***Senate Bill No. 1500***

# *June Special Session, Public Act No. 07-4*

## *AN ACT IMPLEMENTING THE PROVISIONS OF THE BUDGET CONCERNING GENERAL GOVERNMENT.*

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

Section 1. (*Effective July 1, 2007*) Notwithstanding any provision of the general statutes, (1) the city of Hartford, through the Court of Common Council, may lease to the General Assembly, through the Joint Committee on Legislative Management, all that certain piece or parcel of land, together with the buildings and improvements thereon, located at 800 Main Street in the city of Hartford and known as the "Old State House", for a term of not less than ninety-nine years and for a cost of not more than one dollar per year, and (2) any such lease shall require the Joint Committee on Legislative Management to (A) have custody and control of said piece or parcel of land, buildings and improvements, (B) provide for appropriate maintenance of said piece or parcel of land, buildings and improvements, and (C) pursuant to requests for proposals, (i) award contracts for educational and community programming for the Old State House, and (ii) award contracts for the maintenance and operation of the Old State House.

Sec. 2. Section 25-33o of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(a) The chairperson of the Public Utility Control Authority, or the chairperson's designee, the Commissioner of Environmental Protection, or the commissioner's designee, the Secretary of the Office of Policy and Management, or the secretary's designee, and the Commissioner of Public Health, or the commissioner's designee, shall constitute a Water Planning Council to address issues involving the water companies, water resources and state policies regarding the future of the state's drinking water supply. **[**The chairperson of the Public Utility Control Authority shall convene the first meeting of the council.**]** On or after July 1, 2007, and each year thereafter, the chairperson of the Water Planning Council shall be elected by the members of the Water Planning Council.

(b) The Water Planning Council shall conduct a study, in consultation with representatives of water companies, municipalities, agricultural groups, environmental groups and other water users, that shall include the following issues: (1) The financial viability, market structure, reliability of customer service and managerial competence of water companies; (2) fair and reasonable water rates; (3) protection and appropriate allocation of the state's water resources while providing for public water supply needs; (4) the adequacy and quality of the state's drinking water supplies to meet current and future needs; (5) an inventory of land and land use by water companies; (6) the status of current withdrawals, projected withdrawals, river flows and the future needs of water users; (7) methods for measurement and estimations of natural flows in Connecticut waterways in order to determine standards for stream flows that will protect the ecology of the state's rivers and streams; (8) the status of river flows and available data for measuring river flows; (9) the streamlining of the water diversion permit process; (10) coordination between the Departments of Environmental Protection, Public Health and Public Utility Control in review of applications for water diversion; and (11) the procedure for coordination of planning of public water supply systems established in

sections 25-33c to 25-33j, inclusive. Such study shall be conducted on both a regional and state-wide level.

(c) The council may establish an advisory group that shall serve at the pleasure of the council. The advisory group shall be balanced between consumptive and nonconsumptive interests. The advisory group may include representatives of (1) regional and municipal water utilities, (2) investor-owned water utilities, (3) a wastewater system, (4) agricultural interests, (5) electric power generation interests, (6) business and industry interests, (7) environmental land protection interests, (8) environmental river protection interests, (9) boating interests, (10) fisheries interests, (11) recreational interests, (12) endangered species protection interests, and (13) members of academia with expertise in stream flow, public health and ecology.

**[**(c)**]** (d) The council shall, not later than January 1, 2002, and annually thereafter, report its preliminary findings and any proposed legislative changes to the joint standing committees of the General Assembly having cognizance of matters relating to public health, the environment and public utilities in accordance with section 11-4a, except that not later than February 1, 2004, the council shall report its recommendations in accordance with this subsection with regard to (1) a water allocation plan based on water budgets for each watershed, (2) funding for water budget planning, giving priority to the most highly stressed watersheds, and (3) the feasibility of merging the data collection and regulatory functions of the Department of Environmental Protection's inland water resources program and the Department of Public Health's water supplies section.

Sec. 3. (NEW) (*Effective October 1, 2007*) (a) The Office of Policy and Management shall conduct a study to:

(1) Review and prioritize the recommendations and the goals of the Water Planning Council developed prior to October 1, 2007;

(2) Compile information from other reports or studies regarding water resources planning in the state;

(3) Establish a mechanism to perform an in-depth analysis of existing statutes and regulations of the Department of Environmental Protection, the Department of Public Health and the Department of Public Utility Control for areas of overlapping and conflicting or inefficient procedures;

(4) Review and summarize other states' regulatory programs and structures, relating to water resource planning, including, but not limited to, their approaches to water allocation;

(5) Identify processes and funding needs for the evaluation of existing water diversion data and approaches to basin planning projects and coordinate water data collection from, and analysis among, the Department of Environmental Protection, the Department of Public Health, the Department of Public Utility Control, the Office of Policy and Management and the United States Geological Survey, and recommend supplemental data collection, as appropriate;

(6) Evaluate existing water conservation programs and make recommendations to enhance water conservation programs to promote a water conservation ethic and to provide for appropriate drought response and enforcement capabilities; and

(7) Identify funding requirements and mechanisms for ongoing efforts in water resources planning in the state.

(b) The Office of Policy and Management shall transfer sufficient funds, as determined by said office, to the Department of Environmental Protection for data collection and analysis conducted by said department for the purposes of this section.

(c) Not later than February 1, 2008, and annually thereafter, the

Secretary of the Office of Policy and Management shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, on its findings pursuant to the study in subsection (a) of this section, along with any recommended legislative revisions, to the joint standing committees of the General Assembly having cognizance of matters relating to public utilities and appropriations and to the Water Planning Council.

Sec. 4. Subsection (b) of section 32-235 of the general statutes, as amended by section 3 of public act 07-205, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(b) The proceeds of the sale of said bonds, to the extent of the amount stated in subsection (a) of this section, shall be used by the Department of Economic and Community Development for the purposes of sections 32-220 to 32-234, inclusive, including economic cluster-related programs and activities, and for the Connecticut job training finance demonstration program pursuant to sections 32-23uu and 32-23vv provided, (1) three million dollars shall be used by said department solely for the purposes of section 32-23uu and not more than five million two hundred fifty thousand dollars of the amount stated in said subsection (a) may be used by said department for the purposes of section 31-3u, (2) not less than one million dollars shall be used for an educational technology grant to the deployment center program and the nonprofit business consortium deployment center approved pursuant to section 32-41*l*, (3) not less than two million dollars shall be used by said department for the establishment of a pilot program to make grants to businesses in designated areas of the state for construction, renovation or improvement of small manufacturing facilities provided such grants are matched by the business, a municipality or another financing entity. The Commissioner of Economic and Community Development shall designate areas of the state where manufacturing is a substantial part

of the local economy and shall make grants under such pilot program which are likely to produce a significant economic development benefit for the designated area, (4) five million dollars may be used by said department for the manufacturing competitiveness grants program, (5) one million dollars shall be used by said department for the purpose of a grant to the Connecticut Center for Advanced Technology, for the purposes of section 32-237, and (6) **[**fifty**]** ten million dollars shall be used by said department for **[**infrastructure improvements to increase the military value of the United States Naval Submarine Base - New London, where such improvements may include, but need not be limited to, piers, drydocks or facilities for maintenance, operations, training, ordinance or electric or water utilities, provided, for any infrastructure improvement constructed, said commissioner shall negotiate a multiyear lease with the United States Department of the Navy, at the end of which lease ownership of such improvement may be transferred to said department or, if said department ceases operations at such submarine base prior to the end of such lease, said department shall reimburse the state for the full construction cost of such improvement**]** the purpose of grants to the United States Navy or eligible applicants for projects related to the enhancement of infrastructure for long-term, on-going naval operations at the United States Naval Submarine Base-New London, located in Groton, which will increase the military value of said base.

Sec. 5. (NEW) (*Effective July 1, 2007*) (a) The Labor Department, within available appropriations, shall establish a program to distribute youth employment and training funds to regional workforce development boards.

(b) Funds provided for in this section shall be allocated as follows: (1) Thirty-two and five-tenths per cent to Capitol Workforce Partners; (2) twenty-two and five-tenths per cent to The Workforce Alliance; (3) twelve and five-tenths per cent to The Workplace, Inc.; (4) twenty-two

and five-tenths per cent to the Northwest Regional Workforce Investment Board, Inc.; and (5) ten per cent to the Eastern Connecticut Workforce Investment Board.

Sec. 6. (*Effective October 1, 2007*) (a) The Probate Court Administrator shall establish, within available appropriations, an Extended Family Guardianship and Assisted Care Pilot Program in the regional children's probate court for the district of New Haven, established pursuant to section 45a-8a of the general statutes, for the purpose of reducing the number of children who are placed out of their communities and in foster care due to abuse and neglect. The program shall be designed to (1) provide outreach to extended family members in the community and appoint such family members as guardians, and (2) seek volunteers to act as assisted care providers to assist guardians in caring for children. Under the program, each guardian appointed by the court shall be eligible to receive a maximum grant of five hundred dollars per child.

(b) The Probate Court Administrator shall adopt regulations, in accordance with chapter 54 of the general statutes, to implement the provisions of this section. The regulations shall establish the eligibility criteria for (1) becoming a guardian or an assisted care provider under the program, and (2) the awarding of grants pursuant to subsection (a) of this section.

(c) On or before January 1, 2009, the Probate Court Administrator, or a designee, shall 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 the judiciary and the select committee of the General Assembly having cognizance of matters relating to children, on the status and effectiveness of the pilot program established pursuant to subsection (a) of this section.

Sec. 7. Section 7-323p of the general statutes is repealed and the

following is substituted in lieu thereof (*Effective July 1, 2007*):

(a) The Office of State Fire Administration shall maintain and operate a state fire school which shall serve as the training and education arm of the Commission on Fire Prevention and Control. The use of any hazardous material, as defined in section 29-307a, except a virgin fuel, is prohibited in the simulation of any fire. The office shall fix fees for training and education programs and sessions and for such other purposes deemed necessary for the operation and support of the school, subject to the approval of the commission. Such fees shall be used solely for training and education purposes.

(b) The commission may establish and maintain a state fire school training and education extension account, which shall be a separate account within the General Fund. The account shall contain any moneys required by law to be deposited in the account. The account may be used for the operation of such training and education extension programs and sessions as the Office of State Fire Administration may establish, **[**and**]** for the purchase of such equipment as is required for use in the operation of such programs and sessions, and for (1) reimbursement to municipalities and municipal fire departments for one-half of the costs of Firefighter I certification and recruit training of municipal volunteer and paid fire service personnel, and (2) reimbursement to state agencies for one-half of the costs of Firefighter I certification and recruit training of state agency fire service personnel. All proceeds derived from the operation of the training and education extension programs and sessions shall be deposited in the General Fund and shall be credited to and become a part of the resources of the account. All direct expenses incurred in the conduct of the training, certification and education programs and sessions shall be charged, and any payments of interest and principal of bonds or any sums transferable to any fund for the payment of interest and principal of bonds and any cost of equipment for such

operations may be charged, against the account on order of the State Comptroller. Any balance of receipts above expenditures shall remain in the account to be used for its training and education programs and sessions, and for the acquisition, as provided by section 4b-21, alteration and repairs of real property for educational facilities, except such sums as may be required to be transferred from time to time to any fund for the redemption of bonds and payment of interest on bonds, provided repairs, alterations or additions to educational facilities costing fifty thousand dollars or less shall require the approval of the Commissioner of Public Works, and capital projects costing over fifty thousand dollars shall require the approval of the General Assembly or, when the General Assembly is not in session, of the Finance Advisory Committee.

(c) The commission may establish and maintain a state fire school auxiliary services account, which shall be a separate account within the General Fund. The account shall be used for the operation, maintenance and repair of auxiliary service facilities and for such other auxiliary activities of the state fire school as the Office of State Fire Administration determines. The proceeds of such activities shall be deposited in the General Fund and shall be credited to and become a part of the resources of the account. All direct expenses of operation, maintenance and repair of facilities, food services and other auxiliary activities shall be charged, and any payments of interest and principal of bonds or any sums transferable to any fund for the payment of interest and principal of bonds and any cost of equipment for such operations may be charged, against the account on order of the State Comptroller. Any balance of receipts above expenditures shall remain in the account to be used for the improvement and extension of such activities, except such sums as may be required to be transferred from time to time to any fund for the redemption of bonds and payment of interest on bonds, provided repairs, alterations or additions to auxiliary service facilities costing fifty thousand dollars or less shall

require the approval of the Commissioner of Public Works, and capital projects costing over fifty thousand dollars shall require the approval of the General Assembly or, when the General Assembly is not in session, of the Finance Advisory Committee. The commission, with the approval of the Finance Advisory Committee, may borrow from the resources of the General Fund at any time such sum or sums as it deems advisable, to establish or continue auxiliary services activities, such sums to be repaid in accordance with such schedule as the Secretary of the Office of Policy and Management shall establish.

Sec. 8. (NEW) (*Effective July 1, 2007*) There is established an account known as the invasive species detection and control account, which shall be a separate, nonlapsing account within the Conservation Fund. Said account shall contain any moneys required by law to be deposited therein. Moneys in the account shall be expended by the Commissioner of Environmental Protection for the purposes of controlling invasive species, including, but not limited to, employing an invasive species coordinator, developing an early detection and rapid response policy, educating the public regarding invasive species, funding Department of Agriculture and Connecticut Agricultural Experiment Station inspectors and making grants to municipalities for the control of invasive species on publicly accessible land and waters.

Sec. 9. (NEW) (*Effective July 1, 2007*) (a) As used in this section:

(1) "Grant" means an urban violence reduction grant;

(2) "Eligible agency" means a nonprofit agency authorized by a municipality to apply for and administer a grant on behalf of such municipality;

(3) "Program" means the urban violence reduction grant program; and

(4) "Secretary" means the Secretary of the Office of Policy and

Management.

(b) There is established an urban violence reduction grant program for the purpose of reducing urban youth violence by providing grants for programs and services for youth in urban centers within the state. The program shall be administered by the Office of Policy and Management.

(c) The secretary shall, within available appropriations, award grants under the program based on competitive proposals submitted and evaluated as provided in this section. Such grants may be made to a municipality or to one or more eligible agencies acting on behalf of a municipality.

(d) Grants made under this section shall be used to provide eligible programs and services for youth between twelve and eighteen years of age. Such programs and services shall include, but not be limited to: (1) Mentoring; (2) tutoring and enrichment activities; (3) social and cultural activities; (4) athletic and recreational opportunities; (5) training in problem-solving, decision-making, peer counseling and conflict mediation; (6) the implementation of strategies to address imminent violence, collaborate to reduce violence on the street and improve relations between the police and the communities they serve. Grant recipients shall provide for parental and youth involvement, on an ongoing basis, in the planning and operation of such programs.

(e) The Office of Policy and Management shall publish a notice of grant availability and solicit competitive proposals under the program for the fiscal year ending June 30, 2008, and each fiscal year thereafter. Municipalities and eligible agencies acting on behalf of a municipality may file a grant application with the Office of Policy and Management on such forms and at such times as the secretary prescribes. Applications filed by eligible agencies acting on behalf of a municipality shall include the endorsement of the chief elected official

of such municipality.

(f) The Office of Policy and Management shall review all grant applications received under the program and determine which grant applications shall be funded and at what funding levels. Criteria for such determinations shall be established by the secretary and included in the notice of grant availability.

(g) The secretary may adopt regulations, in accordance with chapter 54 of the general statutes, to carry out the provisions of this section.

Sec. 10. Section 9 of public act 07-232 is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

The Commissioner of Transportation shall develop <u>and recommend</u> procedures **[**, in accordance with the general statutes,**]** <u>and criteria</u> for the leasing of naming rights of transit stations and other transit-owned property to private corporations and organizations. The commissioner shall **[**establish criteria for the leasing of such naming rights. Such criteria shall be submitted**]** <u>submit such recommended procedures and criteria</u> to the joint standing committee of the General Assembly having cognizance of matters relating to transportation **[**, not later than**]** <u>on or before</u> January 30, 2008<u>.</u> **[**, and, if approved by said committee, such approval shall not be later than the close of the 2008 session of the General Assembly.**]**

Sec. 11. Section 16-50*l* of the general statutes is amended by adding subsection (f) as follows (*Effective July 1, 2007*):

(NEW) (f) For purposes of this chapter, an application that is subject to the request-for-proposal process of section 16a-7c, shall be deemed to be a "pre application" until the completion of the such request-for-proposal process. At the completion of the request-for-proposal process, such pre application shall be considered an application. The requirements of this section shall apply to applications and pre-

applications.

Sec. 12. Section 32-237 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2008*):

(a) The Connecticut Center for Advanced Technology shall establish a center for supply chain integration to assist at risk small and medium-sized manufacturers in the state that are suppliers for defense manufacturers, to adopt the digital technology and business practices needed to fully participate in the next generation defense supply base. The center shall provide technical and business assistance and training to help such suppliers (1) adopt the state-of-the-market digital manufacturing and information technologies and best business practices and techniques, and (2) eliminate waste caused by poor information flow and counterproductive business practices across multiple buyer and supplier relationships. The center shall work with other state and national resources to help suppliers that are transitioning from a commodity-oriented business model into a value-added technology-based model of component and service integration. The center shall carry out the purposes of this section by providing training, on-site assistance and facilities and equipment for suppliers.

(b) The center for supply chain integration established pursuant to subsection (a) of this section, shall make its services available to assist small and medium-sized manufacturers in the state. The center shall provide the same services to such manufacturers to promote supply chain development, as described in subsection (a) of this section.

Sec. 13. Section 32-345 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The **[**corporation shall**]** Department of Economic and Community Development may establish a Connecticut development research and economic assistance matching grant program, within

available appropriations and, for the purposes of providing financial aid, as defined in subdivision (4) of section 32-34, to assist: (1) Connecticut small businesses in conducting marketing-related activities to facilitate commercialization of research projects funded under the small business innovation research program or the small business technology transfer program; (2) business-led consortia or Connecticut businesses in connection with their participation in a federal technology support program; and (3) micro businesses, in conducting development and research. The department may enter into an agreement, pursuant to chapter 55a, with a person, firm, corporation or other entity to operate such program.

(b) Applications shall be submitted [to the corporation at such times and on such forms as the corporation may prescribe] in the manner prescribed by the department. Each such application shall include the following: (1) The location of the principal place of business of the applicant; (2) an explanation of the intended use of the funding being applied for, the potential market for the end product of the project and the marketing strategy; and (3) such other information that the [corporation] department deems necessary. Information contained in any such application submitted to the [corporation] department under this section which is of a proprietary nature shall be exempt from the provisions of subsection (a) of section 1-210.

(c) In determining whether an applicant shall be selected for funding pursuant to this section, the [corporation] department, or the operator, if any, selected pursuant to subsection (a) of this section, shall consider, but such consideration need not be limited to, the following factors: (1) The description of the small business innovation research project, the small business technology transfer project or the federally-supported technology project and the potential commercial applicability of such project; (2) evidence of satisfactory participation in the applicable small business innovation research program, the

small business technology transfer program or the federal technology support program; (3) the potential impact of such research project on the workforce in the region where such small business is located; (4) the size of the potential market, strength of the marketing strategy, and ability of the applicant to execute the strategy and successfully commercialize the end product; and (5) the resources and record of success of the company relative to development and commercialization. Within the availability of funds, the **[**corporation**]** department may provide financial aid to eligible applicants provided no business may receive more than fifty thousand dollars for any single small business innovation research project or small business technology transfer project. The **[**corporation**]** department may require a business to repay such assistance or pay a multiple of the assistance to the **[**corporation**]** department. All such repayments and payments shall be deposited in the Connecticut technology partnership assistance program revolving account established under section 32-346, as amended by this act.

(d) The **[**corporation shall**]** department may establish a development, research and economic assistance matching financial aid program for micro businesses that have received federal funds for Phase II proposals under the small business innovation research program and the small business technology transfer program. Any micro business receiving financial aid under this subsection shall use such financial aid for the same purpose such micro business was awarded said federal funds. The department may enter into an agreement, pursuant to chapter 55a, with a person, firm, corporation or other entity to operate such a program.

(e) **[**The corporation shall adopt written procedures, in accordance with the provisions of section 1-121 to carry out the provisions of this section.**]** On or before January 15, 2008, and annually thereafter, the Commissioner of Economic and Community Development shall, in

consultation with the program operator, if any, submit a report on the status of the development research and economic assistance matching grant program to the chairpersons of the joint standing committee of the General Assembly having cognizance of matters relating to the Department of Economic and Community Development. Such report shall include, but need not be limited to, a description of the projects supported and the type of financial aid provided.

