-public agency] value of more than five hundred  
563 thousand dollars in a calendar or fiscal year, for (A) a project for the  
564 construction, alteration or repair of any public building or public work,  
565 (B) services, including, but not limited to, consulting and professional  
566 services, (C) the procurement of supplies, materials or equipment, (D)  
567 a lease, or (E) a licensing arrangement. The term "large state contract"  
568 shall not include a contract between a state agency or a quasi-public  
569 agency and a political subdivision of the state;

570 (5) "Principals and key personnel" means officers, directors,  
571 shareholders, members, partners and managerial employees; and

572 (6) "Participated substantially" means participation that is direct,  
573 extensive and substantive, and not peripheral, clerical or ministerial.

574 Sec. 21. (*Effective October 1, 2006*) (a) There is established a Municipal  
575 Records Accessibility Advisory Committee that shall consist of the  
576 executive director of the Freedom of Information Commission, the  
577 Chief Information Officer of the Department of Information  
578 Technology, the Secretary of the State, the Public Records  
579 Administrator, the cochairpersons and ranking members of the joint

580 standing committee of the General Assembly having cognizance of  
581 matters relating to government administration, or their designees, the  
582 municipal clerk and chief elected official of a town having a population  
583 of less than twenty thousand, as selected by the executive director of  
584 the Freedom of Information Commissioner, and the municipal clerk  
585 and chief elected official of a town having a population of fifty  
586 thousand or more, as selected by the executive director of the Freedom  
587 of Information Commissioner. The advisory committee shall meet at  
588 least monthly to review the technology standards and fee structures  
589 for access to municipal records. The executive director of the Freedom  
590 of Information Commission, or the executive director's designee, shall  
591 convene the meetings of the committee. In conducting its review, the  
592 committee shall seek input from those persons and organizations  
593 affected by such technologies and fees structures including, but not  
594 limited to, the Connecticut Conference of Municipalities, the  
595 Connecticut Mortgage Broker's Association, the Connecticut Bar  
596 Association and title insurance underwriters.

597 (b) Not later than November 1, 2007, the committee shall submit a  
598 report on its finding and recommendations, in accordance with section  
599 11-4a of the general statutes, to the joint standing committee of the  
600 General Assembly having cognizance of matters relating to  
601 government administration. The committee shall terminate on the date  
602 it submits such report.

603 Sec. 22. Subsection (c) of section 3-117 of the general statutes is  
604 repealed and the following is substituted in lieu thereof (*Effective from*  
605 *passage*):

606 (c) Notwithstanding the provisions of subsections (a) and (b) of this  
607 section, the [Commissioner of Administrative Services] Chief  
608 Information Officer shall charge the appropriations of any state  
609 agency, without certification by such agency, for expenses incurred by  
610 such agency for basic telephone service, toll telephone service and  
611 teletypewriter or computer exchange service. Not later than thirty days  
612 following notification of such charge, such agency shall certify to the

613 [commissioner] Chief Information Officer that such services were  
614 provided to such agency. As used in this subsection, (1)  
615 "telecommunications service" means and includes: The transmission of  
616 any interactive electromagnetic communications including but not  
617 limited to voice, image, data and any other information, by means of  
618 but not limited to wire, cable, including fiber optical cable, microwave,  
619 radio wave or any combinations of such media, and the resale or  
620 leasing of any such service. "Telecommunications service" includes but  
621 is not limited to basic telephone service, toll telephone service and  
622 teletypewriter or computer exchange service, including but not limited  
623 to, residential and business service, directory assistance, two-way cable  
624 television service, cellular mobile telephone or telecommunication  
625 service, specialized mobile radio and pagers and paging service,  
626 including any form of mobile two-way communication.  
627 "Telecommunications service" does not include (A) nonvoice services  
628 in which computer processing applications are used to act on the  
629 information to be transmitted, (B) any services or transactions subject  
630 to the sales and use tax under chapter 219, (C) any one-way radio or  
631 television broadcasting transmission, (D) any telecommunications  
632 service rendered by a company in control of such service when  
633 rendered for private use within its organization or (E) any such service  
634 rendered by a company controlling such service when such company  
635 and the company for which such service is rendered are affiliated  
636 companies as defined in section 33-840 or are eligible to file a  
637 combined tax return for purposes of the state corporation business tax  
638 under chapter 208. (2) "Basic telephone service" means (A) telephone  
639 service allowing a telecommunications transmission station to be  
640 connected to points within a designated local calling area or (B) any  
641 facility or service provided in connection with a service described in  
642 subdivision (1) of this subsection but exclusive of any service which is  
643 a toll telephone service, teletypewriter or computer exchange service.  
644 (3) "Toll telephone service" means and includes the transmission of any  
645 interactive electromagnetic communication to points outside the  
646 designated local calling area in which the transmission originated for  
647 which there is a toll charge which varies in amount with the distance