Sec. 14. Section 32-346 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The corporation shall establish a "Connecticut technology partnership assistance program revolving account". Any and all references in any general statutes, procedure or legal document to the "phase III assistance program revolving account" shall, on and after July 1, 1995, be deemed to refer to the "Connecticut technology partnership assistance program revolving account". The account shall be used for the purpose of providing **[**financial assistance under section 32-345 and**]** financial aid under section 32-41u.

Sec. 15. Section 32-356 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For purposes of this section, "incubator facilities" shall have the same meaning as incubator facilities in section 32-34.

(b) The Commissioner of Economic and Community Development shall establish the small business incubator program to provide grants to entities operating incubator facilities, as defined in section 32-34. **[**Such grants**]** The Department of Economic and Community Development may enter into an agreement, pursuant to chapter 55a, with a person, firm, corporation or other entity to operate such program. The department, or a program operator selected pursuant to this subsection, shall, subject to the availability of funds, operate a

technology-based small business incubator program. In accordance with the written guidelines developed by the department, the department or program operator, if any, may provide grants to assist small businesses operating within incubator facilities. Grants made pursuant to this section shall be used by such entities to provide operating funds and related services, including business plan preparation, assistance in acquiring financing and management counseling.

(c) An entity shall submit an application for a grant pursuant to this section **[**to the commissioner, at such time and in such manner as the commissioner shall prescribe in regulations adopted pursuant to subsection (d) of this section**]** in the manner prescribed by the Commissioner of Economic and Community Development.

**[**(d) The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to implement the small business incubator program established pursuant to this section. Such regulations shall include (1) a description of entities eligible for grants under such program, (2) a description of allowable expenditures for such grants, (3) definitions of small businesses eligible for support pursuant to such program, (4) directions regarding the form and content of the application to be submitted by entities seeking grants, (5) schedules for the awarding of grants, (6) standards indicating the bases upon which grants shall be awarded, including (A) priorities, if any, for small business incubator programs that provide certain support services, (B) criteria relating to the background, experience and services offered by the entity seeking a grant, and (C) any limitations on the amount of grant any one entity may receive in one funding cycle, and (7) such other provisions that the commissioner may find necessary for the implementation of such program.**]**

**[**(e)**]** (d) There is established an account to be known as the small business incubator account, which shall be a separate, nonlapsing

account within the General Fund. **[**The account shall contain all moneys required by law to be deposited in the account and shall be held separate and apart from all other money, funds and accounts. Investment earnings from any moneys in the account shall be credited to the account and shall become part of the assets of the account. Any balance remaining in the account at the end of any fiscal year shall not lapse and shall be available for use for the fiscal year next succeeding.**]** The commissioner may use funds from the account to provide administrative expenses and grants pursuant to this section.

(e) (1) There is established a Small Business Incubator Advisory Board. Said board shall consist of: (A) The Commissioner of Economic and Community Development; (B) the president of the Connecticut Development Authority and the executive director of Connecticut Innovations, Incorporated, as ex-officio nonvoting members, or their designees; (C) one member to be appointed by the Governor; (D) two members with experience in the field of technology transfer and commercialization, to be appointed by the speaker of the House of Representatives; (E) two members with experience in new product and market development, to be appointed by the president pro tempore of the Senate; (F) one member to be appointed by the majority leader of the Senate; (G) one member to be appointed by the majority leader of the House of Representatives; (H) one member with experience in seed and early stage capital investment, to be appointed by the minority leader of the House of Representatives; and (I) one member with experience in seed and early stage capital investment, to be appointed by the minority leader of the Senate. All initial appointments to said board shall be made not later than September 1, 2007.

(2) The Commissioner of Economic and Community Development shall schedule the first meeting of said board not later than October 15, 2007. Thereafter, the board shall meet at least once annually to evaluate and recommend changes to the guidelines adopted pursuant to this

section.

Sec. 16. (NEW) (*Effective July 1, 2007*) (a) As used in this section and sections 17 to 19, inclusive, of this act:

(1) "Closed crankcase filtration system" means a system that separates oil and other contaminants from the blow-by gases and routes the blow-by gases into a diesel engine's intake system downstream of the air filter;

(2) "Emergency contingency vehicle" means a bus placed in an inactive contingency fleet for local emergencies, after the bus has reached the end of its normal minimum useful life;

(3) "Full-sized school bus" means a school bus, as defined in section 14-275 of the general statutes, which is a Type I diesel school bus, including spare buses operated by or under contract to a school district, but not including emergency contingency vehicles or low usage vehicles;

(4) "Low usage vehicle" means a bus that operates for not more than one thousand miles per year;

(5) "Model year 2007 emission standards" means engine emission standards promulgated by the federal Environmental Protection Agency in 40 CFR Parts 69, 80 and 86;

(6) "Ultra-low sulfur diesel fuel" means diesel fuel used by an on-road engine that meets the requirements for sulfur content set forth in 40 CFR 80;

(7) "Verified emissions control device" means a device that has been verified by the federal Environmental Protection Agency or the California Air Resources Board to reduce particulate matter emissions by a given amount;

(8) "Level 1 device" means a verified emissions control device that achieves greater than or equal to twenty-five per cent, but less than fifty per cent, particulate matter reduction;

(9) "Level 2 device" means a verified emissions control device that achieves greater than or equal to fifty per cent, but less than eighty-five per cent, particulate matter reduction; and

(10) "Level 3 device" means a verified emissions control device that achieves greater than or equal to eighty-five per cent particulate matter reduction or a particulate matter emission standard of 0.01 grams per brake horsepower-hour.

Sec. 17. (NEW) (*Effective July 1, 2007*) (a) Except as provided in subsection (b) of this section, not later than September 1, 2010, each full-sized school bus with an engine model year of 1994 or later transporting children in the state shall either: (1) Be equipped with a closed crankcase filtration system and either a level 1 device, level 2 device or level 3 device, or, if the bus has an engine model year of 2003 to 2006, inclusive, has not been retrofitted with a level 1 device or level 2 device prior to July 1, 2007, and is capable of operating normally with a level 3 device that can be installed along with a closed crankcase filtration system for five thousand dollars or less in accordance with a procurement contract developed pursuant to subsection (c) of this section, be equipped with a closed crankcase filtration system and a level 3 device, (2) be equipped with an engine certified by the federal Environmental Protection Agency to meet model year 2007 emission standards, or (3) use compressed natural gas or other alternative fuel certified by the federal Environmental Protection Agency or the California Air Resources Board to reduce particulate matter emissions by not less than eighty-five per cent compared to ultra-low sulfur diesel fuel.

(b) The provisions of subsection (a) of this section shall not apply if

the procurement contracts developed pursuant to subsection (c) of this section fail to establish a price level for the purchase, installation and warranty of a closed crankcase filtration system, and either a level 1 device, level 2 device or level 3 device in each type of full-sized school bus that is equivalent to or less than the grant amount for such emissions control device specified in subsection (a) of section 19 of this act.

(c) The Commissioner of Administrative Services, in consultation with the Commissioner of Environmental Protection, shall develop procurement contracts, in accordance with chapter 58 of the general statutes, for (1) level 1, level 2 and level 3 devices, and (2) closed crankcase filtration systems, including the installation and warranty of such devices and such systems. Said procurement contracts shall be made available to state agencies and political subdivisions of the state through the contracting portal section of the Department of Administrative Services' Internet web site.

Sec. 18. (NEW) (*Effective July 1, 2007*) There is established the "school bus emissions reduction account", which shall be a separate, nonlapsing account within the General Fund. The account shall contain any moneys required by law to be deposited in the account. The moneys in said account shall be expended by the Department of Environmental Protection for the purposes of the school bus emissions reduction program established in section 19 of this act. The Department of Environmental Protection shall not use more than three per cent of the funds in said account for the administration of said program.

Sec. 19. (NEW) (*Effective July 1, 2007*) (a) The Commissioner of Environmental Protection, in consultation with the Commissioner of Education, shall establish a school bus emissions reduction program. Such program shall be established regardless of the price levels established by the procurement contracts developed pursuant to

subsection (c) of section 17 of this act. Through the program, the Commissioner of Environmental Protection shall:

(1) Within available appropriations, make grants with funds from the school bus emissions reduction account, established pursuant to section 18 of this act, to municipalities and local and regional school boards to reimburse them for the cost of retrofitting full-sized school buses that are projected to be in service on or after September 1, 2010, as follows: (A) Not to exceed five thousand dollars for each bus with an engine model year between 2003 to 2006, inclusive, that has been equipped with a closed crankcase filtration system and a level 3 device; (B) not to exceed two thousand five hundred dollars for each bus that has been equipped with a closed crankcase filtration system and a level 2 device; and (C) not to exceed one thousand two hundred fifty dollars for each bus that has been equipped with a closed crankcase filtration system and a level 1 device. In the event the procurement contracts developed pursuant to section 17 of this act fail to establish a price level for the purchase, installation and warranty of a closed crankcase filtration system and either a level 1 device, level 2 device or level 3 device in each type of full-sized school bus that is equivalent to or less than the grant level for such emissions control device specified in this section, municipalities and local and regional boards of education may opt to retrofit their full-sized school buses and continue to be eligible to receive the grants established in this section;

(2) Develop an outreach plan and materials for educating and notifying municipalities, local and regional boards of education and bus companies about the requirements of section 17 of this act; and

(3) Assist municipalities and local and regional boards of education and bus companies to retrofit their full-sized school buses. Such assistance shall include, but not be limited to, guidance in choosing whether to retrofit buses with either a level 1 device, level 2 device or

level 3 device.

(b) To receive a reimbursement pursuant to this section, a municipality or local or regional board of education shall submit a form prescribed by the commissioner to the Department of Environmental Protection, which shall contain: (1) The school bus model and year, engine model and year, vehicle identification number and date of installation for each eligible retrofitted bus, (2) for an eligible bus retrofitted with a level 3 device, a certification that the bus will operate in the state for not less than three years after the date of installation of the emission control device, and (3) a receipt for the purchase of the emission control devices and their installation.

Sec. 20. Subsection (e) of section 54-56g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(e) The court may, as a condition of granting such application, require that such person participate in a victim impact panel program approved by the Court Support Services Division of the Judicial Department. Such victim impact panel program shall provide a nonconfrontational forum for the victims of alcohol-related or drug-related offenses and offenders to share experiences on the impact of alcohol-related or drug-related incidents in their lives. Such victim impact panel program shall be conducted by a nonprofit organization that advocates on behalf of victims of accidents caused by persons who operated a motor vehicle while under the influence of intoxicating liquor or any drug, or both. Such organization may assess a participation fee of not more than **[**twenty-five**]** <u>seventy-five</u> dollars on any person required by the court to participate in such program<u>, provided such organization shall offer a hardship waiver when it has determined that the imposition of a fee would pose an economic hardship for such person</u>.

Sec. 21. Section 7 of public act 07-1 is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Nothing in chapter 10 of the general statutes shall prohibit the donation of goods or services, as described in subdivision (5) of subsection (e) of section 1-79 of the general statutes, as amended by **[**this act**]** section 5 of public act 07-1, to a state agency or quasi-public agency, **[**or**]** the donation of the use of facilities to facilitate state agency or quasi-public agency action or functions or the donation of real property to a state agency or quasi-public agency. As used in this section, "state agency" and "quasi-public agency" have the same meanings as provided in section 1-79 of the general statutes, as amended by **[**this act**]** section 5 of public act 07-1.

Sec. 22. Subsection (b) of section 1 of public act 07-205 is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(b) The Governor, in consultation with the Commissioner of Economic and Community Development, shall appoint an executive director to manage the daily activities and duties of the Office of Military Affairs. The executive director shall have the necessary qualifications to perform the duties of said office, including, but not limited to, having prior military experience, and having attained the rank of an officer within a branch of the armed forces. The Governor shall give preference to any person with the necessary training and experience who has served in the navy **[**and**]** or who has knowledge or prior experience with the federal Base Realignment and Closure or "BRAC" process. Within available appropriations, the executive director shall: (1) Appoint, employ and remove such assistants, employees and personnel as deemed necessary for the efficient and effective administration of the activities of the office; (2) coordinate state and local efforts to prevent the closure or downsizing of Connecticut military facilities, particularly United States Naval

Submarine Base-New London, located in Groton; (3) maximize the state's input into the federal Base Realignment and Closure or "BRAC" process, including, but not limited to, (A) acting as liaison to the state's congressional delegation on defense, military and BRAC issues, and (B) acting as liaison to consultant lobbyists hired by the state to assist in monitoring activities related to BRAC; (4) encourage the relocation of military missions to the state; (5) coordinate state and local efforts to enhance the quality of life of all branches of military personnel and their families living or working in Connecticut; (6) review and make recommendations for state policies that affect Connecticut's military facilities and defense and homeland security industries; (7) coordinate state, regional and local efforts to encourage the growth of Connecticut's defense and homeland security industry; (8) support the development of a Defense and Homeland Security Industry Cluster; (9) establish and coordinate a Connecticut Military and Defense Advisory Council to provide technical advice and assistance; (10) oversee the implementation of recommendations of the Governor's Commission for the Economic Diversification of Southeastern Connecticut; and (11) prepare and submit a report of activities, findings and recommendations annually to the Governor and the joint standing committees of the General Assembly having cognizance of matters relating to commerce and public safety, in accordance with the provisions of section 11-4a of the general statutes.

Sec. 23. Section 1 of special act 07-5 is amended to read as follows (*Effective from passage*):

Notwithstanding the provisions of chapter 53 of the general statutes, the Comptroller is directed to draw her order on the Treasurer in favor of James Calvin Tillman for the sum of five million dollars as full and final settlement of all claims of James Calvin Tillman against the state and any political subdivision of the state, and any officer, agent, employee or official thereof, including claims for loss of liberty

and enjoyment of life, loss of income, loss of future earnings, physical injury, mental pain and suffering, psychological injury and loss of familial relationships, arising out of, or in any way related to, his arrest, prosecution, conviction and incarceration from 1988 to 2006 for the crimes of kidnapping and sexual assault, which crimes he did not commit and which convictions were vacated and the charges dismissed on July 11, 2006, provided James Calvin Tillman, for and in consideration of the payment of such sum, shall execute a release of liability on behalf of himself and his heirs, successors and assigns, in such form as may be prescribed by the Attorney General, releasing and forever discharging the state of Connecticut and any political subdivision of the state, and any officer, agent, employee or official thereof, from every claim, demand, action, cause of action or liability of whatever nature, whether known or unknown, at law or in equity, and whether under federal, state or common law, which James Calvin Tillman ever had, now has or could have in the future arising out of, or in any way related to, such arrest, prosecution, conviction and incarceration. Any payment received pursuant to this act shall be exempt from the tax imposed under chapter 229 of the general statutes <u>and from any claim or lien of the state for repayment of the costs of incarceration under sections 18-85a, 18-85b and 18-85c of the general statutes</u>.

Sec. 24. Subsection (c) of section 4-28f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(c) The trust fund shall be administered by a board of trustees, except that the board shall suspend its operations from July 1, 2003, to June 30, 2005, inclusive. The board shall consist of seventeen trustees. The appointment of the initial trustees shall be as follows: (1) The Governor shall appoint four trustees, one of whom shall serve for a term of one year from July 1, 2000, two of whom shall serve for a term

of two years from July 1, 2000, and one of whom shall serve for a term of three years from July 1, 2000; (2) the speaker of the House of Representatives and the president pro tempore of the Senate each shall appoint two trustees, one of whom shall serve for a term of two years from July 1, 2000, and one of whom shall serve for a term of three years from July 1, 2000; (3) the majority leader of the House of Representatives and the majority leader of the Senate each shall appoint two trustees, one of whom shall serve for a term of one year from July 1, 2000, and one of whom shall serve for a term of three years from July 1, 2000; (4) the minority leader of the House of Representatives and the minority leader of the Senate each shall appoint two trustees, one of whom shall serve for a term of one year from July 1, 2000, and one of whom shall serve for a term of two years from July 1, 2000; and (5) the Secretary of the Office of Policy and Management, or the secretary's designee, shall serve as an ex-officio voting member. Following the expiration of such initial terms, subsequent trustees shall serve for a term of three years. The period of suspension of the board's operations from July 1, 2003, to June 30, 2005, inclusive, shall not be included in the term of any trustee serving on July 1, 2003. The trustees shall serve without compensation except for reimbursement for necessary expenses incurred in performing their duties. The board of trustees shall establish rules of procedure for the conduct of its business which shall include, but not be limited to, criteria, processes and procedures to be used in selecting programs to receive money from the trust fund. The trust fund shall be within the Office of Policy and Management for administrative purposes only. The board of trustees shall meet not less than **[**bimonthly**]** <u>biannually,</u> except during the fiscal years ending June 30, 2004, and June 30, 2005, and, not later than January first of each year, except during the fiscal years ending June 30, 2004, and June 30, 2005, shall submit a report of its activities and accomplishments to the joint standing committees of the General Assembly having cognizance of matters relating to public health and appropriations and the budgets of state agencies, in

accordance with section 11-4a. Such report shall be approved by each trustee.

Sec. 25. Section 54-142q of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) As used in this section, (1) "governing board" means the Criminal Justice Information System Governing Board established in this section, **[**and**]** (2) "offender-based tracking system" means **[**the information system described in subsection (b) of this section**]** an information system that enables, as determined by the governing board and subject to this chapter, criminal justice agencies, as defined in subsection (b) of section 54-142g, and the Division of Public Defender Services to share criminal history record information, as defined in subsection (a) of section 54-142g, and to access electronically maintained offender and case data involving felonies, misdemeanors, violations, motor vehicle violations, motor vehicle offenses for which a sentence to a term of imprisonment may be imposed, and infractions, and (3) "criminal justice information systems" means the offender-based tracking system and information systems among criminal justice agencies.

(b) There shall be a Criminal Justice Information System Governing Board which shall be within the Office of Policy and Management for administrative purposes only and shall oversee criminal justice information systems. **[**The governing board shall oversee an information system that enables, as determined by the governing board and subject to this chapter, criminal justice agencies, as defined in subsection (b) of section 54-142g, and the Division of Public Defender Services to share criminal history record information, as defined in subsection (a) of section 54-142g, and to access electronically maintained offender and case data involving felonies, misdemeanors, violations, motor vehicle violations, motor vehicle offenses for which a sentence to a term of imprisonment may be imposed, and infractions.**]**

(c) The governing board shall be composed of the Chief Court Administrator, who shall serve as chairperson, the Commissioner of Public Safety, the Commissioner of Emergency Management and Homeland Security, the Secretary of the Office of Policy and Management, the Commissioner of Correction, the chairperson of the Board of Pardons and Paroles, the Chief State's Attorney, the Chief Public Defender, the Chief Information Officer of the Department of Information Technology, the Victim Advocate, the Commissioner of Motor Vehicles and the president of the Connecticut Police Chiefs Association. Each member of the governing board may appoint a designee who shall have the same powers as such member.

(d) The governing board shall meet at least once during each calendar quarter and at such other times as the chairperson deems necessary. A majority of the members shall constitute a quorum for the transaction of business.

(e) The governing board shall develop plans, maintain policies and provide direction for the efficient operation and integration of criminal justice information systems, whether such systems service a single agency or multiple agencies. The governing board shall establish standards and procedures for use by agencies to assure the interoperability of such systems, authorized access to such systems and the security of such systems.

**[**(e) The**]** (f) In addition to the requirements of subsection (e) of this section, the duties and responsibilities of the governing board shall be to: (1) Oversee the operations and administration of **[**the offender-based tracking system**]** criminal justice information systems; (2) establish such permanent and ad hoc committees as it deems necessary, with appointments to such committees not restricted to criminal justice agencies; (3) recommend any legislation necessary for implementation, operation and maintenance of **[**the offender-based tracking system**]** criminal justice information systems; (4) establish and

implement policies and procedures to meet the system-wide objectives, including the provision of appropriate controls for data access and security; and (5) perform all necessary functions to facilitate the coordination and integration of **[**the offender-based tracking system**]** criminal justice information systems.

**[**(f)**]** (g) A member of the governing board, a member of a permanent or an ad hoc committee established by the governing board, and any person operating and administering the offender-based tracking system shall be deemed to be "state officers and employees" for the purposes of chapter 53 and section 5-141d.

**[**(g)**]** (h) Information that may be accessed by the Division of Public Defender Services pursuant to subsection (b) of this section shall be limited to: (1) Conviction information, as defined in subsection (c) of section 54-142g, (2) information that is otherwise available to the public, and (3) information, including no conviction information, concerning a client whom the division has been appointed by the court to represent and is representing at the time of the request for access to such information.

Sec. 26. (*Effective July 1, 2007*) Section 1 of public act 07-77 shall take effect July 1, 2007.