648 and elapsed transmission time of each individual communication, or a  
649 telecommunication service which entitles the subscriber or user, upon  
650 the payment of a periodic charge which is determined as a flat amount  
651 or upon the basis of total elapsed transmission time, to the privilege of  
652 an unlimited number of telephonic or interactive electromagnetic  
653 communications to or from all or a substantial portion of the persons  
654 having telephone or radio telephone stations in a specified area which  
655 is outside the basic telephone system area in which the station  
656 provided with this service is located. (4) "Teletypewriter or computer  
657 exchange service" means and includes the access from a teletypewriter,  
658 telephone, computer or other data station of which such transmission  
659 facility is a part, and the privilege of intercommunications by such  
660 station with substantially all persons having teletypewriter, telephone,  
661 computer or other data stations constituting a part of the same  
662 teletypewriter or computer exchange system, to which the subscriber  
663 or user is entitled upon payment of a charge or charges, whether such  
664 charge or charges are determined as a flat periodic amount on the basis  
665 of distance and elapsed transmission time or some other method.

666 Sec. 23. Section 4a-57a of the general statutes is amended by adding  
667 subsection (d) as follows (*Effective from passage*):

668 (NEW) (d) Notwithstanding the provisions of subsection (a) of this  
669 section, the commissioner may donate recyclable computers that  
670 cannot be transferred between state agencies to a nonprofit  
671 organization. Any municipality, transit district, member of the public  
672 or nonprofit organization that purchases or otherwise receives surplus  
673 property from the state, pursuant to the provisions of this section, shall  
674 be solely liable for any damage or injury resulting from use or disposal  
675 of such property and shall indemnify the state against all claims  
676 arising out of the use or disposal of such property.

677 Sec. 24. Section 4b-56 of the general statutes is repealed and the  
678 following is substituted in lieu thereof (*Effective July 1, 2006*):

679 (a) There shall be established within the Department of Public  
680 Works [a] State Construction Services Selection [Panel] Panels which

681 shall consist of five members. Four of such members shall be  
682 appointed by the commissioner, shall serve only for deliberations  
683 involving the project for which such members are appointed, and shall  
684 be current or retired employees of the Department of Public Works,  
685 [and shall serve for terms of one year from July first.] The remaining  
686 member shall be appointed by the head or acting head of the user  
687 agency and shall serve only for deliberations involving the project for  
688 which [he] such member was appointed. [If any vacancy occurs on the  
689 panel, the commissioner shall appoint a person for the unexpired term  
690 in accordance with the provisions of this subsection.]

691 (b) The selection panel shall not be deemed to be a board or  
692 commission within the meaning of section 4-9a, as amended.

693 (c) There shall be established within the Department of Public  
694 Works [a] Connecticut Health and Education Facilities Authority  
695 Construction Services [Panel] Panels which shall consist of five  
696 members: Three of whom shall be appointed by the Commissioner of  
697 Public Works, shall serve only for deliberations involving the project  
698 for which such members are appointed, and shall be current  
699 employees of the Department of Public Works. [; and the] The  
700 remaining members shall be appointed by the head or acting head of  
701 the user agency and shall serve only for deliberations involving the  
702 project for which such member was appointed. [The members of the  
703 selection panel appointed by the Commissioner of Public Works shall  
704 serve for terms of one year from July first. If any vacancy occurs on the  
705 panel, the Commissioner of Public Works or the head or acting head of  
706 the user agency, as appropriate, shall appoint a person for the  
707 unexpired term in accordance with the provisions of this subsection.]

708 (d) The [panel] panels established pursuant to subsection (c) of this  
709 section shall not be deemed to be a board or commission within the  
710 meaning of section 4-9a, as amended. Such [panel] panels shall be the  
711 selection panel only for Connecticut Health and Education Facilities  
712 Authority projects pursuant to section 10a-89b.

713 Sec. 25. Subsections (a) and (b) of section 4b-100a of the general

714 statutes are repealed and the following is substituted in lieu thereof  
715 (*Effective July 1, 2006*):

716 (a) The Department of Public Works shall establish construction  
717 services award panels which shall each consist of six members: Three  
718 of whom shall be appointed by the Commissioner of Public Works<sub>2</sub> [  
719 [and] shall be current employees of the Department of Public Works<sub>2</sub> [  
720 two of whom] and shall serve only for deliberations involving the  
721 project for which such members were appointed. Two members shall  
722 be appointed by the department head of the user agency; and one [of  
723 whom who] shall be a neutral party appointed by the commissioner.  
724 [The members of each award panel appointed by the Commissioner of  
725 Public Works shall serve for terms of one year from July first. If any  
726 vacancy occurs on the panel, the Commissioner of Public Works or the  
727 head or acting head of the user agency, as appropriate, shall appoint a  
728 person for the unexpired term in accordance with the provisions of this  
729 subsection.]

730 (b) A panel established pursuant to this section shall not be deemed  
731 to be a board or commission within the meaning of section 4-9a, as  
732 amended. Such panels shall be the award panels for any contract for  
733 the construction, reconstruction, alteration, remodeling, repair or  
734 demolition of any public building for the state pursuant to [sections  
735 4b-91 to 4b-100, inclusive,] subsection (g) of section 4b-91, as amended,  
736 and section 4b-24.

737 Sec. 26. Subsection (b) of section 4-252 of the general statutes is  
738 repealed and the following is substituted in lieu thereof (*Effective July*  
739 *1, 2006*):

740 (b) The official or employee of such state agency or quasi-public  
741 agency who is authorized to execute said contract shall certify that the  
742 selection of the most qualified or highest ranked person, firm or  
743 corporation was not the result of collusion, the giving of a gift or the  
744 promise of a gift, compensation, fraud or inappropriate influence from  
745 any person. In making such certification, the official or employee  
746 authorized to execute said contract may rely on certifications from

747 agency personnel who were involved in the selection process that such  
748 personnel's participation in the selection process or their ranking of  
749 persons, firms or corporations was not the result of collusion, the  
750 giving of a gift or the promise of a gift, compensation, fraud or  
751 inappropriate influence from any person, firm or corporation.

752 Sec. 27. (NEW) (*Effective from passage*) The Ballroom Polka, as  
753 composed by Ray Henry Mocariski, shall be the state polka.

754 Sec. 28. Section 7-38 of the general statutes is repealed and the  
755 following is substituted in lieu thereof (*Effective from passage*):

756 The town clerk of any town who is, ex officio, registrar of vital  
757 statistics in such town, and the registrar of vital statistics of any town  
758 who is elected under a special law or otherwise appointed pursuant to  
759 law, may, unless otherwise provided by charter or ordinance, appoint  
760 in writing suitable persons [, not exceeding four in number,] as  
761 assistant registrars of vital statistics, who, on being sworn, shall have  
762 the powers and perform the duties of such registrar during the time for  
763 which they are appointed, not extending beyond the term of office of  
764 such registrar. Within ten days after a town clerk or registrar of vital  
765 statistics appoints an assistant registrar of vital statistics, the town  
766 clerk or registrar of vital statistics shall file a notice of such  
767 appointment with the Secretary of the State, indicating the name and  
768 address of the person appointed, the date and method of such  
769 appointment and the law under which the appointment was made.  
770 Within ten days after a vacancy occurs in the office of assistant  
771 registrar of vital statistics, the town clerk or registrar of vital statistics  
772 shall notify the Secretary of the State of such vacancy.

773 Sec. 29. (NEW) (*Effective July 1, 2007*) (a) There is established a  
774 Department of Developmental Disabilities. The department head shall  
775 be the Commissioner of Developmental Disabilities, who shall be  
776 appointed by the Governor in accordance with the provisions of  
777 sections 4-5 to 4-8, inclusive, of the general statutes, with the powers  
778 and duties therein prescribed.

779 (b) The Department of Developmental Disabilities shall constitute a  
780 successor department to the Department of Mental Retardation in  
781 accordance with the provisions of sections 4-38d, 4-38e and 4-39 of the  
782 general statutes.

783 (c) Wherever the words "Department of Mental Retardation" are  
784 used or referred to in the following sections of the general statutes or  
785 the 2006 supplement to the general statutes, the words "Department of  
786 Developmental Disabilities" shall be substituted in lieu thereof: 1-  
787 101aa, 4-38c, 4-60i, 4-61aa, 4-77a, 4a-12, 4a-16, 5-259, 8-206d, 10-25d, 10-  
788 76d, 10-145d, 17a-33, 17a-114, 17a-145, 17a-210, 17a-210a, 17a-211, 17a-  
789 211a, 17a-211b, 17a-211d, 17a-212a, 17a-214, 17a-215, 17a-215a, 17a-216,  
790 17a-217, 17a-218, 17a-219b, 17a-219c, 17a-220, 17a-226, 17a-227, 17a-  
791 227a, 17a-228, 17a-236, 17a-238, 17a-240, 17a-246, 17a-247, 17a-247a,  
792 17a-247b, 17a-247e, 17a-248, 17a-248g, 17a-270, 17a-273, 17a-274, 17a-  
793 276, 17a-277, 17a-281, 17a-475a, 17b-337, 17b-352, 17b-360, 17b-492b,  
794 17b-666, 19a-509d, 38a-488a, 38a-514, 45a-654, 45a-656, 45a-674, 45a-  
795 676, 45a-677, 45a-681, 46a-11, 46a-11a, 46a-11c, 46a-11d and 46a-11f.