Sec. 27. (*Effective from passage*) (a) The Department of Environmental Protection, in consultation with the Department of Mental Health and Addiction Services, the Office of Policy and Management, the Department of Public Health, Connecticut Community Colleges, Middlesex Community College, Connecticut Valley Hospital and the city of Middletown, shall conduct a study concerning the permanent protection of the reservoirs, watershed, acquifers and other water supply lands, located on or abutting the grounds and buildings comprising the Connecticut Valley Hospital in Middletown.

(b) Such study shall include a review of all available maps, records, title information and land records, including records concerning conservation or other easements in order to determine the owner of record of the reservoirs, watershed, acquifers and other water supply lands, of the Connecticut Valley Hospital and of the abutting properties. If such review does not result in a conclusive determination of who is the owner or owners of record of such reservoirs, watershed, acquifers and other water supply lands, the Department of Environmental Protection may conduct or contract for title searches and A-2 surveys to clarify the ownership of such reservoirs, watershed, acquifers and other water supply lands.

(c) Not later than February 1, 2008, the Department of Environmental Protection shall submit a report concerning the findings of such study, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to the environment and public health.

Sec. 28. Subsection (c) of section 51-63 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(c) In addition to other compensation, official and assistant reporters and monitors shall be entitled to charge a party or other individual three dollars for each transcript page which is or previously was transcribed from the original record as provided by law, provided the charge to any such party or other individual shall be one dollar and seventy-five cents for each page for which a charge of three dollars already has been made, except that (1) the charge to any official of the state, or any of its agencies, boards or commissions or of any municipality of the state, acting in his <u>or her</u> official capacity, shall be **[**one dollar and fifty cents**]** <u>two dollars</u> for each transcript page which is or previously was transcribed from the official record, provided the

charge to any such official shall be **[**fifty**]** seventy-five cents for each page for which a charge of **[**one dollar and fifty cents**]** two dollars already has been made, (2) there shall be no charge to the state's attorney, assistant state's attorney or deputy assistant state's attorney for a transcript provided pursuant to subsection (d) of section 51-61, and (3) there shall be no charge to the court for a transcript provided pursuant to subsection (f) of section 51-61. For the purposes of this subsection, "transcript page" means a page consisting of twenty-seven double-spaced lines on paper eight and one-half by eleven inches in size, with sixty spaces available per line. The Chief Court Administrator shall adopt policies and procedures necessary to implement the provisions of this section, including, but not limited to, the establishment and administration of a system of fees for production of expedited transcripts.

Sec. 29. (NEW) (*Effective October 1, 2007*) (a) The Office of Victim Services within the Judicial Department shall, within available appropriations, contract with nongovernmental organizations to develop a coordinated response system to assist victims of the offense of trafficking in persons.

(b) Such contracts shall be entered into for the following purposes, including, but not limited to:

(1) Developing a uniform curriculum to address rights and services for such victims;

(2) Developing information and materials on available resources and services for such victims;

(3) Actively seeking out quality training and other educational opportunities regarding the identification and assistance of such victims that take into consideration such victims' cultural context and needs; and

(4) Promoting and disseminating information on training and other educational opportunities concerning the assistance of such victims to emergency medical services, faith-based communities, sexual assault service providers, domestic violence service providers and state and local governmental agencies.

Sec. 30. Section 46b-149 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) Any selectman, town manager, police officer or welfare department of any town, city or borough, any probation officer **[**,**]** or superintendent of schools, the Commissioner of Children and Families, any child-caring institution or agency approved or licensed by the Commissioner of Children and Families, any youth service bureau, a parent or foster parent of a child, or a child or **[**his**]** the child's representative or attorney, who believes that the acts or omissions of a child are such that **[**his**]** the child's family is a family with service needs, may file a written complaint setting forth those facts with the **[**superior court**]** Superior Court which has venue over **[**that**]** the matter.

(b) The court shall refer a complaint filed under subsection (a) of this section to a probation officer, who shall promptly determine whether it appears that the alleged facts, if true, would be sufficient to meet the definition of a family with service needs, provided a complaint alleging that a child is a truant or habitual truant shall not be determined to be insufficient to meet the definition of a family with service needs solely because it was filed during the months of April, May or June. If such probation officer so determines, **[**he**]** the probation officer shall, after an initial assessment, promptly **[**either (1) refer the matter, with the consent of the child and his parents or guardian, to a suitable community-based or other service provider, or (2)**]** refer the child and the child's family to a suitable community-based program or other service provider, or to a family support center as provided in

section 31 of this act, for voluntary services. If the child and the child's family are referred to a community-based program or other service provider and the person in charge of such program or provider determines that the child and the child's family can no longer benefit from its services, such person shall inform the probation officer, who shall, after an appropriate assessment, either refer the child and the child's family to a family support center for additional services or determine whether or not to file a petition with the court under subsection (c) of this section. If the child and the child's family are referred to a family support center and the person in charge of the family support center determines that the child and the child's family can no longer benefit from its services, such person shall inform the probation officer, who may file a petition with the court in the manner prescribed in subsection (c) of this section. **[**In either case, the**]** The probation officer shall inform the complainant in writing of **[**his**]** the probation officer's action under this subsection. If it appears that the allegations are not true, or that the child's family does not meet the definition of a family with service needs, the probation officer shall inform the complainant in writing of such finding. **[**In any case in which the probation officer does not file a petition, he shall also inform the complainant of the right of such person to file a petition pursuant to subsection (c) of this section. Any person who has filed a complaint pursuant to subsection (a) of this section, and who has been notified by a probation officer that such officer does not intend to file a petition for a family with service needs may, within thirty days after mailing of such notice, file a petition under subsection (c) of this section.**]**

(c) A petition alleging that a family constitutes a family with service needs shall be verified and filed with the Superior Court which has venue over the matter. The petition shall set forth plainly: (1) The facts which bring the child within the jurisdiction of the court; **[**,**]** (2) the name, date of birth, sex and residence of the child; **[**,**]** (3) the name and residence of **[**his**]** the child's parent or parents, guardian or other

person having control of [him,] the child; and (4) a prayer for appropriate action by the court in conformity with the provisions of this section.

(d) When a petition is filed under subsection (c) of this section, the court may issue a summons to the child and [his] the child's parents, guardian or other person having control of [him] the child to appear in court at a specified time and place. The summons shall be signed by a judge or by the clerk or assistant clerk of the court, and a copy of the petition shall be attached to it. Whenever it appears to the judge that orders addressed to an adult, as set forth in section 46b-121, are necessary for the welfare of such child, a similar summons shall be issued and served upon such adult if he or she is not already in court. Service of summons shall be made in accordance with section 46b-128. The court may punish for contempt, as provided in section 46b-121, any parent, guardian or other person so summoned who fails to appear in court at the time and place so specified. If a petition is filed under subsection (c) of this section alleging that a family is a family with service needs because a child is a truant or habitual truant, the court may not dismiss such petition solely because it was filed during the months of April, May or June.

(e) When a petition is filed under subsection (c) of this section alleging that a family constitutes a family with service needs because it includes a child who has been habitually truant, the court shall order that the local or regional board of education for the town in which the child resides, or the private school in the case of a child enrolled in a private school, shall cause an educational evaluation of such child to be performed if no such evaluation has been performed within the preceding year. Any costs incurred for the performance of such evaluation shall be borne by such local or regional board of education or such private school.

(f) If it appears from the allegations of a petition or other sworn

affirmations that there is: (1) A strong probability that the child may do something that is injurious to himself prior to court disposition; (2) a strong probability that the child will run away prior to the hearing; or (3) a need to hold the child for another jurisdiction, a judge may vest temporary custody of such child in some suitable person or agency. No nondelinquent juvenile runaway from another state may be held in a state-operated detention home in accordance with the provisions of sections 46b-151 to 46b-151g, inclusive, Interstate Compact on Juveniles. A hearing on temporary custody shall be held not later than ten days after the date on which a judge signs an order of temporary custody. Following such hearing, the judge may order that the child's temporary custody continue to be vested in some suitable person or agency. Any expenses of temporary custody shall be paid in the same manner as provided in subsection (b) of section 46b-129.

(g) If a petition is filed under subsection (c) of this section and it appears that the interests of the child or the family may be best served, prior to adjudication, by a referral to community-based or other services, the judge may permit the matter to be continued for a reasonable period of time not to exceed six months, which time period may be extended by an additional three months for cause. If it appears at the conclusion of the continuance that the matter has been satisfactorily resolved, the judge may dismiss the petition.

(h) If the court finds, based on clear and convincing evidence, that the family of a child is a family with service needs, the court may, in addition to issuing any orders under section 46b-121: **[**, (1) refer**]** (1) Refer the child to the Department of Children and Families for any voluntary services provided by said department or, if the family is a family with service needs solely as a result of a finding that a child is a truant or habitual truant, to the authorities of the local or regional school district or private school for services provided by such school district or such school, which services may include summer school, or

to community agencies providing child and family services; [(2) commit that child to the care and custody of the Commissioner of Children and Families for an indefinite period not to exceed eighteen months; (3)] (2) order the child to remain in [his] the child's own home or in the custody of a relative or any other suitable person (A) subject to the supervision of a probation officer, or (B) in the case of a family which is a family with service needs solely as a result of a finding that a child is a truant or habitual truant, subject to the supervision of a probation officer and the authorities of the local or regional school district or private school; [or (4)] (3) if the family is a family with service needs as a result of the child engaging in sexual intercourse with another person and such other person is thirteen years of age or older and not more than two years older or younger than such child, (A) refer the child to a youth service bureau or other appropriate service agency for participation in a program such as a teen pregnancy program or a sexually transmitted disease program, and (B) require such child to perform community service such as service in a hospital, an AIDS prevention program or an obstetrical and gynecological program; or (4) upon a finding that there is no less restrictive alternative, commit the child to the care and custody of the Commissioner of Children and Families for an indefinite period not to exceed eighteen months. The child shall be entitled to representation by counsel and an evidentiary hearing. If the court issues any order which regulates future conduct of the child, parent or guardian, the child, parent or guardian, shall receive adequate and fair warning of the consequences of violation of the order at the time it is issued, and such warning shall be provided to the child, parent or guardian, to his or her attorney and to his or her legal guardian in writing and shall be reflected in the court record and proceedings.

(i) (1) The Commissioner of Children and Families may petition the court for an extension of a commitment under this section on the grounds that an extension would be in the best interest of the child.

The court shall give notice to the child and **[**his**]** the child's parent or guardian at least fourteen days prior to the hearing upon **[**that**]** such petition. The court may, after hearing and upon finding that such extension is in the best interest of the child and that there is no suitable less restrictive alternative, continue the commitment for an additional indefinite period of not more than eighteen months. (2) The Commissioner of Children and Families may at any time petition the court to discharge a child **[**,**]** committed under this section, and any child committed to the commissioner under this section, or the parent or guardian of such child, may at any time but not more often than once every six months petition the court which committed the child to revoke such commitment. The court shall notify the child, **[**his**]** the child's parent or guardian and the commissioner of any petition filed under this subsection, and of the time when a hearing on such petition will be held. Any order of the court made under this subsection shall be deemed a final order for purposes of appeal, except that no bond shall be required **[**nor**]** and no costs shall be taxed on such appeal.

Sec. 31. (NEW) (*Effective October 1, 2007*) (a) For the purposes of this section, "family support center" means a community-based service center for children and families against whom a complaint has been filed with the Superior Court under section 46b-149 of the general statutes, as amended by this act, that provides multiple services, or access to such services, for the purpose of preventing such children and families from having further involvement with the court as families with service needs.

(b) The Court Support Services Division shall contract with one or more private providers, or with one or more youth service bureaus, or both, to develop a network of family support centers. Each family support center shall provide, or ensure access to, appropriate services that shall include, but not be limited to, screening and assessment, crisis intervention, family mediation, educational evaluations and

advocacy, mental health treatment and services, including gender specific trauma treatment and services, resiliency skills building, access to positive social activities, short-term respite care and access to services available to children in the juvenile justice system. The Court Support Services Division shall conduct an independent evaluation of each family support center to measure the quality of the services delivered and the outcomes for the children and families served by such center.

Sec. 32. (NEW) (*Effective October 1, 2007*) (a) When a child whose family has been adjudicated as a family with service needs in accordance with section 46b-149 of the general statutes, as amended by this act, violates any valid order which regulates future conduct of the child made by the court following such an adjudication, a probation officer, on receipt of a complaint setting forth facts alleging such a violation, or on the probation officer's own motion on the basis of his or her knowledge of such a violation, may file a petition with the court alleging that the child has violated a valid court order and setting forth the facts claimed to constitute such a violation. The child shall be entitled to representation by counsel and an evidentiary hearing on the allegations contained in the petition. Upon a finding by the court that the child has violated a valid court order, the court may (1) order the child to remain in such child's home or in the custody of a relative or any other suitable person, subject to the supervision of a probation officer, (2) upon a finding that there is no less restrictive alternative appropriate to the needs of the child and the community, enter an order that directs or authorizes a peace officer or other appropriate person to place the child in a staff-secure facility under the auspices of the Court Support Services Division for a period not to exceed forty-five days, with court review every fifteen days to consider whether continued placement is appropriate, at the end of which period the child shall be returned to the community and may be subject to the supervision of a probation officer, or (3) order that the child be

committed to the care and custody of the Commissioner of Children and Families for a period not to exceed eighteen months and that the child cooperate in such care and custody.

(b) When a child whose family has been adjudicated as a family with service needs in accordance with section 46b-149 of the general statutes, as amended by this act, is believed to be at risk of immediate physical harm from the child's surroundings or other circumstances, a probation officer, on receipt of a complaint setting forth facts alleging such risk, or on the probation officer's own motion on the basis of his or her knowledge of such risk, may file a petition with the court alleging that the child is at risk of immediate physical harm and setting forth the facts claimed to constitute such risk. If it appears from the specific allegations of the petition and other verified affirmations of fact accompanying the petition, or subsequent thereto, that there is probable cause to believe that (1) the child is in imminent risk of physical harm from the child's surroundings, (2) as a result of such condition, the child's safety is endangered and immediate removal from such surroundings is necessary to ensure the child's safety, and (3) there is no less restrictive alternative available, the court shall enter an order directing the placement of the child in a staff-secure facility under the auspices of the Court Support Services Division for a period not to exceed forty-five days, with court review every fifteen days to consider whether continued placement is appropriate, at the end of which period the child shall either be (A) returned to the community for appropriate services, or (B) committed to the Department of Children and Families for a period not to exceed eighteen months. Any such child shall be entitled to the same procedural protections as are afforded to a delinquent child.

(c) No child shall be held prior to a hearing on a petition under this section for more than twenty-four hours, excluding Saturdays, Sundays and holidays. For the purposes of this section, "staff-secure

facility" means a residential facility (1) that does not include construction features designed to physically restrict the movements and activities of juvenile residents who are placed therein, (2) that may establish reasonable rules restricting entrance to and egress from the facility, and (3) in which the movements and activities of individual juvenile residents may, for treatment purposes, be restricted or subject to control through the use of intensive staff supervision.

Sec. 33. (NEW) (*Effective from passage*) (a) There shall be a Blue Ribbon Commission on Housing and Economic Development which shall consist of twelve members as follows:

(1) The State Treasurer, the Commissioner of Economic and Community Development, the Secretary of the Office of Policy and Management and the chairperson of the Connecticut Housing Finance Authority, or their respective designees, who shall be voting members of the commission;

(2) Two appointed by the Governor, one of whom shall be designated as the chairperson of the commission;

(3) One appointed by the speaker of the House of Representatives;

(4) One appointed by the majority leader of the House of Representatives;

(5) One appointed by the minority leader of the House of Representatives;

(6) One appointed by the president pro tempore of the Senate;

(7) One appointed by the majority leader of the Senate; and

(8) One appointed by the minority leader of the Senate.

(b) Members appointed under subsection (a) of this section should

include representatives of large municipalities, small municipalities, realtors, planners, nonprofit developers, for-profit developers, housing policy organizations and regional planning organizations.

(c) All appointments to the commission shall be made not later than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority.

(d) The commission shall study housing affordability needs of the state, with particular emphasis on the impact of such needs on economic growth and development. Such study shall include, but not be limited to, an evaluation of the following:

(1) The short and long-term housing need required to support economic development and growth in the state;

(2) The barriers, including, but not limited to, zoning and an inadequate supply of zoned land for affordable housing creation, that hinder the free working of the housing market and solutions to remove those barriers;

(3) The geographic areas of the state with the greatest needs for additional housing supply;

(4) The amount of incentive housing zones necessary to create an adequate supply of home ownership and multi-family housing to accommodate the creation of at least twenty thousand new jobs annually in the state;

(5) The use of incentives to local governments to stimulate creation of incentive housing zones, including, but not limited to, compensating municipalities for any additional public education costs incurred as a result of new housing creation;

(6) A comprehensive review of the rental housing market and an

assessment of the benefits and financing of a project-based rental assistance program to develop housing for households below fifty per cent of area median income; and

(7) The best use of existing housing programs and coordination of resources to both preserve housing that is affordable and stimulate the production of new affordable and modest, market-rate housing. Such review should include, but not be limited to, (A) establishment of uniform underwriting criteria for the financing of multifamily housing; (B) expansion of loan guarantees, (C) better utilization of state and quasi-public housing development and mortgage programs; (D) utilization of mortgage insurance and other forms of credit enhancements provided by the Connecticut Housing Finance Authority or others to significantly expand the amount of public and private financing; (E) enhancement of the affordable housing tax credit program under section 8-395 of the general statutes and historic tax credit programs under sections 10-416 and 10-416a of the general statutes to promote renovation of existing housing; and (F) coordination of financing to better utilize four per cent federal tax credits.

(e) Not later than February 1, 2008, the commission shall submit an interim report on its findings and recommendations to the Governor and the General Assembly in accordance with the provisions of section 11-4a of the general statutes. Not later than June 30, 2008, the commission shall submit a final report on its findings and recommendations. The task force shall terminate on the date that it submits its final report or January 1, 2009, whichever is earlier.

Sec. 34. Section 4a-67d of the general statutes, as amended by section 122 of public act 07-242, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The fleet average for cars or light duty trucks purchased by the

state shall: (1) On and after October 1, 2001, have a United States Environmental Protection Agency estimated highway gasoline mileage rating of at least thirty-five miles per gallon and on and after January 1, 2003, have a United States Environmental Protection Agency estimated highway gasoline mileage rating of at least forty miles per gallon, (2) comply with the requirements set forth in 10 CFR 490 concerning the percentage of alternative-fueled vehicles required in the state motor vehicle fleet, and (3) obtain the best achievable mileage per pound of carbon dioxide emitted in its class. The alternative-fueled vehicles purchased by the state to comply with said requirements shall be capable of operating on natural gas or electricity or any other system acceptable to the United States Department of Energy that operates on fuel that is available in the state.

(b) Notwithstanding any other provisions of this section, (1) on and after January 1, 2008: (A) At least fifty per cent of all cars and light duty trucks purchased or leased by the state shall be alternative-fueled, hybrid electric or plug-in electric vehicles, (B) all alternative-fueled vehicles purchased or leased by the state shall be certified to the California Air Resources Board's Low Emission Vehicle II Ultra Low Emission Vehicle Standard, (C) all gasoline-powered light duty and hybrid vehicles purchased or leased by the state shall, at a minimum, be certified to the California Air Resource Board's Low Emission Vehicle II Ultra Low Emission Vehicle Standard, and (2) on and after January 1, 2012, one hundred per cent of such cars and light duty trucks shall be alternative fueled, hybrid electric or plug-in electric vehicles. If the Commissioner of Administrative Services determines that the vehicles required by the provisions of this subsection are not available for purchase or lease, the Commissioner of Administrative Services shall include an explanation of such determination in the annual report described in subsection (f) of this section.

**[**(b)**]** (c) The provisions of **[**subsection (a)**]** subsections (a) and (b) of

this section shall not apply to [cars or light duty trucks purchased for law enforcement or other special use purposes as designated by the Department of Administrative Services] any vehicle of the Department of Public Safety that the Commissioner of Public Safety designates as necessary for the Department of Public Safety to carry out its mission, provided the Commissioner of Administrative Services approves of such designation and, in consultation with the Commissioner of Public Safety, provides an explanation of why the provisions of subsections (a) and (b) of this section should not apply to such vehicles.

[(c)] (d) As used in this section, the terms "car" and "light duty truck" shall be as defined in the United States Department of Energy Publication DOE/CE -0019/8, or any successor publication.

(e) Not later than October 1, 2007, the Commissioner of Administrative Services shall file a report with the joint standing committees of the General Assembly having cognizance of matters relating to government administration, the environment and energy that includes: (1) Details on the composition of the state fleet, including, but not limited to, a listing of all vehicles owned, leased or used by the Departments of Transportation and Public Safety, the make, model and fuel type of vehicles that compose the state fleet and the amount of fuel, including alternative fuels, that each vehicle uses, and (2) a copy of the determination made by the Commissioner of Environmental Protection pursuant to subsection (a) of section 2 of this act. The Departments of Transportation and Public Safety shall submit all data requested of such departments by the Department of Administrative Services in connection with the preparation of such report.

(f) On or before January 1, 2008, and annually thereafter, the Commissioner of Administrative Services shall file a report with the joint standing committees of the General Assembly having cognizance of matters relating to government administration, the environment and

energy that includes: (1) Details on the composition of the state fleet, including, but not limited to, a listing of all vehicles owned, leased or used by the Departments of Transportation and Public Safety, the make, model and fuel type of vehicles that compose the state fleet and the amount of fuel, including alternative fuels, that each vehicle uses, (2) any changes to the determination made by the Commissioner of Environmental Protection pursuant to subsection (a) of section 35 of this act or any update concerning the waiver application submitted pursuant to subsection (a) of section 35 of this act, as applicable, (3) a listing of any vehicle exempted pursuant to subsection (c) of this section along with the commissioner of Administrative Services' explanation for such exemption, (4) any changes or amendments to the plan required by subsection (b) of section 35 of this act, and (5) any changes or amendments to the plan required by subsection (c) of section 35 of this act. The Departments of Transportation and Public Safety shall submit all data requested of such departments by the Department of Administrative Services in connection with the preparation of such report.

(g) The Commissioner of Administrative Services may enter into any agreement necessary to carry out the provisions of subsections (e) and (f) of this act.

(h) For purposes of this section, "hybrid" means a passenger car that draws acceleration energy from two on board sources of stored energy that consists of either an internal combustion or heat engine which uses combustible fuel and a rechargeable energy storage system, and, for any passenger car or light duty truck with a model year of 2004 or newer, that is certified to meet or exceed the California LEV (Low Emission Vehicle) II LEV Standard.

(i) In performing the requirements of this section, the Commissioners of Administrative Services and Environmental Protection shall, whenever possible, consider the use of and impact on

Connecticut-based companies.

Sec. 35. (*Effective from passage*) (a) Not later than August 1, 2007, the Commissioner of Environmental Protection, in consultation with the Commissioner of Administrative Services, shall, in good faith, make a determination as to whether the state qualifies for a waiver from the alternative fuel vehicle acquisition requirements of the federal Energy Policy Act of 2005, and whether it is in the best interest of the state to apply for such waiver. If the Commissioner of Environmental Protection, in good faith, determines that the state qualifies for such a waiver, and that it is in the best interest of the state to apply, the Commissioner of Administrative Services shall immediately apply for such waiver.

(b) Not later than September 1, 2007, the Commissioner of Environmental Protection, in consultation with the Commissioner of Administrative Services, shall develop a plan to increase the utilization of existing ethanol fueling stations, existing natural gas fueling stations and any other existing alternative fuel fueling stations in the state. Such plan shall be updated periodically.

(c) Not later than September 1, 2007, the Commissioner of Environmental Protection, in consultation with the Commissioner of Administrative Services, shall develop a plan to utilize any alternative fuel vehicle credits the state may have under the Energy Policy Act of 2005, including, but not limited to, credits earned by the Departments of Transportation and Public Safety, for the purchase of hybrid electric vehicles by the state.

Sec. 36. (NEW) (*Effective July 1, 2007*) For the fiscal year ending June 30, 2008, and each fiscal year thereafter, any revenue derived by the Department of Information Technology from the contract for the provision of pay telephone service to inmates of correctional facilities that is remaining after any required transfer to the Department of

Correction pursuant to section 18-81x of the general statutes, or that is remaining after any of such revenue is made available to the Department of Information Technology to administer the criminal justice information system, shall be transferred to the Judicial Department for staffing and services necessary for the state-wide expansion of the Probation Transition Program and the technical violation units.

Sec. 37. Subsection (b) of section 42 of public act 06-188 is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) The Families With Service Needs Advisory Board shall (1) monitor the progress being made by the Department of Children and Families in developing services and programming for girls from families with service needs and other girls, (2) monitor the progress being made by the Judicial Department in the implementation of the requirements of public act 05-250, (3) provide advice with respect to such implementation upon the request of the Judicial Department or the General Assembly, and (4) not later than December 31, 2007, make written recommendations to the Judicial Department and the General Assembly, in accordance with the provisions of section 11-4a of the general statutes, with respect to the accomplishment of such implementation by the effective date of public act 05-250. The board shall terminate on **[**December 31, 2007**]** July 1, 2008.

Sec. 38. (NEW) (*Effective July 1, 2007*) As used in this section and sections 39 to 49, inclusive, of this act:

(1) "Approved incentive housing zone" means an overlay zone that has been adopted by a zoning commission and for which a letter of final eligibility has been issued by the secretary under section 42 of this act.

(2) "Building permit payment" means the one-time payment, made

pursuant to section 44 of this act, for each qualified housing unit located within an incentive housing development for which a building permit has been issued by the municipality.

(3) "Developable land" means the area within the boundaries of an approved incentive housing zone that feasibly can be developed into residential or mixed uses consistent with the provisions of sections 38 to 49, inclusive, of this act, not including: (A) Land already committed to a public use or purpose, whether publicly or privately owned; (B) existing parks, recreation areas and open space that is dedicated to the public or subject to a recorded conservation easement; (C) land otherwise subject to an enforceable restriction on or prohibition of development; (D) wetlands or watercourses as defined in chapter 440 of the general statutes; and (E) areas exceeding one-half or more acres of contiguous land that are unsuitable for development due to topographic features, such as steep slopes.

(4) "Duplex" means a residential building containing two units.

(5) "Eligible location" means: (A) An area near a transit station, including rapid transit, commuter rail, bus terminal, or ferry terminal; (B) an area of concentrated development such as a commercial center, existing residential or commercial district, or village district established pursuant to section 8-2j of the general statutes; or (C) an area that, because of existing, planned or proposed infrastructure, transportation access or underutilized facilities or location, is suitable for development as an incentive housing zone.

(6) "Historic district" means an historic district established pursuant to chapter 97a of the general statutes.

(7) "Incentive housing development" means a residential or mixed-use development (A) that is proposed or located within an approved incentive housing zone; (B) that is eligible for financial incentive

payments set forth in sections 38 to 49, inclusive, of this act; and (C) in which not less than twenty per cent of the dwelling units will be conveyed subject to an incentive housing restriction requiring that, for at least thirty years after the initial occupancy of the development, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as housing for which persons pay thirty per cent or less of their annual income, where such income is less than or equal to eighty per cent or less of the median income.

(8) "Incentive housing restriction" means a deed restriction, covenant, zoning regulation, site plan approval condition, subdivision approval condition, or affordability plan constituting an obligation with respect to the restrictions on household income, sale or resale price, rent and housing costs required by sections 38 to 49, inclusive, of this act, enforceable for thirty years as required by said sections, and recorded on the land records of the municipality where the housing is located.

(9) "Incentive housing zone" means a zone adopted by a zoning commission pursuant to sections 38 to 49, inclusive, of this act, as an overlay to one or more existing zones, in an eligible location.

(10) "Incentive housing zone certificate of compliance" means a written certificate issued by the secretary in accordance with sections 38 to 49, inclusive, of this act.

(11) "Letter of eligibility" means a preliminary or final letter issued to a municipality by the secretary pursuant to section 42 of this act.

(12) "Median income" means, after adjustments for household size, the area median income as determined by the United States Department of Housing and Urban Development for the municipality in which an approved incentive housing zone or development is located.

(13) "Mixed-use development" means a development containing one or more multifamily or single-family dwelling units and one or more commercial, public, institutional, retail, office or industrial uses.

(14) "Multifamily housing" means a building that contains or will contain three or more residential dwelling units.

(15) "Open space" means land or a permanent interest in land that is used for or satisfies one or more of the criteria listed in subsection (b) of section 7-131d of the general statutes.

(16) "Secretary" means the Secretary of the Office of Policy and Management or the designee of the secretary.

(17) "Townhouse housing" means a residential building consisting of a single-family dwelling unit constructed in a group of three or more attached units, in which each unit extends from foundation to roof and has open space on at least two sides.

(18) "Zone adoption payment" means a one-time payment, made pursuant to section 44 of this act.

(19) "Zoning commission" means a municipal agency designated or authorized to exercise zoning powers under chapter 124 of the general statutes or a special act, and includes an agency that exercises both planning and zoning authority.

Sec. 39. (NEW) (*Effective July 1, 2007*) (a) Notwithstanding the provisions of a charter or special act, a zoning commission may adopt, as part of the zoning regulations adopted under section 8-2 of the general statutes or any special act, regulations establishing an incentive housing zone in accordance with the provisions of sections 38 to 49, inclusive, of this act.

(b) An incentive housing zone shall satisfy the following

requirements:

(1) The zone shall be consistent with the state plan of conservation and development and be located in an eligible location.

(2) The regulations of the zone shall permit, as of right, incentive housing development.

(3) The minimum allowable density for incentive housing development, per acre of developable land, shall be: (A) Six units per acre for single-family detached housing; (B) ten units per acre for duplex or townhouse housing; and (C) twenty units per acre for multifamily housing, provided that a municipality whose population as determined by the most recent federal decennial census is less than five thousand, when applying to the secretary for a letter of eligibility under section 42 of this act, may request approval of minimum as of right densities of not less than four units per acre for single-family detached housing, not less than six units per acre for duplex or townhouse housing, and not less than ten units per acre for multifamily housing. In making such request, the municipality shall provide the Secretary of the Office of Policy and Management with evidence of sewage disposal, water supply, traffic safety or other existing, substantial infrastructure limitations that prevent adoption of the minimum densities set forth in this subdivision. If the proposed incentive housing zone otherwise satisfies the requirements of this section, the secretary may issue the requested letter of eligibility. A municipality may request a waiver of the density requirements of this subdivision and the secretary may grant a waiver if the municipality demonstrates in the application that the land to be zoned for incentive housing development is owned or controlled by the municipality itself, an agency thereof, or a land trust, housing trust fund or a nonprofit housing agency or corporation. The proposed incentive housing zone regulation shall require, in an enforceable manner, that one hundred per cent of the proposed residential units will be subject to an incentive

housing restriction, and the proposed incentive housing zone will otherwise satisfy the requirements of this section.

(4) In order to qualify for financial incentive payments set forth in section 44 of this act, the regulations of an incentive housing zone concerning the minimum as of right densities set forth in subdivision (3) of this subsection shall constitute an increase of at least twenty-five per cent above the density allowed by the underlying zone, notwithstanding the provisions of said section 44 with regard to zone adoption and building permit payments.

(5) The minimum densities prescribed in subdivision (3) of this subsection shall be subject only to site plan or subdivision procedures, submission requirements and approval standards of the municipality, and shall not be subject to special permit or special exception procedures, requirements or standards.

(6) An incentive housing zone may consist of one or more subzones, provided each subzone and the zone as a whole comply with the requirements of sections 38 to 49, inclusive, of this act.

(7) The land area of an incentive housing zone shall not exceed ten per cent of the total land area in the municipality. The aggregate land area of all incentive housing zones and subzones in a municipality shall not exceed twenty-five per cent of the total land area in the municipality.

(c) A zoning commission may modify, waive or delete dimensional standards contained in the zone or zones that underlie an incentive housing zone in order to support the minimum or desired densities, mix of uses or physical compatibility in the incentive housing zone. Standards subject to modification, waiver or deletion include, but shall not be limited to, building height, setbacks, lot coverage, parking ratios and road design standards.

(d) If a zoning commission adopts a regulation for an incentive housing zone that permits single-family detached homes on subdivided lots, requiring subdivision approval under the subdivision regulations of the municipality, the zoning commission shall make a written finding that the applicability of such subdivision regulations will not unreasonably impair the economic or physical feasibility of constructing housing at the minimum densities and subject to an incentive housing restriction as required in sections 38 to 49, inclusive, of this act. If housing on subdivided lots is proposed in an incentive housing zone, the zoning commission shall use its best efforts to adopt or encourage the planning commission to adopt subdivision standards that will ensure consistency of the single-family detached housing with the purposes of sections 38 to 49, inclusive, of this act.

(e) The regulations of an incentive housing zone may allow for a mix of business, commercial or other nonresidential uses within a single zone or for the separation of such uses into one or more subzones, provided that the zone as a whole shall comply with the requirements of sections 38 to 49, inclusive, of this act, and that such uses shall be consistent with as-of-right residential uses and densities required under this section.

(f) An incentive housing zone may overlay all or any part of an existing historic district or districts, and a municipality may establish an historic district within an approved incentive housing zone, provided, if the requirements or regulations of such historic district render the approved housing incentive zone not in compliance with the provisions of sections 38 to 49, inclusive, of this act, the secretary shall deny a preliminary or final letter of eligibility, deny or revoke a certificate of compliance, or deny any financial incentive payments set forth in section 44 of this act.

(g) An applicant for site plan or subdivision approval to construct an incentive housing development within an approved zone may,

through an incentive housing restriction, exceed the minimum requirements for such a development as follows: (1) More than twenty per cent of the total proposed dwelling units may be subject to the restriction; (2) the maximum annual income of qualifying households may be less than eighty per cent of the area median income; or (3) the duration of the restriction may be longer than thirty years. An application for approval of an incentive housing development may not be denied on the basis that the proposed incentive housing restriction contains one or more of the provisions set forth in this subsection.

(h) The provisions of this section shall not be construed to affect the power of a zoning commission to adopt or amend regulations under chapter 124 of the general statutes or any special act.

Sec. 40. (NEW) (*Effective July 1, 2007*) (a) A zoning commission, at the time of and as part of its adoption of regulations for an incentive housing zone, may adopt design standards for incentive housing developments within such zone. Such design standards (1) may ensure that construction within the incentive housing zone is complementary to adjacent and neighboring buildings and structures, and consistent with the housing plan provided for in section 41 of this act, and (2) may address the scale and proportions of buildings; site coverage; alignment, width and grade of streets and sidewalks; type and location of infrastructure; location of building and garage entrances; off-street parking; protection of significant natural site features; location and design of open spaces; signage; and setbacks and buffering from adjacent properties.

(b) A design standard shall not be adopted if such standard will unreasonably impair the economic or physical feasibility of constructing housing at the minimum densities and with the required incentive housing restriction set forth in sections 38 to 49, inclusive, of this act. The Secretary of the Office of Policy and Management shall not approve a request for a letter of preliminary or final eligibility

under section 42 of this act if a proposed design standard will violate the provisions of this subsection.

Sec. 41. (NEW) (*Effective July 1, 2007*) On or before June 30, 2017, a municipality may file with the Secretary of the Office of Policy and Management an application for preliminary determination of eligibility for a zone adoption payment pursuant to subsection (a) of section 44 of this act. Such application shall:

(1) Identify and describe the boundaries of the proposed incentive housing zone or zones;

(2) Identify, describe and calculate the developable land within the proposed incentive housing zone or zones;

(3) Identify and describe existing and potential residential development and the potential for reuse of existing or underutilized buildings within the zone or zones;

(4) Calculate the number of residential units that may be constructed in the zone or zones if the proposed regulations are approved based on developable land and the minimum as-of-right densities set forth in subdivision (3) of subsection (b) of section 39 of this act;

(5) Include a housing plan that describes the anticipated build-out of the zone or zones, including information on available and proposed infrastructure, compatibility of proposed incentive housing development with existing and proposed buildings and uses, and efforts that the municipality is making or intends to make to support and promote the residential construction permitted by the proposed regulations;

(6) Include the text of the proposed incentive housing zone regulations and design standards and, if applicable, the text of the

subdivision regulations; and

(7) Include the text of the proposed incentive housing restriction and a plan for administering and enforcing its requirements and limitations.

Sec. 42. (NEW) (*Effective July 1, 2007*) (a) Upon application by a municipality under section 41 of this act, the Secretary of the Office of Policy and Management shall, not later than sixty days after receipt, issue, in writing, a preliminary determination of the eligibility of the municipality for the financial incentive payments set forth in section 44 of this act. At least thirty days before making such preliminary determination, the secretary shall electronically give notice of the application to all persons who have provided the secretary with a current electronic mail address and a written request to receive such notices. If the secretary determines that the application is incomplete or the proposed incentive housing zone is not eligible or does not comply with the provisions of sections 38 to 49, inclusive, of this act, the secretary shall, within the sixty-day response period, notify the municipality, in writing, of the reasons for such determination. A municipality may thereafter reapply for approval after addressing the reasons for ineligibility. The secretary's failure to issue a written response within sixty days of receipt shall be deemed to be disapproval, after which the municipality may reapply.

(b) After a municipality has received from the secretary a preliminary letter of eligibility, the zoning commission of the municipality may adopt the incentive housing zone regulations and design standards as proposed to the secretary for preliminary approval. Not later than thirty days after receipt from the municipality of a written statement that its zoning commission has adopted the proposed regulations and standards, the secretary shall issue a letter of final approval of the incentive housing zone. The secretary's failure to issue a letter of final approval not more than thirty days after receipt of

the written statement shall be deemed disapproval of the zone after which the municipality may reapply for determination of eligibility under this section.

(c) The secretary shall not approve any proposed incentive housing zone for which the proposed regulations or design standards have the intent or effect of discriminating against, making unavailable, denying or impairing the physical or financial feasibility of housing which is receiving or will receive financial assistance under any governmental program for the construction or substantial rehabilitation of low or moderate income housing, or any housing occupied by persons receiving rental assistance under chapter 319uu of the general statutes or Section 1437f of Title 42 of the United States Code.

(d) Any amendment to the regulations or design standards approved by the secretary for preliminary or final eligibility shall be submitted to the secretary for approval as set forth in this section. The secretary shall approve or disapprove such amendment not more than sixty days after receipt of the amendment. If the secretary fails to approve or disapprove such amendment within such period, the amendment shall be deemed to be disapproved. Thereafter, the commission may reapply for approval of the amendment.

Sec. 43. (NEW) (*Effective July 1, 2007*) (a) Each municipality whose zoning commission has received a final determination of eligibility and has adopted an approved incentive housing zone shall annually, in accordance with procedures established by the Secretary of the Office of Policy and Management, apply to the secretary for an incentive housing zone certificate of compliance. To receive a certificate, the municipality shall verify within the time specified by the secretary that:

(1) The zoning commission of the municipality has not amended or repealed any portion of the regulations or design standards in the

incentive housing zone without approval of the secretary as required by sections 40 and 42 of this act;

(2) The approval of the incentive housing zone has not been revoked by the secretary;

(3) The municipality is making reasonable efforts to assist and promote approval of incentive housing development and construction of housing within the approved zone or zones; and

(4) The zoning commission has not unreasonably denied any application for site plan or subdivision approval, or other necessary coordinating permits or approvals, and has only denied applications in a manner consistent with the provisions of section 45 of this act.

(b) If the information required pursuant to subsection (a) of this section has been submitted by a municipality in a timely manner, and the secretary makes a determination that the municipality has met the requirements of sections 38 to 49, inclusive, of this act, the secretary shall issue compliance certificates by October first annually. If the secretary determines that the municipality is in material noncompliance with the requirements of sections 38 to 49, inclusive, of this act, the secretary, after notice and hearing pursuant to chapter 54 of the general statutes, may revoke certification. Any revocation of certification, or other sanctions imposed by the secretary under section 47 of this act, shall not affect the validity of the incentive housing zone regulations or the application of such regulations to a pending or approved development application within the incentive housing zone, but shall render the municipality ineligible for financial incentive payments set forth in section 44 of this act.

Sec. 44. (NEW) (*Effective July 1, 2007*) (a) Upon the determination that (1) the housing incentive zone has been adopted; (2) the time for appeal of the final adoption of the regulations has expired or a final

and unappealable judgment upholding such regulations has been issued in any civil action challenging or delaying such regulations; and (3) the municipality has otherwise complied with the requirements of sections 38 to 49, inclusive, of this act, the Secretary of the Office of Policy and Management shall, subject to the availability of funds, make a zone adoption payment to the municipality in the amount of two thousand dollars for each unit of housing that can, as-of-right, be built as part of an incentive housing development within such zone or zones based on the definition of developable land and the minimum as-of-right densities set forth in subdivision (3) of subsection (b) of section 39 of this act.

(b) Subject to the availability of funds secretary shall issue to the municipality a one-time building permit payment for each building permit for a residential housing unit in an approved incentive housing development upon submission by a municipality to the secretary of proof of issuance of such building permit and after determining that (1) no appeal from or challenge to such building permit has been filed or is pending, and (2) such building permit was issued for housing in an incentive housing development not later than five years after the date of the final adoption of incentive housing zone regulations by the zoning commission in accordance with the provisions of subsection (b) of section 42 of this act. The amount of payment shall be two thousand dollars for each multifamily housing unit, duplex unit or townhouse unit and five thousand dollars for each single-family detached unit. Such payment shall be made by the secretary not more than sixty days after receipt of proof of the issuance of building permits and verification of the absence of any appeal or challenge.