796 (d) Wherever the words "Commissioner of Mental Retardation" are  
797 used or referred to in the following sections of the general statutes or  
798 the 2006 supplement to the general statutes, the words "Commissioner  
799 of Developmental Disabilities" shall be substituted in lieu thereof: 4-5,  
800 4-67t, 4b-3, 4b-23, 8-3e, 10-76i, 17a-4a, 17a-22a, 17a-210, 17a-212, 17a-  
801 212a, 17a-214, 17a-215a, 17a-217a, 17a-218, 17a-218a, 17a-225, 17a-226,  
802 17a-227a, 17a-228, 17a-229, 17a-230, 17a-232, 17a-238, 17a-240, 17a-241,  
803 17a-242, 17a-244, 17a-246, 17a-247a, 17a-248, 17a-270, 17a-272, 17a-273,  
804 17a-274, 17a-276, 17a-277, 17a-281, 17a-282, 17a-582, 17a-584, 17a-586,  
805 17a-587, 17a-588, 17a-592, 17a-593, 17a-594, 17a-596, 17a-599, 17b-28a,  
806 17b-244, 17b-244a, 17b-337, 17b-340, 17b-492b, 19a-24, 19a-411, 19a-  
807 580d, 20-14j, 20-571, 45a-670, 45a-674, 45a-676, 45a-677, 45a-681, 45a-  
808 682, 45a-692, 46a-11a, 46a-11c, 46a-11f, 54-56d, 54-102g and 54-102h.

809 (e) If the term "Department of Mental Retardation" is used or  
810 referred to in any public or special act of 2006, or in any section of the  
811 general statutes that is amended in 2006, it shall be deemed to refer to

812 the Department of Developmental Disabilities.

813 (f) If the term "Commissioner of Mental Retardation" is used or  
814 referred to in any public or special act of 2006, or in any section of the  
815 general statutes that is amended in 2006, it shall be deemed to refer to  
816 the Commissioner of Developmental Disabilities.

817 Sec. 30. (*Effective from passage*) The Commissioner of Administrative  
818 Services shall conduct a study of the compensation received by  
819 employees of the Freedom of Information Commission, the State  
820 Elections Enforcement Commission and the Office of State Ethics and  
821 report the commissioner's findings to the joint standing committee of  
822 the General Assembly having cognizance of matters relating to  
823 government administration not later than January 1, 2007.

824 Sec. 31. Section 7-545 of the general statutes is repealed and the  
825 following is substituted in lieu thereof (*Effective July 1, 2006*):

826 (a) As used in this section: [and section 7-546:]

827 (1) "Secretary" means the Secretary of the Office of Policy and  
828 Management;

829 (2) "Municipality" means any town, consolidated town and city or  
830 consolidated town and borough;

831 (3) "Per capita income" [and "population"] for each town means that  
832 enumerated in the most recent federal decennial census of population  
833 or that enumerated in the current population report series issued by  
834 the United States Department of Commerce, Bureau of the Census,  
835 whichever is more recent and available on January first of the fiscal  
836 year [three] two years prior to the fiscal year in which [payment is to  
837 be made pursuant to this section] the eligibility index is prepared  
838 pursuant to subsection (b) of this section;

839 (4) "Adjusted equalized net grand list per capita" means the most  
840 recent adjusted equalized net grand list per capita determined for each  
841 town pursuant to section 10-261;

842 (5) "Equalized mill rate" means the tax rate derived from the most  
843 recent available grand levy of a town divided by the equalized net  
844 grand list on which such levy is based as determined by the secretary  
845 in accordance with section 10-261a;

846 (6) "Per capita temporary family assistance" means the number  
847 obtained by adding together the unduplicated aggregate number of  
848 children eligible to receive benefits by town under the temporary  
849 family assistance program in October and May of each fiscal year, and  
850 dividing by two, such number to be certified and submitted annually,  
851 no later than the first day of July of the succeeding fiscal year, to the  
852 secretary by the Commissioner of Social Services. Such number shall  
853 be expressed as a percentage of the population of a town;

854 (7) "Unemployment rate" means the average unemployment rate of  
855 a town as reported by the Labor Commissioner on the first day of July  
856 for the latest available twelve-month period;

857 (8) "Eligibility index" is a measure of local burden determined by  
858 calculating a town's disparity in relation to all municipalities. Points  
859 shall be allocated for each of the following factors: (A) Per capita  
860 income, (B) adjusted equalized net grand list per capita, (C) equalized  
861 mill rate, (D) per capita temporary family assistance, and (E)  
862 unemployment rate. For each factor the variance shall be the difference  
863 between the first percentile and the one-hundredth percentile town  
864 factors. In calculating the eligibility index for unemployment rate, per  
865 capita temporary family assistance and equalized mill rate, the factor  
866 for the first percentile town shall be subtracted from the factor for the  
867 town and the result divided by the variance and multiplied by one  
868 hundred. In calculating the eligibility index for per capita income and  
869 adjusted equalized net grand list per capita, the factor for the first  
870 percentile town shall be subtracted from the factor for the town and  
871 the result shall be divided by the variance and multiplied by one  
872 hundred. The product of such multiplication shall then be subtracted  
873 from one hundred. The index points for all factors shall be totalled by  
874 town resulting in the overall eligibility index. The eligibility index

875 listing shall be ranked for all towns from highest to lowest points  
876 according to need;

877 (9) "Public investment communities" are municipalities requiring  
878 financial assistance to offset their service burdens with eligibility  
879 defined as one which is in the top quartile of the "eligibility index"  
880 scale;

881 (10) "Grand levy" means the mill rate of the town multiplied by the  
882 net taxable grand list of the town and includes the value of special  
883 service districts if such districts contain fifty per cent or more of the  
884 value of total taxable property within the town;

885 (11) "Population" of a town means that enumerated in the most  
886 recent federal decennial census of the population or that enumerated  
887 in the current population report series issued by the United States  
888 Department of Commerce, Bureau of the Census available on January  
889 first of the fiscal year two years prior to the fiscal year in which the  
890 eligibility index is prepared pursuant to subsection (b) of this section,  
891 whichever is most recent, except that for any town whose enumerated  
892 population residing in state or federal institutions within such town  
893 and attributed to such town by the census exceeds forty per cent of the  
894 population of such town, "population" shall not include persons who  
895 are incarcerated or in custodial situations, including, but not limited to  
896 jails, prisons, hospitals or training schools or persons who reside in  
897 dormitory facilities in schools, colleges, universities or military bases.

898 (b) On or before July 15, 1994, and annually thereafter, the secretary  
899 shall prepare the eligibility index for Connecticut municipalities. A  
900 municipality shall continue to be a public investment community for  
901 the fiscal year in which such municipality is not included in the top  
902 quartile of the eligibility index scale and for the following four fiscal  
903 years.

904 Sec. 32. Section 7-546 of the general statutes is repealed. (*Effective*  
905 *from passage*)

906 Sec. 33. Section 7-29 of the general statutes is repealed. (*Effective July*  
907 *1, 2006*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	4b-91(b)
Sec. 2	<i>October 1, 2006</i>	49-41(a)
Sec. 3	<i>from passage</i>	3-37(a)
Sec. 4	<i>from passage</i>	9-242c
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>July 1, 2006</i>	52-380d(b)
Sec. 8	<i>July 1, 2006</i>	7-25
Sec. 9	<i>July 1, 2006</i>	7-24(c)
Sec. 10	<i>October 1, 2006</i>	33-617(a)
Sec. 11	<i>October 1, 2006</i>	33-1013(a)
Sec. 12	<i>October 1, 2006</i>	34-9
Sec. 13	<i>October 1, 2006</i>	34-38n(a)
Sec. 14	<i>October 1, 2006</i>	34-112(a)
Sec. 15	<i>October 1, 2006</i>	34-301
Sec. 16	<i>from passage</i>	34-413(a)
Sec. 17	<i>from passage</i>	New section
Sec. 18	<i>from passage</i>	14-300(a)
Sec. 19	<i>from passage</i>	10-29a(a)
Sec. 20	<i>from passage</i>	4-250
Sec. 21	<i>October 1, 2006</i>	New section
Sec. 22	<i>from passage</i>	3-117(c)
Sec. 23	<i>from passage</i>	4a-57a
Sec. 24	<i>July 1, 2006</i>	4b-56
Sec. 25	<i>July 1, 2006</i>	4b-100a(a) and (b)
Sec. 26	<i>July 1, 2006</i>	4-252(b)
Sec. 27	<i>from passage</i>	New section
Sec. 28	<i>from passage</i>	7-38
Sec. 29	<i>July 1, 2007</i>	New section
Sec. 30	<i>from passage</i>	New section
Sec. 31	<i>July 1, 2006</i>	7-545
Sec. 32	<i>from passage</i>	Repealer section
Sec. 33	<i>July 1, 2006</i>	Repealer section

**Statement of Legislative Commissioners:**

In line 134, the word "delegate" was changed to "designate" for purposes of clarity.

**GAE**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 07 \$</b>	<b>FY 08 \$</b>
Secretary of the State - Commercial Recording Division Account	GF - Revenue Impact	See Below	See Below
Department of Mental Retardation	GF - Cost	None	Minimal

Note: GF=General Fund

#### **Municipal Impact:**

<b>Municipalities</b>	<b>Effect</b>	<b>FY 07 \$</b>	<b>FY 08 \$</b>
Various Municipalities	See Below	See Below	See Below

### **Explanation**

The bill changes the fee structure that corporations pay to the Secretary of the State (SOTS) to file their annual reports. The fees for the reports filed electronically would be reduced by \$5 and the fees for reports filed in paper copy would be increased by \$5. Currently, over 85% of corporations file their reports in paper. It is anticipated that the SOTS would have an increase in revenue in the short term, but as more corporations utilize the electronic method of filing, revenues would decrease.