(c) Residential units that are located within an approved incentive housing zone that are part of a development that constitutes housing for older persons permitted by the federal Fair Housing Act, 42 USC 3607 or sections 46a-64c and 46a-64d of the general statutes, shall not

be eligible for payments under this section.

Sec. 45. (NEW) (*Effective July 1, 2007*) (a) A zoning commission shall prescribe, consistent with the provisions of sections 38 to 49 inclusive, of this act, the form of an application for approval of an incentive housing development. The time for and procedures for receipt and processing of applications shall be as provided in chapters 124 and 126 of the general statutes, as applicable. A zoning commission or its agent may, to the extent allowed by the Freedom of Information Act, conduct one or more preliminary or preapplication planning or workshop meetings with regard to an incentive housing zone or development. A zoning commission shall conduct a public hearing in connection with an application for site plan or subdivision approval of an incentive housing development.

(b) The regulations of an incentive housing zone may require the applicant for approval of an incentive housing development to pay the cost of reasonable consulting fees for peer review of the technical aspects of the application for the benefit of the zoning commission. Such fees shall be accounted for separately by the municipality from other moneys and used only for expenses associated with the technical review of the application by consultants who are not otherwise salaried employees of the municipality or the zoning commission. Any amount in the account remaining after payment of all expenses for technical review, including any interest accrued, shall be returned to the applicant not later than forty-five days after the completion of the technical review.

(c) The regulations of the incentive housing zone may provide for the referral of a site plan or subdivision application to other agencies, boards or commissions of the municipality for comment. If a site plan or subdivision application is referred to another agency, board or commission, such agency, board or commission shall provide any comments within the time period contained in section 8-7d of the

general statutes, that is applicable to such application. The provisions of this section shall not be construed to affect any other referral required by the general statutes.

(d) An incentive housing development shall be approved by the zoning commission subject only to conditions that are necessary to (1) ensure substantial compliance of the proposed development with the requirements of the incentive housing zone regulations, design standards and, if applicable, subdivision regulations; or (2) mitigate any extraordinary adverse impacts of the development on nearby properties. An application may be denied only on the grounds: (A) The development does not meet the requirements set forth in the incentive housing zone regulations; (B) the applicant failed to submit information and fees required by the regulations and necessary for an adequate and timely review of the design of the development or potential development impacts; or (C) it is not possible to adequately mitigate significant adverse project impacts on nearby properties by means of conditions acceptable to the applicant.

(e) The duration and renewal of an approval of an incentive housing development shall be governed by subsection (i) of section 8-3, subsection (j) of section 8-3, section 8-26c or section 8-26g of the general statutes, as applicable. The time to complete the work approved shall be extended (1) by the time required to adjudicate to final judgment any appeal from a decision of the commission on an incentive housing development site plan or subdivision plan or any required coordinate permit; (2) by the zoning commission if the applicant is actively pursuing other permits needed for the development; (3) if there is other good cause for the failure to complete such work; or (4) as provided in an approval for a multiphase development.

(f) An applicant for approval of an incentive housing development within an approved incentive housing zone may not make such an application utilizing the provisions of section 8-30g of the general

statutes.

(g) Approval of or amendment to regulations or design standards for an incentive housing zone or subzone, or site plan or subdivision approval of an incentive housing development, may be appealed to the Superior Court pursuant to the provisions of section 8-8 or 8-28 of the general statutes.

Sec. 46. (NEW) (*Effective July 1, 2007*) (a) The Secretary of the Office of Policy and Management shall be responsible for the administration, review and reporting on the incentive housing zone program as provided in sections 38 to 49, inclusive, of this act.

(b) On or before January 1, 2009, and annually thereafter, the secretary shall submit an annual report on the program to the Governor and the General Assembly in accordance with section 11-4a of the general statutes. Each municipality shall submit to the secretary any data requested by the secretary on the incentive housing program. The report shall be based on such data and shall be for the period ending the last day of the prior fiscal year. The report shall (1) identify and describe the status of municipalities actively seeking letters of eligibility; (2) identify approved incentive housing zones and the amounts and anticipated schedule of zone adoption and building permit payments under section 44 of this act during the prior and current fiscal year; (3) summarize the amount of land area zoned for particular types of development in both proposed and approved zones and the number of developments being reviewed by zoning commissions under section 45 of this act, including the number and type of proposed residential units, the number of building permits issued, the number of completed housing units and their type; (4) state the amount of zone adoption and building permit payments made to each municipality; and (5) for the current and immediately succeeding fiscal years, estimate (A) the anticipated number and size of proposed new incentive housing zones over such time period; (B) the number

and size of new incentive housing zones that may be approved over such time period; (C) the potential number of residential units to be allowed in such new and proposed incentive housing zones; and (D) anticipated construction of housing over such time period.

Sec. 47. (NEW) (*Effective July 1, 2007*) (a) The Secretary of the Office of Policy and Management may require the municipality to repay to the state all or part of the payments or reimbursements made to a municipality under sections 38 to 49, inclusive, of this act upon determination by the secretary that the municipality has (1) amended or repealed the designation of an incentive housing zone without the approval of the secretary; or (2) acted to discourage incentive housing development or to impose arbitrary or unreasonable standards, requirements, delays or barriers to the construction of housing following approval of an incentive housing zone.

(b) The secretary may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to implement the provisions of this section.

Sec. 48. (NEW) (*Effective July 1, 2007*) Within available appropriations, the Secretary of the Office of Policy and Management may make grants to municipalities for the purpose of providing technical assistance in the planning of incentive housing zones, the adoption of incentive housing zone regulations and design standards, the review and revision as needed of applicable subdivision regulations and applications to the secretary for preliminary or final approval as set forth in sections 38 to 49, inclusive, of this act. The secretary may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to implement the provisions of this section.

Sec. 49. (NEW) (*Effective July 1, 2007*) Within available appropriations, the Commissioner of Economic and Community

Development, in consultation with the Secretary of the Office of Policy and Management, may make grants to nonprofit housing assistance or nonprofit housing development organizations in order to support technical assistance planning, predevelopment, development, construction and management of housing developments. The commissioner may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to implement the provisions of this section.

Sec. 50. Subsection (c) of section 4b-21 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(c) If the secretary determines that such land, improvement, interest or part thereof may properly be treated as surplus, he shall notify the Commissioner of Public Works. If the secretary also determines that such land, improvement or interest or part thereof was purchased or improved with proceeds of tax exempt obligations issued or to be issued by the state, he shall also notify the Treasurer. The Commissioner of Public Works may sell, exchange or lease, or enter into agreements concerning, such land, improvement, interest or part thereof, after (1) notifying (A) the municipality or municipalities in which such land, improvement or interest is located, **[**and**]** (B) the members of the General Assembly representing such municipality or municipalities, <u>and (C) any potential developer of an incentive housing development, as defined in section 38 of this act, who has registered with the Commissioner of Economic and Community Development to be notified of any such state surplus land,</u> and (2) obtaining the approval of (A) the Secretary of the Office of Policy and Management, (B) the State Properties Review Board, and (C) the joint standing committees of the General Assembly having cognizance of matters relating to (i) state revenue, and (ii) the purchase and sale of state property and facilities, and (3) if such land, improvement, interest or

part thereof was purchased or improved with proceeds of tax-exempt obligations issued or to be issued by the state, obtaining the approval of the Treasurer. The Treasurer may disapprove such a transaction only if the transaction would affect the tax-exempt status of such obligations and could not be modified to maintain such tax-exempt status. If a proposed agreement for such a conveyance has not been submitted to the State Properties Review Board within three years after the Commissioner of Public Works provides such notice to such municipality and such members of the General Assembly, or if the board does not approve the proposed agreement within five years after such notice, the Commissioner of Public Works may not convey such land, improvement or interest without again so notifying such municipality and such members of the General Assembly. In the case of a proposed lease of land, an improvement to land or an interest in land, or any part thereof, with a person, firm or corporation in the private sector, for a term of six months or more, the Commissioner of Public Works shall comply with such notice requirement by notifying in writing the chief executive officer of the municipality in which the land, improvement or interest is located and the members of the General Assembly representing such municipality, not less than two weeks before seeking the approval of said secretary, board and committees, concerning the proposed lease and the manner in which the lessee proposes to use the land, improvement or interest. Each agency, department or institution which informs the secretary that any land, improvement or interest in land is not needed shall retain responsibility for its security and maintenance until the Commissioner of Public Works receives custody and control of the property, if any. The Treasurer shall execute and deliver any deed or instrument necessary to convey the title to any property the sale or exchange of which or a contract for the sale or exchange of which is authorized by this section.

Sec. 51. (NEW) (*Effective July 1, 2007*) For the purposes of this section

and sections 52 to 57, inclusive, of this act:

(1) "Biodiesel" means a fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, designated B100, and meeting the requirements of designation D6751 of the American Society for Testing and Materials.

(2) "Qualified biodiesel producer" means a facility that produces biodiesel, is registered with the state of Connecticut, is domiciled in Connecticut and is actively engaged in the production of biodiesel in Connecticut for commercial purposes.

(3) "Qualified biodiesel distributor" means a facility that stores and distributes biodiesel, is registered with the state of Connecticut, is domiciled in Connecticut and is actively engaged in the storage and distribution of biodiesel in Connecticut for commercial purposes.

Sec. 52. (NEW) (*Effective July 1, 2007*) (a) There is established an account to be known as the "Connecticut qualified biodiesel producer incentive account", which shall be a separate, nonlapsing account within the General Fund. The account shall contain any moneys required by law to be deposited in the account.

(b) The moneys in said account shall be expended by the Department of Economic and Community Development for the purpose of administration of the program and providing grants to qualified biodiesel producers and qualified biodiesel distributors pursuant to sections 53 to 57, inclusive, of this act. For the purposes of implementing this grant, the Commissioner of Economic and Community Development may enter into an agreement, in accordance with the provisions of chapter 55a of the general statutes, with a person, firm, corporation or other entity.

Sec. 53. (NEW) (*Effective July 1, 2007*) (a) A qualified biodiesel producer shall be eligible for not more than sixty monthly grants from

the account. The Department of Economic and Community Development, in consultation with the person, firm, corporation or entity selected to implement the grant pursuant to subsection (b) of section 52 of this act, if applicable, shall determine monthly grant amounts by calculating the estimated gallons of biodiesel produced during the preceding month, as certified by the Commissioner of Economic and Community Development, or a designee, and applying such figure to the per gallon incentive credit established in subsection (b) of this section.

(b) Each qualified biodiesel producer shall be eligible for a total grant in any fiscal year equal to the following amounts: (1) For the first five million gallons of biodiesel produced, thirty cents per gallon; (2) for the second five million gallons of biodiesel produced, twenty cents per gallon; and (3) for the third five million gallons of biodiesel produced, ten cents per gallon.

(c) Biodiesel produced by a qualified biodiesel producer in excess of fifteen million gallons in any fiscal year shall not be eligible for a grant pursuant to this section.

Sec. 54. (NEW) (*Effective July 1, 2007*) To receive a grant pursuant to section 53 of this act, a qualified biodiesel producer shall file an application for such funds not later than fifteen days after the last day of the month for which the grant is sought. The application shall include, but not be limited to: (1) The location of the qualified biodiesel producer; (2) the number of Connecticut citizens employed by the biodiesel producer in the preceding month; (3) the number of gallons of biodiesel produced during the month for which the grant is sought; (4) a copy of the qualified biodiesel producer's Connecticut registration; (5) any other information deemed necessary by the Commissioner of Economic and Community Development to ensure that such grants shall be made only to qualified biodiesel producers; and (6) satisfactory documentation that the biodiesel has a net carbon

energy benefit when compared to the fuel it will replace.

Sec. 55. (NEW) (*Effective July 1, 2007*) A qualified biodiesel producer shall be eligible for a one-time grant pursuant to section 52 of this act to assist with purchasing equipment or constructing, modifying or retrofitting production facilities. Such grant shall not exceed (1) three million dollars, and (2) twenty-five per cent of the equipment or construction cost regardless of the number of facilities owned by said qualified biodiesel producer.

Sec. 56. (NEW) (*Effective July 1, 2007*) A qualified biodiesel distributor shall be eligible for a grant pursuant to section 52 of this act for purposes other than to assist with purchasing equipment or constructing, modifying or retrofitting facilities, including, but not limited to, the actual costs of creating storage and distribution capacity for biodiesel during the month. Such grants shall not exceed fifty thousand dollars for any one distributor at any one site. The Department of Economic and Community Development, in consultation with the person, firm, corporation or entity selected to implement the grant pursuant to subsection (b) of section 52 of this act, if applicable, shall create an application process and guidelines for the administration of this grant provision.

Sec. 57. (NEW) (*Effective July 1, 2007*) The Department of Economic and Community Development, in consultation with the person, firm, corporation or entity selected to implement the grant pursuant to subsection (b) of section 52 of this act, if applicable, shall create guidelines necessary for the administration of the provisions of this section on the progress of the grant programs administered pursuant to sections 52 to 56, inclusive, of this act. The Department of Economic and Community Development, in consultation with such person, firm, corporation or entity, if applicable, shall submit an annual report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having

cognizance of matters relating to energy and technology, commerce and the environment.

Sec. 58. Section 22-26*l* of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(a) The Department of Agriculture shall establish and administer a Connecticut Farm Link program to establish a database of farmers and agricultural land owners who intend to sell their farm operations or agricultural land. The database shall be maintained by the Department of Agriculture and shall be made available to the public on the department's web site. Persons interested in starting an agricultural business or persons interested in expanding a current agricultural business may notify the department and have their names, contact information and intentions regarding such businesses placed on the web site. The department shall make reasonable efforts to facilitate contact between parties with similar interests, including, but not limited to, growing and processing crops as feedstock for biodiesel heating and transportation fuels.

(b) The Department of Agriculture shall post educational materials regarding the Connecticut Farm Link program on the department's web site, including, but not limited to, information regarding farm transfer and farm succession planning, family farm estate planning, farm transfer strategies, farm leasing, formation of farm partnerships, growing and processing crops as feedstock for biodiesel heating and transportation fuels and information regarding starting a farm business.

Sec. 59. (NEW) (*Effective October 1, 2007*) (a) The Institute for Sustainable Energy shall (1) compile and distribute educational materials regarding biodiesel to municipalities, local boards of education and private commercial entities to educate future consumers, and (2) establish and administer a Connecticut biodiesel

link program to establish a database of schools, restaurants, institutional cafeterias and other institutions and businesses in the state that produce waste vegetable oil or other comparable food product suitable for conversion to biodiesel. The database shall be maintained by the Institute for Sustainable Energy and shall be made available to the public on said institute's Internet web site. Businesses interested in selling their waste vegetable oil or other comparable food product to producers of biodiesel heating and motor vehicle fuel may notify the Institute for Sustainable Energy and have their names, contact information and intentions regarding such businesses placed on said web site. The Institute for Sustainable Energy shall make reasonable efforts to facilitate contact between parties with similar interests.

(b) The Institute for Sustainable Energy shall post educational materials regarding the Connecticut biofuel link program on said institute's Internet web site, and such information shall be posted as a link on the Internet web sites of the Department of Economic and Community Development, the Department of Agriculture, The Connecticut Agricultural Experiment Station, The University of Connecticut Biofuel Consortium and The University of Connecticut Cooperative Extension System, including, but not limited to, information regarding the starting of a waste vegetable oil business and strategies for conducting such business.

Sec. 60. (NEW) (*Effective July 1, 2007*) The Secretary of the Office of Policy and Management shall, within available appropriations and in consultation with each state department, each constituent unit of the state system of higher education, as defined in section 10-1 of the general statutes, the judicial branch and the Joint Committee on Legislative Management, establish a program designed to encourage the use of biodiesel blended heating fuel mixed from not more than ninety per cent ultra low sulfur number 2 heating oil and not less than

ten per cent of biodiesel in state buildings and facilities under the custody and control of such department, unit, branch or committee. On or before January 1, 2008, the secretary shall prepare a plan for implementation of such program which shall include, but not be limited to, (1) identification of state buildings and facilities suitable for biodiesel blended heating fuel, (2) evaluation of energy efficiency and reliability of biodiesel blended heating fuel in such buildings and facilities, and (3) the availability and feasibility of exclusively using such fuels or fuel products, including agricultural products or waste yellow grease, produced in Connecticut.

Sec. 61. (NEW) (*Effective July 1, 2007*) The Department of Economic and Community Development shall administer a fuel diversification grant program to provide funding to Connecticut institutions of higher education or Connecticut institutions of agricultural research for purposes which may include, but are not limited to (1) research to promote biofuel production from agricultural products, algae and waste grease, and (2) biofuel quality testing. Said department may enter into an agreement, in accordance with the provisions of chapter 55a of the general statutes, with a person, firm, corporation or other entity to administer such program. The Department of Economic and Community Development, in consultation with such person, firm, corporation or entity, if applicable, shall create guidelines necessary for the administration of the provisions of this section. If the Department of Economic and Community Development selects such a person, firm, corporation or other entity to administer the program, not later than January 1, 2008, and annually thereafter, such person, firm, corporation or other entity shall submit a report to the Commissioner of Economic and Community Development regarding the status of such program.

Sec. 62. (*Effective from passage*) In the fiscal year ending June 30, 2008, no municipality shall be entitled to receive less in state grants-in-aid

than the total amount of the state grants-in-aid the municipality was entitled to receive, in the fiscal year ending June 30, 2007, pursuant to the formulas for calculating said state grants-in-aid and any modification of said total amount that result from an audit. For the purposes of this section: (1) "Municipality" means each town, consolidated town and city or consolidated town and borough, and (2) "state grants-in-aid" means the total of those grants for which grantee-specific amounts are included in the estimates the Secretary of the Office of Policy and Management compiles pursuant to section 4-71a. Up to one hundred thousand dollars from the funds appropriated to the Office of Policy and Management for the fiscal year ending June 30, 2008, for purposes of the P.I.L.O.T. - New Manufacturing Machinery and Equipment, shall be available for expenditure to satisfy the provisions of this section. Not later than the first day of May in said fiscal year, said secretary shall certify to the Comptroller the amount due to any municipality, pursuant to this section, provided said secretary may reduce the amount payable to any municipality proportionately, if necessary, in the event the total amount available is insufficient. Not later than fifteen days after such certification, the comptroller shall draw an order on the treasurer, and not later than fifteen days thereafter, the Treasurer shall pay the grant to the municipality.

Sec. 63. Subsection (a) of section 3 of public act 07-242 is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) On or before January 1, 2008, the Energy Conservation Management Board, in consultation with the electric distribution companies, shall develop and establish a <u>cost-effective</u> program to (1) provide rebates to residential customers of electric distribution companies who replace an existing window air conditioning unit that does not meet the federal Energy Star standard with a unit that does meet said standard. Said program shall be in effect from January 1,

2008, to September 1, 2008. Such rebates shall be not less than twenty-five dollars for an air conditioner with a retail price of one hundred dollars to two hundred dollars; not less than fifty dollars for an air conditioner with a retail price of more than two hundred dollars but less than three hundred dollars; and not less than one hundred dollars for an air conditioner with a retail price of more than three hundred dollars unless the board demonstrates that such levels are not cost effective, and (2) provide rebates of not less than five hundred dollars to residential customers of electric distribution companies who replace an existing central air conditioning unit that does not meet the federal Energy Star standard with a unit that does meet said standard. The board, in consultation with the Low-Income Energy Advisory Board, established pursuant to section 16a-41b of the general statutes, shall determine the parameters of the program with regard to residential customers who live in apartments.

Sec. 64. Subsection (b) of section 121 of public act 07-242 is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(b) The proceeds of the sale of said bonds, to the extent of the amount stated in subsection (a) of this section, shall be used by Connecticut Innovations, Incorporated, for the purpose of funding the net project costs, or the balance of any projects after applying any public or private financial incentives available, for any renewable energy or combined heat and power projects in state buildings. The funds shall be made available through the Renewable Energy Investment Fund, established pursuant to section 16-245n of the general statutes, as amended by this act. Eligible state buildings shall be Leadership in Energy and Environmental Design (LEED) certified or in the process of becoming LEED certified or in the process of becoming LEED silver rating certified or receive a two-globe rating in the Green Globes USA design program or in the process of receiving a two-globe rating in the Green Globes USA design program.