The bill requires the Office of Policy and Management to use more updated population and per capita income data when preparing the Public Investment Community (PIC) index. Whereas this may change which towns are designated PIC towns, the bill permits towns to remain part of the index for the next four fiscal years, resulting in no state or municipal fiscal impact.

The bill changes the name of the Department of Mental Retardation to the Department of Developmental Disabilities effective July 1, 2007.

The name change will result in a minimal one-time cost to the department with changes to publications, signs, business cards and any other administrative adjustments required. It should be noted that the bill does not alter the eligibility criteria for department services.

The bill establishes a Municipal Records Accessibility Advisory Committee to meet monthly to review the technology standards and fee structures for accessing municipal records. The Voting Technology Standards Board becomes a permanent board. The bill also makes several changes to state construction laws. These technical changes will have no fiscal impact.

### ***The Out Years***

As more corporations utilize the electronic method of filing, future revenues to the SOTS for filing annual reports would decrease.

**OLR Bill Analysis****sSB 67*****AN ACT CONCERNING GOVERNMENT ADMINISTRATION.*****SUMMARY:**

This bill:

1. renames the Department of Mental Retardation (DMR) the Department of Developmental Disabilities (DDD) and makes other related and conforming changes;
2. requires the Office of Policy and Management (OPM) to use more recent data when designating municipalities as public investment communities (PICs);
3. establishes a committee to review technology and fee structures available for accessing municipal records, increases certain corporate filing fees, and makes the Voting Technology Standards Board a permanent board; and
4. makes numerous changes to state construction laws, including increasing the number of days for awarding public works contracts, eliminating a requirement for material bonds on certain public works or building projects, and allowing the Department of Public Works (DPW) to do work for political subdivisions.

The bill (1) allows the Department of Administrative Services to donate used computers to nonprofit organizations without first trying to sell them, (2) requires the department to study certain employees' salaries, and (3) eliminates a requirement for it to bill state agencies for telecommunication services.

Lastly, the bill validates a Manchester referendum, designates state days, extends the deadline for the state treasurer's annual report, and removes the cap of the number of assistant registrars of vital statistics per town.

EFFECTIVE DATE: Various, see below

### **§ 29—DEPARTMENT OF MENTAL RETARDATION**

This bill renames DMR the DDD and makes other related and conforming changes (e.g. renames the DMR commissioner the DDD commissioner).

### **§§ 31 AND 32—PUBLIC INVESTMENT COMMUNITIES**

This bill requires OPM to use more recent data in designating municipalities as PICs. This designation is used as an eligibility criterion in several programs, primarily for economic development.

The bill eliminates the original PIC grant program, not funded since FY 93, that used the designation as its eligibility criterion. The grants could be used to capitalize regional revolving loan funds, train people for jobs, reduce property taxes for manufacturers, or finance projects that create jobs or expand businesses. Under the repealed provisions, once a municipality was designated a PIC, it remained eligible for the grant for the following four years. In practice, it appears that OPM also continued the municipality's designation as a PIC during this period.

#### ***Designation as PICs***

By law, OPM designates PICs by scoring and ranking municipalities on an eligibility index. The index is based on per capita income, tax base per capita, temporary family assistance per capita, equalized mill rate, and unemployment rate in each municipality. The 42 municipalities in the top quartile are designated as PICs.

Under current law, OPM must use estimates of town population and per capita income from the current population report series of the U. S. Census or the decennial federal census data, whichever is more recent. The data are taken from the fiscal year three years before the

grant is to be paid. Since the original PIC grants have not been made since FY 93, the designation has been made using 1990 data.

The bill requires OPM to exclude a segment of a town's population if more than 40% of the town resides in a state or federal institution. The people excluded are those who are incarcerated or in custodial situations, including jails or prisons; hospitals or training schools; school, college, or university dormitories; or military bases. The bill requires OPM to use data taken from the fiscal year two, rather than three, years before the eligibility index is calculated, rather than before the grant is paid.

The bill allows a town to continue as a PIC for the fiscal year in which it is not in the top quartile of the eligibility index scale and for the next four fiscal years.

EFFECTIVE DATE: July 1, 2006, except for the provision eliminating the original PIC grant program, which is effective upon passage.

### **§§ 10-16—CORPORATE RECORDING FEES**

The bill raises the fee corporations must pay to file their annual reports with the secretary of the state as follows:

1. business corporations from \$75 to \$80, except corporations that file electronically may pay \$70;
2. nonstock corporations from \$25 to \$30, except corporations that file electronically may pay \$20; and
3. limited liability partnerships and limited liability companies from \$10 to \$15, except those that file electronically may pay \$5.

A corporation can file reports electronically by using any process of communication that does not directly involve the physical transfer of paper. The process must allow the Office of the Secretary of the State to retain, retrieve, and reproduce the reports. Corporate documents filed electronically may be signed using any manual, facsimile,

conformed, or electronic signature. Any electronic signature must meet the requirements of the Uniform Electronic Transactions Act.

EFFECTIVE DATE: October 1, 2006, except for the provision on limited liability partnerships, which is effective upon passage.

## **§ 21—MUNICIPAL RECORDS ACCESSIBILITY ADVISORY COMMITTEE**

The bill establishes a 12-member Municipal Records Accessibility Advisory Committee to review the technology standards and fee structures for accessing municipal records. The committee must seek input from the people and organizations affected by the technologies and fees, including the Connecticut Conference of Municipalities, the Connecticut Mortgage Broker's Association, the Connecticut Bar Association, and title insurance underwriters.

The Freedom of Information Commission's (FOIC) executive director or her designee must convene the committee for monthly meetings. The committee terminates on November 1, 2007, which is the date it must submit its findings and recommendations to the Government Administration and Elections Committee (GAE).

Committee members are the:

1. GAE co-chairs and ranking members or their designees,
2. FOIC's executive director or her designee,
3. Department of Information Technology's chief information officer or his designee,
4. secretary of the state or her designee,
5. public records administrator or her designee,
6. town clerk and chief elected official of a town with a population of 50,000 or more selected by FOIC's executive director, and
7. town clerk and chief elected official of a town with a population

of less than 20,000 selected by FOIC's executive director.

EFFECTIVE DATE: October 1, 2006

## **§§ 1-2, 17-18, 20, AND 24-26—CONSTRUCTION**

### ***Contract Awards (§§ 1)***

The bill increases, from 60 to 120, the number of days the public works commissioner and constituent units of higher education have to award contracts after they open bids.

### ***Labor and Material Bonds (§ 2)***

The bill eliminates a requirement for contractors to furnish a material bond on state or municipal public works or building projects costing \$100,000 or more when the labor and material costs are between \$50,000 and \$100,000. Under current law, contractors must furnish the bond to guarantee payment to labor or material suppliers only when labor and material costs are \$50,000 or less.

### ***Construction Panels (§§ 24-25)***

The bill changes the number, tenure, and mission of the panels that assist the public works commissioner to award state construction projects outside of the competitive bidding process. Instead of a single panel with members who serve for one year to assist in all contracts negotiated that year, the bill establishes multiple panels (one per contract) where members serve for deliberations on a single contract only. The number of members and their appointing authorities do not change under the bill.

The panels affected are the public works construction services selection or award and Connecticut Health and Education Facilities Authority (CHEFA) construction services panels. The selection panels screen firms that respond to invitations to bid on design-build, noncompetitively bid projects and submit lists of the three most qualified to the commissioner. The CHEFA panel's work is limited to CHEFA-funded projects. The award panel interviews the screened firms and ranks them for the commissioner, who awards the contract.

The bill limits the projects that the award panels work on to those that are not competitively bid. This means the panels work on fast-track and design-build projects only.

***Public Works Design and Construction Work for Municipalities (§ 17)***

The bill permits the DPW to provide design and construction services for political subdivisions that ask under certain circumstances. The circumstances are that the (1) project must be undertaken at the same time as a DPW project, (2) project must be in the general vicinity of a DPW-administered project, and (3) provision of services cannot result in a loss of state jobs.

The services may consist of designing, building, renovating, repairing, or improving a facility the municipality owns or will own. The DPW commissioner can accept payment from a political subdivision for the services plus any administrative costs the department incurred to provide them.

***Cross Walks (§ 18)***

The bill gives the DPW commissioner, rather than the traffic authority, the power to designate crosswalks and intersections on any highway that is adjacent to state-owned or leased property under his care and control and that poses a danger to pedestrians crossing it. The traffic authority still has this power with respect to other highways. Traffic authorities are the state traffic commission with respect to state roads and local bodies towns designate as their local traffic authorities with respect to local streets.

***Large State Contract (§ 20 and 26)***

Before executing a large state contract, the law requires state and quasi-public agencies to get written documentation that the process for awarding it did not involve collusion or gift-giving. The agency executing it must also make this certification. The bill redefines a large state contract to mean one valued at, rather than costing, more than \$500,000 in a calendar or fiscal year. These contracts continue to be

limited to building construction, procurement, or service contracts; leases; or licensing agreements.

When making a certification, the bill authorizes the agency official or employee authorized to execute the contract to rely on certifications from agency personnel involved in the selection process.