Sec. 65. Section 4a-60g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(a) As used in this section and sections 4a-60h to 4a-60j, inclusive, the following terms have the following meanings:

(1) "Small contractor" means any contractor, subcontractor, manufacturer or service company (A) **[**which**]** that has been doing business under the same ownership **[**and**]** or management and has maintained its principal place of business in the state, for a period of at least one year immediately prior to the date of application for certification under this section, (B) **[**which**]** that had gross revenues not exceeding ten million dollars in the most recently completed fiscal year prior to such application, and (C) at least fifty-one per cent of the ownership of which is held by a person or persons who exercise operational authority over the daily affairs of the business and have the power to direct the management and policies and receive the beneficial interests of the business, except that a nonprofit corporation shall be construed to be a small contractor if such nonprofit corporation meets the requirements of subparagraphs (A) and (B) of this subdivision.

(2) "State agency" means each state board, commission, department, office, institution, council or other agency with the power to contract for goods or services itself or through its head.

(3) "Minority business enterprise" means any small contractor (A) fifty-one per cent or more of the capital stock, if any, or assets of which are owned by a person or persons (i) who exercise operational authority over the daily affairs of the enterprise, (ii) who have the power to direct the management and policies and receive the beneficial interest of the enterprise, and (iii) who are members of a minority, as such term is defined in subsection (a) of section 32-9n, (B) who is an individual with a disability, or (C) which is a nonprofit corporation in

which fifty-one per cent or more of the persons who (i) exercise operational authority over the enterprise, and (ii) have the power to direct the management and policies of the enterprise are members of a minority, as defined in this subsection, or are individuals with a disability.

(4) "Affiliated" means the relationship in which a person directly, or indirectly through one or more intermediaries, controls, is controlled by or is under common control with another person.

(5) "Control" means the power to direct or cause the direction of the management and policies of any person, whether through the ownership of voting securities, by contract or through any other direct or indirect means. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, twenty per cent or more of any voting securities of another person.

(6) "Person" means any individual, corporation, limited liability company, partnership, association, joint stock company, business trust, unincorporated organization or other entity.

(7) "Individual with a disability" means an individual (A) having a physical <u>or mental</u> impairment that substantially limits one or more of the major life activities of the individual, or (B) having a record of such an impairment.

(8) "Nonprofit corporation" means a nonprofit corporation incorporated pursuant to chapter 602 or any predecessor statutes thereto.

(b) It is found and determined that there is a serious need to help small contractors, minority business enterprises, nonprofit organizations and individuals with disabilities to be considered for and awarded state contracts for the construction, reconstruction or

rehabilitation of public buildings, the construction and maintenance of highways and the purchase of goods and services. Accordingly, the necessity, in the public interest and for the public benefit and good, of the provisions of this section, sections 4a-60h to 4a-60j, inclusive, and sections 32-9i to 32-9p, inclusive, is declared as a matter of legislative determination. Notwithstanding any provisions of the general statutes to the contrary, and except as set forth herein, the head of each state agency and each political subdivision of the state other than a municipality shall set aside in each fiscal year, for award to small contractors, on the basis of competitive bidding procedures, contracts or portions of contracts for the construction, reconstruction or rehabilitation of public buildings, the construction and maintenance of highways and the purchase of goods and services. Eligibility of nonprofit corporations under the provisions of this section shall be limited to predevelopment contracts awarded by the Commissioner of Economic and Community Development for housing projects. The total value of such contracts or portions thereof to be set aside by each such agency shall be at least twenty-five per cent of the total value of all contracts let by the head of such agency in each fiscal year, provided that neither: (1) A contract that may not be set aside due to a conflict with a federal law or regulation; or (2) a contract for any goods or services which have been determined by the Commissioner of Administrative Services to be not customarily available from or supplied by small contractors shall be included. **[**, except that the head of any such agency may set aside an amount based on the amount of all contracts not excluded from the calculation which are anticipated to be let in any fiscal year if the method of calculation for such year would result in a maximum value of contracts to be set aside of less than twenty-five per cent of the contracts anticipated to be let in such year or in a minimum value of contracts to be set aside of greater than twenty-five per cent of the contracts anticipated to be let in such year.**]** Contracts or portions thereof having a value of not less than twenty-five per cent of the total value of all contracts or portions

thereof to be set aside shall be reserved for awards to minority business enterprises.

(c) The head of any state agency or political subdivision of the state other than a municipality may, in lieu of setting aside any contract or portions thereof, require any general or trade contractor or any other entity authorized by such agency to award contracts, to set aside a portion of any contract for subcontractors who are eligible for set-aside contracts under this section. Nothing in this subsection shall be construed to diminish the total value of contracts which are required to be set aside by any state agency or political subdivision of the state other than a municipality pursuant to this section.

(d) The heads of all state agencies and of each political subdivision of the state other than a municipality shall notify the Commissioner of Administrative Services of all contracts to be set aside pursuant to subsection (b) or (c) of this section at the time that bid documents for such contracts are made available to potential contractors.

**[**(e) In no case shall the Commissioner of Administrative Services recommend, nor shall any small contractor be awarded, any such contract or contracts, the total amount of which exceeds ten million dollars in any one fiscal year.**]**

**[**(f)**]** (e) The awarding authority shall require that a contractor or subcontractor awarded a contract or a portion of a contract under this section perform not less than fifteen per cent of the work with the workforces of such contractor or subcontractor and shall require that not less than twenty-five per cent of the work be performed by contractors or subcontractors eligible for awards under this section. A contractor awarded a contract or a portion of a contract under this section shall not subcontract with any person with whom the contractor is affiliated. No person who is affiliated with another person shall be eligible for awards under this section if both affiliated persons

considered together would not qualify as a small contractor or a minority business enterprise under subsection (a) of this section. The awarding authority shall require that a contractor awarded a contract pursuant to this section submit, in writing, an explanation of any subcontract to such contract that is entered into with any person that is not eligible for the award of a contract pursuant to this section, prior to the performance of any work pursuant to such subcontract.

**[**(g)**]** (f) The awarding authority may require that a contractor or subcontractor awarded a contract or a portion of a contract under this section furnish the following documentation: (1) A copy of the certificate of incorporation, certificate of limited partnership, partnership agreement or other organizational documents of the contractor or subcontractor; (2) a copy of federal income tax returns filed by the contractor or subcontractor for the previous year; and (3) evidence of payment of fair market value for the purchase or lease by the contractor or subcontractor of property or equipment from another contractor who is not eligible for set-aside contracts under this section.

**[**(h)**]** (g) The awarding authority or the Commissioner of Administrative Services or the Commission on Human Rights and Opportunities may conduct an audit of the financial, corporate and business records and conduct an investigation of any small contractor or minority business enterprise which applies for or is awarded a set-aside contract for the purpose of determining eligibility for awards or compliance with the requirements established under this section.

**[**(i)**]** (h) The provisions of this section shall not apply to any state agency or political subdivision of the state other than a municipality for which the total value of all contracts or portions of contracts of the types enumerated in subsection (b) of this section is anticipated to be equal to ten thousand dollars or less.

**[**(j)**]** (i) In lieu of a performance, bid, labor and materials or other

required bond, a contractor or subcontractor awarded a contract under this section may provide to the awarding authority, and the awarding authority shall accept a letter of credit. Any such letter of credit shall be in an amount equal to ten per cent of the contract for any contract that is less than one hundred thousand dollars and in an amount equal to twenty-five per cent of the contract for any contract that exceeds one hundred thousand dollars.

**[**(k)**]** (j) (1) Whenever the awarding **[**agency**]** authority has reason to believe that any contractor or subcontractor awarded a set-aside contract has wilfully violated any provision of this section, the awarding **[**agency may**]** authority shall send a notice to such contractor or subcontractor by certified mail, return receipt requested. Such notice shall include: (A) A reference to the provision alleged to be violated; (B) a short and plain statement of the matter asserted; (C) the maximum civil penalty that may be imposed for such violation; and (D) the time and place for the hearing. Such hearing shall be fixed for a date not earlier than fourteen days after the notice is mailed. The awarding authority shall send a copy of such notice to the Commission on Human Rights and Opportunities.

(2) The awarding **[**agency**]** authority shall hold a hearing on the violation asserted unless such contractor or subcontractor fails to appear. The hearing shall be held in accordance with the provisions of chapter 54. If, after the hearing, the awarding **[**agency**]** authority finds that the contractor or subcontractor has wilfully violated any provision of this section, the awarding **[**agency**]** authority shall suspend all set-aside contract payments to the contractor or subcontractor and may, in its discretion, order that a civil penalty not exceeding ten thousand dollars per violation be imposed on the contractor or subcontractor. If such contractor or subcontractor fails to appear for the hearing, the awarding **[**agency**]** authority may, as the facts require, order that a civil penalty not exceeding ten thousand dollars per

violation be imposed on the contractor or subcontractor. The awarding [agency] authority shall send a copy of any order issued pursuant to this subsection by certified mail, return receipt requested, to the contractor or subcontractor named in such order. The awarding [agency] authority may cause proceedings to be instituted by the Attorney General for the enforcement of any order imposing a civil penalty issued under this subsection.

[(l)] (k) On or before January 1, 2000, the Commissioner of Administrative Services shall establish a process for certification of small contractors and minority business enterprises as eligible for set-aside contracts. Each certification shall be valid for a period not to exceed two years. [The] Any paper application for certification shall be no longer than six pages. [Annually, the commissioner shall print a] The Department of Administrative Services shall maintain on its web site an updated directory of small contractors and minority business enterprises certified under this section. [State agencies shall be provided with updated directory information quarterly.]

[(m)] (l) On or before [September 30, 1995] August 30, 2007, and annually thereafter, each state agency and each political subdivision of the state other than a municipality setting aside contracts or portions of contracts shall prepare a report establishing small and minority business set-aside program goals for the twelve-month period beginning July first in the same year. Each such report shall be submitted to the Commissioner of Administrative Services, the Commission on Human Rights and Opportunities and the cochairpersons and ranking members of the joint standing committees of the General Assembly having cognizance of matters relating to planning and development and government administration and elections.

[(n)] (m) On or before November 1, 1995, and quarterly thereafter, each state agency and each political subdivision of the state other than

a municipality setting aside contracts or portions of contracts shall prepare a status report on the implementation and results of its small business and minority business enterprise set-aside program goals during the three-month period ending one month before the due date for the report. Each report shall be submitted to the Commissioner of Administrative Services and the Commission on Human Rights and Opportunities. Any state agency or political subdivision of the state, other than a municipality, that achieves less than fifty per cent of its small contractor and minority business enterprise set-aside program goals by the end of the second reporting period in any twelve-month period beginning on July first shall provide a written explanation to the Commissioner of Administrative Services and the Commission on Human Rights and Opportunities detailing how the agency or political subdivision will achieve its goals in the final reporting period. The Commission on Human Rights and Opportunities shall: (1) Monitor the achievement of the annual goals established by each state agency and political subdivision of the state other than a municipality; and (2) prepare a quarterly report concerning such goal achievement. The report shall be submitted to each state agency that submitted a report, the Commissioner of Economic and Community Development, the Commissioner of Administrative Services and the cochairpersons and ranking members of the joint standing committees of the General Assembly having cognizance of matters relating to planning and development and government administration and elections. Failure by any state agency or political subdivision of the state other than a municipality to submit any reports required by this section shall be a violation of section 46a-77.

**[**(o)**]** (n) On or before January 1, 2000, and annually thereafter, the Department of Administrative Services shall establish a precertification list of small contractors and minority business enterprises who have established a principal place of business in the state but have not maintained such place of business for one year and are not in the

directory prepared pursuant to subsection **[**(l)**]** (k) of this section. An awarding agency may select a small contractor or minority business enterprise from such precertification list only after such awarding agency makes a good faith effort to find an eligible small contractor or minority business enterprise in the directory and determines that no small contractor or minority business enterprise is qualified to perform the work required under the contract.

**[**(p)**]** (o) Nothing in this section shall be construed to apply to the four janitorial contracts awarded pursuant to subsections (b) to (e), inclusive, of section 4a-82.

Sec. 66. Subdivision (1) of subsection (a) of section 4a-60g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

(1) "Small contractor" means any contractor, subcontractor, manufacturer or service company (A) **[**which**]** that has been doing business under the same ownership **[**and**]** or management and has maintained its principal place of business in the state, for a period of at least one year immediately prior to the date of application for certification under this section, (B) **[**which**]** that had gross revenues not exceeding **[**ten**]** fifteen million dollars in the most recently completed fiscal year prior to such application, and (C) at least fifty-one per cent of the ownership of which is held by a person or persons who exercise operational authority over the daily affairs of the business and have the power to direct the management and policies and receive the beneficial interests of the business, except that a nonprofit corporation shall be construed to be a small contractor if such nonprofit corporation meets the requirements of subparagraphs (A) and (B) of this subdivision.

Sec. 67. Section 10-29a of the general statutes is amended by adding subdivision (52) as follows (*Effective from passage*):

(NEW) (52) The Governor shall proclaim the month of May to be Woman-Owned Business Month to honor the contribution that women-owned businesses make to our state. Suitable exercises shall be held in the State Capitol and elsewhere as the Governor designates for the observance of the month.

Sec. 68. Subsection (a) of section 7-148u of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(a) As used in this section:

(1) "Small contractor" means any contractor, subcontractor, manufacturer or service company (A) which has been doing business and has maintained its principal place of business in the state for a period of at least one year prior to the date of application for certification under this section, (B) which had gross revenues not exceeding **[**three**]** ten million dollars in the most recently completed fiscal year prior to such application, and (C) at least fifty-one per cent of the ownership of which is held by a person or persons who are active in the daily affairs of the business and have the power to direct the management and policies of the business.

(2) "Minority business enterprise" means any small contractor (A) fifty-one per cent or more of the capital stock, if any, or assets of which are owned by a person or persons (i) who are active in the daily affairs of the enterprise, (ii) who have the power to direct the management and policies of the enterprise, and (iii) who are members of a minority, as such term is defined in subsection (a) of section 32-9n, or (B) who is an individual with a disability.

(3) "Individual with a disability" means an individual (A) having a physical impairment that substantially limits one or more of the major life activities of the individual, or (B) having a record of such an

impairment.

Sec. 69. Subsection (a) of section 12-217jj of the general statutes, as amended by section 1 of public act 07-236, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007, and applicable to income years commencing on or after January 1, 2007*):

(a) As used in this section:

(1) "Commissioner" means the Commissioner of Revenue Services.

(2) "Commission" means the Connecticut Commission on Culture and Tourism.

(3) (A) "Qualified production" means entertainment content created in whole or in part within the state, including motion pictures; documentaries; long-form, specials, mini-series, series, sound recordings, videos and music videos and interstitials television programming; interactive television; interactive games; videogames; commercials; infomercials; any format of digital media, including an interactive **[**website**]** web site, created for distribution or exhibition to the general public; and any trailer, pilot, video teaser or demo created primarily to stimulate the sale, marketing, promotion or exploitation of future investment in either a product or a qualified production via any means and media in any digital media format, film or videotape, provided such program meets all the underlying criteria of a qualified production.

(B) "Qualified production" shall not include any ongoing television program created primarily as news, weather or financial market reports, a production featuring current events, sporting events, an awards show or other gala event, a production whose sole purpose is fundraising, a long-form production that primarily markets a product or service, a production used for corporate training or in-house corporate advertising or other similar productions, or any production

for which records are required to be maintained under 18 USC 2257 with respect to sexually explicit content.

(4) "Eligible production company" means a corporation, partnership, limited liability company, or other business entity engaged in the business of producing qualified productions on a one-time or ongoing basis, and qualified by the Secretary of the State to engage in business in the state.

(5) "Production expenses or costs" means all expenditures clearly and demonstrably incurred in the state in the development, preproduction, production or postproduction costs of a qualified production, including:

(A) Expenditures incurred in the state in the form of either compensation or purchases including production work, production equipment not eligible for the infrastructure tax credit provided in section 2 of **[**this act**]** public act 07-236, production software, postproduction work, postproduction equipment, postproduction software, set design, set construction, props, lighting, wardrobe, makeup, makeup accessories, special effects, visual effects, audio effects, film processing, music, sound mixing, editing, location fees, soundstages and any and all other costs or services directly incurred in connection with a state-certified qualified production;

(B) Expenditures for distribution, including preproduction, production or postproduction costs relating to the creation of trailers, marketing videos, commercials, point-of-purchase videos and any and all content created on film or digital media, including the duplication of films, videos, CDs, DVDs and any and all digital files now in existence and those yet to be created for mass consumer consumption; the purchase, by a company in the state, of any and all equipment relating to the duplication or mass market distribution of any content created or produced in the state by any digital media format which is

now in use and those formats yet to be created for mass consumer consumption; and

(C) "Production expenses or costs" does not include the following: (i) On and after January 1, 2008, compensation in excess of fifteen million dollars paid to any individual or entity representing an individual, for services provided in the production of a qualified production; (ii) media buys, promotional events or gifts or public relations associated with the promotion or marketing of any qualified production; (iii) deferred, leveraged or profit participation costs relating to any and all personnel associated with any and all aspects of the production, including, but not limited to, producer fees, director fees, talent fees and writer fees; (iv) costs relating to the transfer of the production tax credits; and (v) any amounts paid to persons or businesses as a result of their participation in profits from the exploitation of the qualified production.

(6) "Sound recording" means a recording of music, poetry or spoken-word performance, but does not include the audio portions of dialogue or words spoken and recorded as part of a motion picture, video, theatrical production, television news coverage or athletic event.

(7) "State-certified qualified production" means a qualified production produced by an eligible production company that (A) is in compliance with regulations adopted pursuant to subsection (g) of this section, (B) is authorized to conduct business in this state, and (C) has been approved by the commission as qualifying for a production tax credit under this section.

(8) "Interactive web site" means a web site, the production costs of which (A) exceed five hundred thousand dollars per income year, and (B) is primarily (i) interactive games or end user applications, or (ii) animation, simulation, sound, graphics, story lines or video created or repurposed for distribution over the internet. An interactive web site

does not include a web site primarily used for institutional, private, industrial, retail or wholesale marketing or promotional purposes, or which contains obscene content.

(9) "Post-certification remedy" means the recapture, disallowance, recovery, reduction, repayment, forfeiture, decertification or any other remedy that would have the effect of reducing or otherwise limiting the use of a tax credit provided by this section.

Sec. 70. Subsection (c) of section 12-217jj of the general statutes, as amended by section 1 of public act 07-236, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(c) (1) An eligible production company shall apply to the commission for a tax credit voucher on an annual basis, but not later than ninety days after the first production expenses or costs are incurred in the production of a qualified production, and shall provide with such application such information as the commission may require to determine such company's eligibility to claim a credit under this section. No production expenses or costs may be listed more than once for purposes of the tax credit voucher pursuant to this section, or pursuant to section 2 or 3 of **[**this act**]** public act 07-236, and if a production expense or cost has been included in a claim for a credit, such production expense or cost may not be included in any subsequent claim for a credit.

(2) Not earlier than three months after the application in subdivision (1) of this subsection, an eligible production company may apply to the commission for a production tax credit voucher, and shall provide with such application such information and independent certification as the commission may require pertaining to the amount of such company's production expenses or costs to date. If the commission determines that such company is eligible to be issued a production tax credit voucher, the commission shall enter on the voucher the amount

of production expenses or costs that has been established to the satisfaction of the commission, and the amount of such company's credit under this section. The commission shall provide a copy of such voucher to the commissioner, upon request.

(3) Not later than ninety days after the end of the annual period, or after the last production expenses or costs are incurred in the production of a qualified production, an eligible production company shall apply to the commission for a production tax credit voucher, and shall provide with such application such information and independent certification as the commission may require pertaining to the amount of such company's production expenses or costs. If the commission determines that such company is eligible to be issued a production tax credit voucher, the commission shall enter on the voucher the amount of production expenses or costs that has been established to the satisfaction of the commission, minus the amount of any credit issued pursuant to subdivision (2) of this subsection, and the amount of such company's credit under this section. The commission shall provide a copy of such voucher to the commissioner, upon request.

Sec. 71. Subsection (c) of section 3 of public act 07-236 is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(c) Not more frequently than twice during the income year of a state-certified digital animation production company, such company may apply to the commission for a digital animation tax credit voucher, and shall provide with such application such information and independent certification as the commission may require pertaining to the amount of such company's production expenses or costs incurred during the period for which such application is made. If the commission determines that the company is eligible to be issued a tax credit voucher, the commission shall enter on the voucher the amount of production expenses and costs incurred during the period for which the voucher is issued and the amount of tax credits issued pursuant to

such voucher. The commission shall provide a copy of such voucher to the commissioner upon request.

Sec. 72. Subdivision (110) of section 12-412 of the general statutes, as amended by section 20 of public act 07-242, is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008, and applicable to sales occurring on or after said date*):

On and after January 1, 2008, and prior to July 1, 2010, the sale of any passenger **[**car**]** motor vehicle, as defined in section 14-1, that has a United States Environmental Protection Agency estimated city or highway gasoline mileage rating of at least forty miles per gallon.