EFFECTIVE DATE: Upon passage, except for the provisions on bonds, which are effective October 1, 2006, and construction panels and large state contracts, which are effective on July 1, 2006.

#### **§ 4—VOTING TECHNOLOGY STANDARDS BOARD**

The bill makes the Voting Technology Standards Board a permanent board, changes its membership, and broadens its scope. It places the board in the Office of the Secretary of the State for administrative purposes only.

##### ***Membership***

The bill increases the board's membership from 12 to 14 by adding one person each appointed by the executive director of the Office of Protection and Advocacy for Persons with Disabilities and the chancellor of the Connecticut State University system. The chancellor's appointee must be a computer architectural expert who is either employed by, or serves as faculty in, the system. The new appointments must be made within 30 days after the bill's passage.

It requires the Connecticut Town Clerk Association president's two appointees to be town clerks. It requires the governor's appointee from a nonpartisan organization to represent an organization dedicated to increasing voter participation and understanding of the election process, rather than governmental accountability. It permits the GAE chairs and ranking members to appoint designees to serve in their places.

The bill requires the secretary of the state to designate a chairperson and vice chairperson from the board's membership and with the approval of a majority of board members. Under current law, the

board selects these leaders.

### **Scope**

The bill authorizes the board to revise the electronic voting technology standards that it can adopt. It requires any standards the board adopts to address voting system testing and certification.

EFFECTIVE DATE: Upon passage

### **§ 23—DISPOSAL OF SURPLUS COMPUTERS**

The bill permits the administrative services commissioner to donate surplus recyclable computers to a nonprofit organization without first trying to sell them to municipalities, transit districts, or the public.

It makes municipalities, transit districts, nonprofit organizations, or members of the public that purchase or receive surplus state personal property solely liable for any damage or injury caused by using or disposing of the property. They must indemnify the state against all claims arising from the property's use or disposal.

### **§§ 6, 19, AND 27—STATE-DESIGNATED DAY, AVIATION PIONEER, AND POLKA**

The bill requires the governor to proclaim August 23<sup>rd</sup> each year as Missing Persons Day in honor of William Smolinski, Jr. to raise awareness of the plight of families of state citizens who have been reported as missing. It requires suitable exercises and observances at the State Capitol and other locations that the governor designates.

The bill names Igor I. Sikorsky as the state aviation pioneer and the Ballroom Polka composed by Ray Henry MocarSKI as the state polka.

EFFECTIVE DATE: Upon passage

### **§ 5—MANCHESTER REFERENDUM**

The bill validates the results of a November 3, 2003 Manchester public works referendum that would otherwise be invalid because the town failed to publish the correct value of the appropriation and bond authorization in the referendum notice.

EFFECTIVE DATE: Upon passage

### **§3—TREASURER’S ANNUAL REPORT**

The bill extends, from October 15<sup>th</sup> to December 31<sup>st</sup>, the deadline for the treasurer to submit her annual report to the governor thereby making the date consistent with that of the state comptroller’s report. She must continue to give a copy of the report to the Investment Advisory Council.

EFFECTIVE DATE: Upon passage

### **§ 28—REGISTRARS OF VITAL STATISTICS**

The bill eliminates the cap on the number of assistant registrars of vital statistics in each town. Currently, town clerks who are ex officio registrars of vital statistics or elected or appointed registrars of vital statistics can appoint up to four assistants.

EFFECTIVE DATE: Upon passage

### **§§ 7- 9 AND 33—RECORDINGS BY TOWN CLERK**

The bill repeals the law requiring town clerks to hand record a release, partial release, or assignment of a mortgage or lien on the first page of the land record, or digitized image of the land record, whichever is applicable. It retains the requirement that they index the record of a release of a judgment lien on real property under the name of the judgment creditor and judgment debtor.

The bill specifies that town clerks must index references to one previous book and page only for releases or partial releases. Under current law, they must index all references, regardless of the number.

The bill requires each page of an instrument for record to have at least one-inch margins.

EFFECTIVE DATE: July 1, 2006

### **§ 22—TELECOMMUNICATION BILLINGS**

The bill conforms law to current practice by making the Department

of Information Technology's chief information officer, rather than the Department of Administrative Services commissioner, responsible for billing state agencies for telecommunication services.

EFFECTIVE DATE: Upon passage

### **§ 30—SALARIES OF CERTAIN STATE EMPLOYEES**

The bill requires the administrative services commissioner to study the compensation received by FOIC, State Elections Enforcement Commission, and Office of State Ethics employees and report her findings to the GAE Committee by January 1, 2007.

EFFECTIVE DATE: Upon passage

### **BACKGROUND**

#### ***Related Bill***

HB 5478, favorably reported by the Public Health Committee, requires the DMR to issue findings and recommendations about whether to change its name.

### **COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/22/2006)