Sec. 73. Section 46b-120 of the general statutes, as amended by section 1 of public act 05-250, is repealed and the following is substituted in lieu thereof (*Effective January 1, 2010*):

The terms used in this chapter shall, in its interpretation and in the interpretation of other statutes, be defined as follows: (1) "Child" means any person under sixteen years of age, **[**and,**]** except that for purposes of delinquency matters and proceedings, "child" means any person (A) under **[**sixteen**]** eighteen years of age, or (B) **[**sixteen**]** eighteen years of age or older who, prior to attaining **[**sixteen**]** eighteen years of age, has **[**violated any federal or state law or municipal or local ordinance, other than an ordinance regulating behavior of a child in a family with service needs,**]** committed a delinquent act and, subsequent to attaining **[**sixteen**]** eighteen years of age, violates any order of the Superior Court or any condition of probation ordered by the Superior Court with respect to such delinquency proceeding; (2) "youth" means any person sixteen or seventeen years of age; **[**(3) "youth in crisis" means any youth who, within the last two years, (A) has without just cause run away from the parental home or other properly authorized and lawful place of abode, (B) is beyond the control of the youth's parents, guardian or other custodian, or (C) has

four unexcused absences from school in any one month or ten unexcused absences in any school year; (4)] (3) "abused" means that a child or youth (A) has been inflicted with physical injury or injuries other than by accidental means, [or] (B) has injuries that are at variance with the history given of them, or (C) is in a condition that is the result of maltreatment, [such as] including, but not limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment or cruel punishment; [(5)] (4) a child may be found "mentally deficient" who, by reason of a deficiency of intelligence that has existed from birth or from early age, requires, or will require, for [his] such child's protection or for the protection of others, special care, supervision and control; [(6)] (5) a child may be convicted as "delinquent" who has violated (A) any federal or state law, [or municipal or local ordinance, other than an ordinance regulating behavior of a child in a family with service needs] other than the commission of (i) an infraction or violation by a youth under subsection (b) of section 51-164n, or (ii) a motor vehicle violation by a youth for which a sentence to a term of imprisonment may be imposed, (B) any order of the Superior Court, except as provided in section 46b-148, or (C) conditions of probation as ordered by the court; [(7)] (6) a child or youth may be found "dependent" whose home is a suitable one for the child or youth, [save] except for the financial inability of the child's or youth's parents, parent or guardian, or other person maintaining such home, to provide the specialized care the condition of the child or youth requires; [(8)] (7) "family with service needs" means a family that includes a child or youth who (A) has without just cause run away from the parental home or other properly authorized and lawful place of abode, (B) is beyond the control of the child's or youth's parent, parents, guardian or other custodian, (C) has engaged in indecent or immoral conduct, (D) is a truant or habitual truant or who, while in school, has been continuously and overtly defiant of school rules and regulations, or (E) is thirteen years of age or older and has engaged in sexual intercourse with another person and

such other person is thirteen years of age or older and not more than two years older or younger than such child or youth; **[**(9)**]** (8) a child or youth may be found "neglected" who (A) has been abandoned, **[**or**]** (B) is being denied proper care and attention, physically, educationally, emotionally or morally, **[**or**]** (C) is being permitted to live under conditions, circumstances or associations injurious to the well-being of the child or youth, or (D) has been abused; **[**(10)**]** (9) a child or youth may be found "uncared for" who is homeless or whose home cannot provide the specialized care that the physical, emotional or mental condition of the child or youth requires. For the purposes of this section, the treatment of any child or youth by an accredited Christian Science practitioner, in lieu of treatment by a licensed practitioner of the healing arts, shall not of itself constitute neglect or maltreatment; **[**(11)**]** (10) "delinquent act" means the violation of any federal or state law, **[**or municipal or local ordinance, other than an ordinance regulating the behavior of a child in a family with service needs,**]** or the violation of any order of the Superior Court, other than the commission of (A) an infraction or violation by a youth under subsection (b) of section 51-164n, or (B) a motor vehicle violation by a youth for which a sentence to a term of imprisonment may be imposed; **[**(12)**]** (11) "serious juvenile offense" means (A) the violation of, including attempt or conspiracy to violate, (i) section 21a-277, 21a-278, 29-33, 29-34, 29-35, 53-21, 53-80a, 53-202b, 53-202c, 53-390 to 53-392, inclusive, 53a-54a to **[**53a-57**]** 53a-56a, inclusive, 53a-59 to 53a-60c, inclusive, 53a-70 to 53a-71, inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive, 53a-95, 53a-101, 53a-102a, 53a-103a or 53a-111 to 53a-113, inclusive, subdivision (1) of subsection (a) of section 53a-122, subdivision (3) of subsection (a) of section 53a-123, section 53a-134, 53a-135, 53a-136a, 53a-166 or 53a-167c, subsection (a) of section 53a-174, or section 53a-196a, 53a-211, 53a-212, 53a-216 or 53a-217b, by a child, or (ii) section 53a-56b or 53a-57 by a child under sixteen years of age, or (B) running away, without just cause, from any secure placement other than home while referred as a delinquent child to the

Court Support Services Division or committed as a delinquent child to the Commissioner of Children and Families for a serious juvenile offense; **[**(13)**]** (12) "serious juvenile offender" means any child convicted as delinquent for the commission of a serious juvenile offense; **[**(14)**]** (13) "serious juvenile repeat offender" means any child charged with the commission of any felony if such child has previously been convicted as delinquent or otherwise convicted at any age for two violations of any provision of title 21a, 29, 53 or 53a that is designated as a felony; **[**(15) "alcohol-dependent child" means any child who has**]** (14) "alcohol-dependent" means a psychoactive substance dependence on alcohol as that condition is defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders"; and **[**(16) "drug-dependent child" means any child who has**]** (15) "drug-dependent" means a psychoactive substance dependence on drugs as that condition is defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders". No child shall be classified as drug dependent who is dependent (A) upon a morphine-type substance as an incident to current medical treatment of a demonstrable physical disorder other than drug dependence, or (B) upon amphetamine-type, ataractic, barbiturate-type, hallucinogenic or other stimulant and depressant substances as an incident to current medical treatment of a demonstrable physical or psychological disorder, or both, other than drug dependence.

Sec. 74. Section 46b-121 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2010*):

(a) (1) Juvenile matters in the civil session include all proceedings concerning uncared-for, neglected or dependent children and youths within this state, termination of parental rights of children committed to a state agency, matters concerning families with service needs,

contested matters involving termination of parental rights or removal of guardian transferred from the Probate Court [,] and the emancipation of minors, [and youths in crisis,] but does not include matters of guardianship and adoption or matters affecting property rights of any child [,] or youth [or youth in crisis] over which the Probate Court has jurisdiction, [provided] except that appeals from probate concerning adoption, termination of parental rights and removal of a parent as guardian shall be included.

(2) Juvenile matters in the criminal session include all proceedings concerning delinquent children [in the] within this state and persons [sixteen] eighteen years of age and older who are under the supervision of a juvenile probation officer while on probation or a suspended commitment to the Department of Children and Families, for purposes of enforcing any court orders entered as part of such probation or suspended commitment.

(b) (1) In juvenile matters, the Superior Court shall have authority to make and enforce such orders directed to parents, including any person who acknowledges before [said] the court paternity of a child born out of wedlock, guardians, custodians or other adult persons owing some legal duty to a child [, youth or youth in crisis] or youth therein, as [it] the court deems necessary or appropriate to secure the welfare, protection, proper care and suitable support of a child [, youth or youth in crisis] or youth subject to [its] the court's jurisdiction or otherwise committed to or in the custody of the Commissioner of Children and Families. In addition, with respect to proceedings concerning delinquent children, the Superior Court shall have authority to make and enforce such orders as [it] the court deems necessary or appropriate to punish the child, deter the child from the commission of further delinquent acts, assure that the safety of any other person will not be endangered and provide restitution to any victim. [Said court] The Superior Court shall also have authority to

grant and enforce temporary and permanent injunctive relief **[**, temporary or permanent**]** in all proceedings concerning juvenile matters.

(2) If any order for the payment of money is issued by **[**said court**]** the Superior Court, including any order assessing costs issued under section 46b-134 or 46b-136, the collection of such money shall be made by **[**said**]** the court, except orders for support of children committed to any state agency or department, which orders shall be made payable to and collected by the Department of Administrative Services. **[**Where**]** If the **[**court**]** Superior Court after due diligence is unable to collect such moneys within six months, **[**it**]** the court shall refer such case to the Department of Administrative Services for collection as a delinquent account. In juvenile matters, the **[**court**]** Superior Court shall have authority to make and enforce orders directed to persons liable hereunder on petition of **[**said**]** the Department of Administrative Services made to **[**said**]** the court in the same manner as is provided in section 17b-745, in accordance with the provisions of section 17b-81 **[**,**]** or 17b-223, subsection (b) of section 17b-179 **[**,**]** or section 17a-90, 46b-129 or 46b-130, and all of the provisions of section 17b-745 shall be applicable to such proceedings. Any judge hearing a juvenile matter may make any other order in connection therewith that a judge of the Superior Court is authorized to grant and such order shall have the same force and effect as any other order of the Superior Court. In the enforcement of **[**its**]** the court's orders, in connection with any juvenile matter, the court may issue process for the arrest of any person, compel attendance of witnesses and punish for contempt by a fine not exceeding one hundred dollars or imprisonment not exceeding six months.

Sec. 75. Subsection (c) of section 46b-127 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2010*):

(c) Upon the effectuation of the transfer, such child shall stand trial and be sentenced, if convicted, as if **[**he were sixteen**]** such child were eighteen years of age. Such child shall receive credit against any sentence imposed for time served in a juvenile facility prior to the effectuation of the transfer. A child who has been transferred may enter a guilty plea to a lesser offense if the court finds that such plea is made knowingly and voluntarily. Any child transferred to the regular criminal docket who pleads guilty to a lesser offense shall not resume **[**his**]** such child's status as a juvenile regarding **[**said**]** such offense. If the action is dismissed or nolled or if such child is found not guilty of the charge for which **[**he**]** such child was transferred or of any lesser included offenses, the child shall resume **[**his**]** such child's status as a juvenile until **[**he**]** such child attains the age of **[**sixteen**]** eighteen years.

Sec. 76. Subsection (f) of section 46b-133c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2010*):

(f) Whenever a proceeding has been designated a serious juvenile repeat offender prosecution pursuant to subsection (b) of this section and the child does not waive such child's right to a trial by jury, the court shall transfer the case from the docket for juvenile matters to the regular criminal docket of the Superior Court. Upon transfer, such child shall stand trial and be sentenced, if convicted, as if such child were **[**sixteen**]** eighteen years of age, except that no such child shall be placed in a correctional facility but shall be maintained in a facility for children and youths until such child attains **[**sixteen**]** eighteen years of age or until such child is sentenced, whichever occurs first. Such child shall receive credit against any sentence imposed for time served in a juvenile facility prior to the effectuation of the transfer. A child who has been transferred may enter a guilty plea to a lesser offense if the court finds that such plea is made knowingly and voluntarily. Any child transferred to the regular criminal docket who pleads guilty to a

lesser offense shall not resume such child's status as a juvenile regarding such offense. If the action is dismissed or nolled or if such child is found not guilty of the charge for which such child was transferred, the child shall resume such child's status as a juvenile until such child attains **[**sixteen**]** eighteen years of age.

Sec. 77. Subsection (f) of section 46b-133d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2010*):

(f) When a proceeding has been designated a serious sexual offender prosecution pursuant to subsection (c) of this section and the child does not waive the right to a trial by jury, the court shall transfer the case from the docket for juvenile matters to the regular criminal docket of the Superior Court. Upon transfer, such child shall stand trial and be sentenced, if convicted, as if such child were **[**sixteen**]** eighteen years of age, except that no such child shall be placed in a correctional facility but shall be maintained in a facility for children and youths until such child attains **[**sixteen**]** eighteen years of age or until such child is sentenced, whichever occurs first. Such child shall receive credit against any sentence imposed for time served in a juvenile facility prior to the effectuation of the transfer. A child who has been transferred may enter a guilty plea to a lesser offense if the court finds that such plea is made knowingly and voluntarily. Any child transferred to the regular criminal docket who pleads guilty to a lesser offense shall not resume such child's status as a juvenile regarding such offense. If the action is dismissed or nolled or if such child is found not guilty of the charge for which such child was transferred, the child shall resume such child's status as a juvenile until such child attains **[**sixteen**]** eighteen years of age.

Sec. 78. Subsection (c) of section 10-19m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2010*):

(c) The Commissioner of Education shall adopt regulations, in accordance with the provisions of chapter 54, establishing minimum standards for such youth service bureaus and the criteria for qualifying for state cost-sharing grants, including, but not limited to, allowable sources of funds covering the local share of the costs of operating such bureaus, acceptable in-kind contributions and application procedures. Said commissioner shall, on December 1, 1979, and annually thereafter, report to the General Assembly on the referral or diversion of children under the age of **[**sixteen**]** eighteen years from the juvenile justice system and **[**on the referral or diversion of children between the ages of sixteen and eighteen years from**]** the court system. Such report shall include, but not be limited to, the number of times any child is so diverted, the number of children diverted, the type of service provided to any such child, by whom such child was diverted, the ages of the children diverted and such other information and statistics as the General Assembly may request from time to time. Any such report shall contain no identifying information about any particular child.

Sec. 79. Subsection (b) of section 46b-140 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2010*):

(b) Upon conviction of a child as delinquent, the court: **[**may: (1) Place**]** (1) May (A) place the child in the care of any institution or agency which is permitted by law to care for children; **[**(2)**]** (B) order the child to participate in an alternative incarceration program; **[**(3)**]** (C) order the child to participate in a wilderness school program operated by the Department of Children and Families; **[**(4)**]** (D) order the child to participate in a youth service bureau program; **[**(5)**]** (E) place the child on probation; **[**(6)**]** (F) order the child or the parents or guardian of the child or both to make restitution to the victim of the offense in accordance with subsection (d) of this section; **[**(7)**]** (G) order the child to participate in a program of community service in

accordance with subsection (e) of this section; or **[**(8)**]** (H) withhold or suspend execution of any judgment; and (2) shall impose the penalty established in subsection (b) of section 30-89, for any violation of said subsection (b).

Sec. 80. Section 46b-146 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2010*):

Whenever any child has been found to be delinquent or a member of a family with service needs, or has signed a statement of responsibility admitting to having committed a delinquent act or being a member of a family with service needs, and has subsequently been discharged from the supervision of the Superior Court or from the custody of the Department of Children and Families or from the care of any other institution or agency to whom **[**he**]** the child has been committed by the court, such child, **[**his**]** or the child's parent or guardian, may file a petition with the Superior Court and, if such court finds that at least two years or, in the case of a child convicted as delinquent for the commission of a serious juvenile offense, four years have elapsed from the date of such discharge, that no subsequent juvenile proceeding has been instituted against such child, that such child has not been found guilty of a crime and that such child has reached sixteen years of age within such period, it shall order all police and court records pertaining to such child to be erased. Upon the entry of such an erasure order, all references including arrest, complaint, referrals, petitions, reports and orders, shall be removed from all agency, official and institutional files, and a finding of delinquency or that the child was a member of a family with service needs shall be deemed never to have occurred. The persons in charge of such records shall not disclose to any person information pertaining to the record so erased, except that the fact of such erasure may be substantiated where, in the opinion of the court, it is in the best interests of such child to do so. No child who has been the subject of such an erasure

order shall be deemed to have been arrested ab initio, within the meaning of the general statutes, with respect to proceedings so erased. Copies of the erasure order shall be sent to all persons, agencies, officials or institutions known to have information pertaining to the delinquency or family with service needs proceedings affecting such child. Whenever a child is dismissed as not delinquent or as not being a member of a family with service needs, all police and court records pertaining to such charge shall be ordered erased immediately, without the filing of a petition.

Sec. 81. Subsection (b) of section 46b-124 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2010*):

(b) All records of cases of juvenile matters, as provided in section 46b-121, <u>as amended by this act,</u> 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 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, (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**]** was issued prior to January 1, 2010, **[**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 or 54-91a.

Sec. 82. Section 46b-149b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2010*):

**[**(a)**]** Any police officer or any official of a municipal or community agency, who in the course of such police officer's or official's employment under subsection (d) of section 17a-15 or section 46b-120, as amended by this act, 46b-121, as amended by this act, 46b-149 **[**,**]** or 46b-149a **[**, 46b-150f or 46b-150g**]** provides assistance to a child or a family in need thereof, shall not be liable to such child or such family for civil damages for any personal injuries which result from the

voluntary termination of service by the child or the family.

**[**(b) Each municipal police department and the Division of State Police within the Department of Public Safety shall implement a uniform protocol for providing intervention and assistance in matters involving youths in crisis. Such uniform protocol shall be developed by the Police Officer Standards and Training Council established under section 7-294b.**]**

Sec. 83. (*Effective from passage*) Not later than January 15, 2008, the Secretary of the Office of Policy and Management shall complete an analysis of the requirements of sections 6, 28, 29, 31 and 32 of this act, sections 46b-149 of the general statutes, as amended by this act, 46b-12 of the general statutes, as amended by this act, 46b-121 of the general statutes, as amended by this act, subsection (c) of section 46b-127 of the general statutes, as amended by this act, and subsection (f) of section 46b-133c of the general statutes, as amended by this act, and the impact of such requirements on budgeted state agencies, and shall submit a report, 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 appropriations, the judiciary, and human services and to the select committee of the General Assembly having cognizance of matters relating to children. The report shall indicate (1) the budgeted state agencies affected by sections 6, 28, 29, 31 and 32 of this act, sections 46b-149 of the general statutes, as amended by this act, 46b-12 of the general statutes, as amended by this act, 46b-121 of the general statutes, as amended by this act, subsection (c) of section 46b-127 of the general statutes, as amended by this act, and subsection (f) of section 46b-133c of the general statutes, as amended by this act, and (2) the secretary's estimate of expenditures required to enable such budgeted state agencies to comply with the requirements of sections 6, 28, 29, 31 and 32 of this act, 46b-149 of the general statutes, as amended by this act, sections 46b-12 of the general statutes, as amended by this

act, 46b-121 of the general statutes, as amended by this act, subsection (c) of section 46b-127 of the general statutes, as amended by this act, and subsection (f) of section 46b-133c of the general statutes, as amended by this act.

Sec. 84. Section 46b-121k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(a) (1) The Court Support Services Division shall **[**be charged with the duty of developing**]** develop constructive programs for the prevention and reduction of delinquency and crime among juvenile offenders. To **[**that end**]** develop such programs, the executive director of the Court Support Services Division shall cooperate with other agencies to encourage the establishment of new programs and to provide a continuum of services for juvenile offenders who do not require secure placement, including, but not limited to, juveniles classified pursuant to the risk assessment instrument described in section 46b-121i, as those who may be released with structured supervision and those who may be released without supervision. When appropriate, the Court Support Services Division shall coordinate such programs with the Department of Children and Families and the Department of Mental Health and Addiction Services.

(2) The programs shall be tailored to the type of juvenile, including the juvenile's offense history, age, maturity and social development, gender, mental health, **[**and chemical**]** alcohol dependency or drug dependency, **[**problem,**]** need for structured supervision and other characteristics, and shall be culturally appropriate, trauma-informed and provided in the least restrictive environment possible in a manner consistent with public safety. The Court Support Services Division shall develop programs that provide: **[**(1)**]** (A) Intensive general **[**educational programs**]** education, with an **[**individual educational**]** individualized remediation plan for each juvenile; **[**(2) specific educational components in the management of**]** (B) appropriate job

training and employment opportunities; (C) counseling sessions in anger management and nonviolent conflict resolution; [(3)] (D) treatment and prevention programs for [chemical] alcohol dependency and drug dependency; [(4)] (E) mental health screening, assessment and treatment; [and (5)] (F) sexual offender treatment; and (G) services for families of juveniles.

(b) The Judicial Department may contract to establish regional secure residential facilities and regional highly supervised residential and nonresidential facilities for juveniles referred by the court. Such facilities shall operate within contracted-for capacity limits. Such facilities shall be exempt from the licensing requirements of section 17a-145.

(c) The Court Support Services Division shall collaborate with private residential facilities providing residential programs and with community-based nonresidential postrelease programs.

(d) Any program developed by the Court Support Services Division that is designed to prevent or reduce delinquency and crime among juvenile offenders shall be gender specific, as necessary, and shall comprehensively address the unique needs of a targeted gender group.

(e) The Court Support Services Division shall consult with the Commission on Racial and Ethnic Disparity in the Criminal Justice System established pursuant to section 51-10c to address the needs of minorities in the juvenile justice system.

Sec. 85. Subsection (b) of section 46b-133 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2010*):

(b) Whenever a child is brought before a judge of the Superior Court, such judge shall immediately have the case proceeded upon as a juvenile matter. Such judge may admit [such] the child to bail or

release [him] the child in the custody of [his] the child's parent or parents, [his] the child's guardian or some other suitable person to appear before the Superior Court when ordered. If detention becomes necessary, [or desirable, the same] such detention shall be in the manner prescribed by this chapter, provided the child shall be placed in the least restrictive environment possible in a manner consistent with public safety.

Sec. 86. Subsection (a) of section 51-165 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective April 1, 2009*):

(a) (1) On and after July 1, 1998, the Superior Court shall consist of one hundred eighty-one judges, including the judges of the Supreme Court and the Appellate Court, who shall be appointed by the General Assembly upon nomination of the Governor.

(2) On and after October 1, 1998, the Superior Court shall consist of one hundred eighty-three judges, including the judges of the Supreme Court and the Appellate Court, who shall be appointed by the General Assembly upon nomination of the Governor.

(3) On and after January 1, 1999, the Superior Court shall consist of one hundred eighty-six judges, including the judges of the Supreme Court and the Appellate Court, who shall be appointed by the General Assembly upon nomination of the Governor.

(4) On and after October 1, 1999, the Superior Court shall consist of one hundred ninety-one judges, including the judges of the Supreme Court and the Appellate Court, who shall be appointed by the General Assembly upon nomination of the Governor.

(5) On and after October 1, 2000, the Superior Court shall consist of one hundred ninety-six judges, including the judges of the Supreme Court and the Appellate Court, who shall be appointed by the General

Assembly upon nomination of the Governor.

(6) On and after April 1, 2009, the Superior Court shall consist of two hundred one judges, including the judges of the Supreme Court and the Appellate Court, who shall be appointed by the General Assembly upon nomination of the Governor.

Sec. 87. (*Effective July 1, 2008*) Not later than July 1, 2009, the Chief Court Administrator and the executive director of the Court Support Services Division of the judicial branch shall evaluate the programs and services provided in the juvenile justice system, including, but not limited to, services provided pursuant to chapter 815t of the general statutes, to ensure that such programs and services meet the needs of persons sixteen years of age or older in the juvenile justice system, and shall implement, within available resources, any changes deemed necessary in the programs and services.

Sec. 88. (*Effective from passage*) (a) There is established a Juvenile Jurisdiction Policy and Operations Coordinating Council. The council shall monitor the implementation of the central components of the implementation plan developed by the Juvenile Jurisdiction Planning and Implementation Committee, as set forth in subsection (f) of this section, and resolve issues identified by the committee, as set forth in subsection (g) of this section, concerning changes required in the juvenile justice system to expand jurisdiction to include persons sixteen and seventeen years of age.

(b) The council shall consist of the following members:

(1) Two members of the General Assembly, one of whom shall be appointed by the speaker of the House of Representatives, and one of whom shall be appointed by the president pro tempore 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, human services and appropriations, or their designees;

(3) The Chief Court Administrator, or the Chief Court Administrator's designee;

(4) A judge of the superior court for juvenile matters, appointed by the Chief Justice;

(5) The executive director of the Court Support Services Division of the judicial branch, or the executive director's designee;

(6) The executive director of the Superior Court Operations Division, or the executive director's designee;

(7) The Chief Public Defender, or the Chief Public Defender's designee;

(8) The Chief State's Attorney, or the Chief State's Attorney's designee;

(9) The Commissioner of Children and Families, or the commissioner's designee;

(10) The Commissioner of Correction, or the commissioner's designee;

(11) The Commissioner of Education, or the commissioner's designee;

(12) The Commissioner of Mental Health and Addiction Services, or the commissioner's designee;

(13) The president of the Connecticut Police Chiefs Association, or the president's designee;

(14) Two child or youth advocates, one of whom shall be appointed

by one chairperson of the Juvenile Jurisdiction Planning and Implementation Committee, and one of whom shall be appointed by the other chairperson of the Juvenile Jurisdiction Planning and Implementation Committee;

(15) Two parents, each of whom is the parent of a child who has been involved with the juvenile justice system, 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; and

(16) The Child Advocate, or the Child Advocate's designee.

(c) All appointments to the council shall be made not later than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority.

(d) The Secretary of the Office of Policy and Management, or the secretary's designee and a member of the General Assembly selected jointly by the speaker of the House of Representatives and the president pro tempore of the Senate shall be cochairpersons of the council. Such cochairpersons shall schedule the first meeting of the council, which shall be held not later than sixty days after the effective date of this section.

(e) Members of the council shall serve without compensation, except for necessary expenses incurred in the performance of their duties.

(f) Prior to January 1, 2009, the council shall monitor the implementation of the central components of the implementation plan contained in the final report of the Juvenile Jurisdiction Planning and Implementation Committee dated February 8, 2007, including, but not limited to, the development and implementation of a comprehensive system of community-based services and residential services for juveniles.

(g) Prior to January 1, 2009, the council shall study and develop recommendations regarding the issues identified in the final report of the Juvenile Jurisdiction Planning and Implementation Committee to prepare for the introduction of persons sixteen and seventeen years of age into the juvenile justice system and to improve the juvenile justice system. Such issues and study shall include, but need not be limited to, the following:

(1) The development of diversion programs and the most appropriate programs for such persons;

(2) The development of comprehensive projections to determine the short-term and long-term placement capacity required to accommodate an expanded juvenile population in the juvenile justice system, including an identification of available pretrial detention facilities, the need for additional pretrial detention facilities and feasible alternatives to detention;

(3) An analysis of the impact of the expansion of juvenile jurisdiction to persons sixteen and seventeen years of age on state agencies and a determination of which state agencies shall be responsible for providing relevant services to juveniles, including, but not limited to, mental health and substance abuse services, housing, education and employment;

(4) An examination of the emancipation of minors with respect to the juvenile justice system;

(5) An examination and modification of offenses categorized as serious juvenile offenses in subdivision (12) of section 46b-120 of the general statutes, as amended by this act;

(6) A comparison and analysis of procedures used in the juvenile justice system versus the criminal court system to determine the most suitable procedures for juveniles, including, but not limited to, the

most suitable procedures for the lawful interrogation of juveniles;

(7) An examination of school-related issues related to delinquency, including intervention strategies to reduce the number of suspensions, expulsions, truancies and arrests of juveniles;

(8) An examination of practices and procedures that result in disproportionate minority contact with the juvenile justice system and strategies to reduce disproportionate minority contact with the juvenile justice system; and

(9) An examination of whether the inclusion of persons sixteen and seventeen years of age in the juvenile justice system requires a revision of provisions of the general statutes that establish a mandatory age for school attendance.

(h) Not later than January 1, 2008, and quarterly thereafter until January 1, 2009, the council shall submit a status report to the Governor and the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary, human services and appropriations, and the select committee of the General Assembly having cognizance of matters relating to children, in accordance with section 11-4a of the general statutes, on implementation of the plan components set forth in subsection (f) of this section and resolution of the issues identified in subsection (g) of this section.

(i) Not later than January 1, 2009, the council shall submit a final report on the council's recommendations and such implementation and resolution of issues to the Governor and the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary, human services and appropriations, and the select committee of the General Assembly having cognizance of matters relating to children, in accordance with section 11-4a of the general statutes.

Sec. 89. Section 54-193b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

Notwithstanding the provisions of sections 54-193 and 54-193a, there shall be no limitation of time within which a person may be prosecuted for a violation of section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, **[**not later than twenty years from the date of the commission of the offense,**]** provided (1) the victim notified any police officer or state's attorney acting in such police officer's or state's attorney's official capacity of the commission of the offense not later than five years after the commission of the offense, and (2) the identity of the person who allegedly committed the offense has been established through a DNA (deoxyribonucleic acid) profile comparison using evidence collected at the time of the commission of the offense.

Sec. 90. Subsection (a) of section 54-251 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(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 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 and electronic mail address, instant message address or other similar Internet communication identifier, if any, 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 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. <u>If any person who is subject to registration under this section establishes or changes an electronic mail address, instant message address or other similar Internet communication identifier, such person shall, without undue delay, notify the Commissioner of Public Safety in writing of such identifier.</u> 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.

Sec. 91. Subsection (a) of section 54-252 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(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 **[,]** <u>and</u> criminal history record, documentation of any treatment received <u>by such person</u> for mental abnormality or personality disorder, and <u>such person's</u> residence address <u>and electronic mail address, instant message address or other similar Internet communication identifier, if any,</u> 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 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 establishes or changes an electronic mail address, instant message address or other similar Internet communication identifier, such person shall, without undue delay, notify the Commissioner of Public Safety in writing of such identifier. 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.

Sec. 92. Subsection (b) of section 54-253 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(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 establishes or changes an electronic mail address, instant message address or other similar Internet communication identifier, such person shall, without undue delay, notify the Commissioner of Public Safety in writing of such identifier. 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.

Sec. 93. Subsection (c) of section 54-253 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(c) Any person not a resident of this state who is registered as a 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, without undue delay after the commencement of such employment, vocation or education in this state, register such person's

name, identifying factors [,] and criminal history record, locations visited on a recurring basis, [or] and such person's residence address, if any, in this state, [and] residence address in such person's home state and electronic mail address, instant message address or other similar Internet communication identifier, if any, 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 or establishes or changes an electronic mail address, instant message address or other similar Internet communication identifier such person shall, without undue delay, notify the Commissioner of Public Safety in writing of such termination, [or] new address or identifier.

Sec. 94. Subsection (a) of section 54-254 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(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 and electronic mail address, instant message address or other similar Internet communication identifier, if any, 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 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 establishes or changes an electronic mail address, instant message address or other similar Internet communication identifier, such person shall, without undue delay, notify the Commissioner of Public Safety in writing of such identifier. 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.

Sec. 95. Subsection (a) of section 54-256 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(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. 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, and criminal

history record, any known treatment history of such person, any electronic mail address, instant message address or other similar Internet communication identifier for such person, if known, 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, and that if such person establishes or changes an electronic mail address, instant message address or other similar Internet communication identifier such person shall, within five days, register such identifier with the Commissioner of Public Safety; (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.

Sec. 96. Subsection (a) of section 54-258 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) (1) Notwithstanding any other provision of the general statutes, except subdivisions (3), **[**and**]** (4) and (5) of this subsection, the registry

maintained by the Department of Public Safety shall be a public record and shall be accessible to the public during normal business hours. The Department of Public Safety shall make registry information available to the public through the Internet. Not less than once per calendar quarter, the Department of Public Safety shall issue notices to all print and electronic media in the state regarding the availability and means of accessing the registry. Each local police department and each state police troop shall keep a record of all registration information transmitted to it by the Department of Public Safety, and shall make such information accessible to the public during normal business hours.

(2) Any state agency, the Judicial Department, any state police troop or any local police department may, at its discretion, notify any government agency, private organization or individual of registration information when such agency, said department, such troop or such local police department, as the case may be, believes such notification is necessary to protect the public or any individual in any jurisdiction from any person who is subject to registration under section 54-251, 54-252, 54-253 or 54-254, as amended by this act.

(3) Notwithstanding the provisions of subdivisions (1) and (2) of this subsection, state agencies, the Judicial Department, state police troops and local police departments shall not disclose the identity of any victim of a crime committed by a registrant or treatment information provided to the registry pursuant to sections 54-102g and 54-250 to 54-258a, inclusive, as amended by this act, except to government agencies for bona fide law enforcement or security purposes.

(4) Notwithstanding the provisions of subdivisions (1) and (2) of this subsection, registration information the dissemination of which has been restricted by court order pursuant to section 54-255, as amended by this act, and which is not otherwise subject to disclosure,

shall not be a public record and shall be released only for law enforcement purposes until such restriction is removed by the court pursuant to said section.

(5) Notwithstanding the provisions of subdivisions (1) and (2) of this subsection, a registrant's electronic mail address, instant message address or other similar Internet communication identifier shall not be a public record, except that the Department of Public Safety may release such identifier for law enforcement or security purposes in accordance with regulations adopted by the department. The department shall adopt regulations in accordance with chapter 54 to specify the circumstances under which and the persons to whom such identifiers may be released including, but not limited to, providers of electronic communication service or remote computing service, as those terms are defined in section 98 of this act, and operators of Internet web sites, and the procedure therefor.

**[**(5)**]** (6) When any registrant completes the registrant's term of registration or is otherwise released from the obligation to register under section 54-251, 54-252, 54-253 or 54-254, as amended by this act, the Department of Public Safety shall notify any state police troop or local police department having jurisdiction over the registrant's last reported residence address that the person is no longer a registrant, and the Department of Public Safety, state police troop and local police department shall remove the registrant's name and information from the registry.

Sec. 97. (NEW) (*Effective October 1, 2007*) (a) A person is guilty of misrepresentation of age to entice a minor when such person, in the course of and in furtherance of the commission of a violation of section 53a-90a of the general statutes, intentionally misrepresents such person's age.

(b) Misrepresentation of age to entice a minor is a class C felony.

Sec. 98. (NEW) (*Effective October 1, 2007*) (a) For the purposes of this section:

(1) "Basic subscriber information" means: (A) Name, (B) address, (C) age or date of birth, (D) electronic mail address, instant message address or other similar Internet communication identifier, and (E) subscriber number or identity, including any assigned Internet protocol address;

(2) "Electronic communication" means "electronic communication" as defined in 18 USC 2510, as amended from time to time;

(3) "Electronic communication service" means "electronic communication service" as defined in 18 USC 2510, as amended from time to time;

(4) "Registrant" means a person required to register under section 54-251, 54-252, 54-253 or 54-254 of the general statutes, as amended by this act;

(5) "Remote computing service" means "remote computing service" as defined in section 18 USC 2711, as amended from time to time; and

(6) "Wire communication" means "wire communication" as defined in 18 USC 2510, as amended from time to time.

(b) The Commissioner of Public Safety shall designate a sworn law enforcement officer to serve as liaison between the Department of Public Safety and providers of electronic communication services or remote computing services to facilitate the exchange of nonpersonally identifiable information concerning registrants.

(c) Whenever such designated law enforcement officer ascertains from such exchange of nonpersonally identifiable information that there are subscribers, customers or users of such providers who are

registrants, such officer shall initiate a criminal investigation to determine if such registrants are in violation of the registration requirements of section 54-251, 54-252, 54-253 or 54-254 of the general statutes, as amended by this act, or of the terms and conditions of their parole or probation by virtue of being subscribers, customers or users of such providers.

(d) Such designated law enforcement officer may request an ex parte order from a judge of the Superior Court to compel a provider of electronic communication service or remote computing service to disclose basic subscriber information pertaining to subscribers, customers or users who have been identified by such provider to be registrants. The judge shall grant such order if the law enforcement officer offers specific and articulable facts showing that there are reasonable grounds to believe that the basic subscriber information sought is relevant and material to the ongoing criminal investigation. The order shall state upon its face the case number assigned to such investigation, the date and time of issuance and the name of the judge authorizing the order. The law enforcement officer shall have any ex parte order issued pursuant to this subsection signed by the authorizing judge within forty-eight hours or not later than the next business day, whichever is earlier.

(e) A provider of electronic communication service or remote computing service shall disclose basic subscriber information to such designated law enforcement officer when an order is issued pursuant to subsection (d) of this section.

(f) A provider of electronic communication service or remote computing service that provides information in good faith pursuant to an order issued pursuant to subsection (d) of this section shall be afforded the legal protections provided under 18 USC 3124, as amended from time to time, with regard to such actions.

Sec. 99. Section 54-259a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(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 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 victim advocate with experience working with sexual assault victims and sexual offenders appointed by the Governor, 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 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 this chapter, 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) The board shall use the risk assessment scale to determine which offenders should be prohibited from residing within one thousand feet of the real property comprising a public or private elementary or secondary school or a facility providing child day care services, as defined in section 19a-77.

**[**(d)**]** (e) Not later than **[**February 1, 2007**]** October 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 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 this chapter, (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 this chapter, 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; (4) whether additional restrictions should be placed on persons subject to registration under this chapter such as curfews 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 this chapter regardless of when they were convicted or released into the community; and (6) whether persons

determined to be guilty with adjudication withheld in any other state or jurisdiction of any crime 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 should be required to register under this chapter.

Sec. 100. (*Effective from passage*) (a) There is established a Streamlined Sales Tax Commission which shall be comprised of the following members: (1) The chairpersons and ranking members of the joint standing committee of the General Assembly having cognizance of matters relating to finance, revenue and bonding, or their designees; (2) two members appointed by the Governor; (3) two members appointed by the speaker of the House; (4) two members appointed by the president pro tempore of the Senate; (5) one member appointed by the House Majority Leader; (6) one member appointed by the Senate Majority Leader; (7) one member appointed by the House Minority Leader; (8) one member appointed by the Senate Minority Leader; and (9) the Commissioner of Revenue Services and the Secretary of the Office of Policy and Management, or their designees.

(b) All appointments to the commission shall be made no later than August 15, 2007. Any vacancy shall be filled by the appointing authority.

(c) The Secretary of the Office of Policy and Management and a member of the General Assembly, selected jointly by the speaker of the House of Representatives and the president pro tempore of the Senate, shall be the cochairpersons of the commission, and shall convene the first meeting of the commission no later than September 1, 2007.

(d) The commission shall study and evaluate (1) the changes that would need to be made to the provisions of chapter 219 of the general statutes in order for the state to become a full member of the Streamlined Sales Tax Governing Board, and (2) the benefits, to the

state and to retailers, if the state were to become a such a full member. The commission shall submit a final report, including its findings and recommendations, to the Governor and the General Assembly not later than January 15, 2008.

Sec. 101. (*Effective from passage*) (a) There is established a Property Tax Cap Commission which shall be comprised of the following members: (1) The chairpersons and ranking members of the joint standing committee of the General Assembly having cognizance of matters relating to finance, revenue and bonding, or their designees; (2) three members appointed by the Governor; (3) two members appointed by the speaker of the House; (4) two members appointed by the president pro tempore of the Senate; (5) one member appointed by the House Majority Leader; (6) one member appointed by the Senate Majority Leader; (7) one member appointed by the House Minority Leader; (8) one member appointed by the Senate Minority Leader; and (9) the Secretary of the Office of Policy and Management, or the secretary's designee.

(b) All appointments to the commission shall be made no later than August 15, 2007. Any vacancy shall be filled by the appointing authority.

(c) The Secretary of the Office of Policy and Management and a member of the General Assembly, selected jointly by the speaker of the House of Representatives and the president pro tempore of the Senate, shall be the cochairpersons of the commission, and shall convene the first meeting of the commission no later than September 1, 2007.

(d) The commission shall study and evaluate the impact to taxpayers and municipalities of the various methods available to limit the rate of growth of local property taxes. The commission shall submit a final report, including its findings and recommendations, to the Governor and the General Assembly not later than January 15, 2008.

Sec. 102. Section 16a-41a of the general statutes, as amended by section 66 of public act 07-242, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(a) The Commissioner of Social Services shall submit to the joint standing committees of the General Assembly having cognizance of energy planning and activities, appropriations, and human services the following on the implementation of the block grant program authorized under the Low-Income Home Energy Assistance Act of 1981, as amended:

(1) Not later than August first, annually, a Connecticut energy assistance program annual plan which establishes guidelines for the use of funds authorized under the Low-Income Home Energy Assistance Act of 1981, as amended, and includes the following:

(A) Criteria for determining which households are to receive emergency and weatherization assistance;

(B) A description of systems used to ensure referrals to other energy assistance programs and the taking of simultaneous applications, as required under section 16a-41;

(C) A description of outreach efforts;

(D) Estimates of the total number of households eligible for assistance under the program and the number of households in which one or more elderly or physically disabled individuals eligible for assistance reside; and

(E) Design of a basic grant for eligible households that does not discriminate against such households based on the type of energy used for heating;

(2) Not later than January thirtieth, annually, a report covering the

preceding months of the program year, including:

(A) In each community action agency geographic area and Department of Social Services region, the number of fuel assistance applications filed, approved and denied, the number of emergency assistance requests made, approved and denied and the number of households provided weatherization assistance;

(B) In each such area and district, the total amount of fuel, emergency and weatherization assistance, itemized by such type of assistance, and total expenditures to date; and

(C) For each state-wide office of each state agency administering the program, each community action agency and each Department of Social Services region, administrative expenses under the program, by line item, and an estimate of outreach expenditures; and

(3) Not later than November first, annually, a report covering the preceding twelve calendar months, including:

(A) In each community action agency geographic area and Department of Social Services region, (i) seasonal totals for the categories of data submitted under subdivision (1) of this subsection, (ii) the number of households receiving fuel assistance in which elderly or physically disabled individuals reside, and (iii) the average combined benefit level of fuel, emergency and renter assistance;

(B) Types of weatherization assistance provided;

(C) Percentage of weatherization assistance provided to tenants;

(D) The number of homeowners and tenants whose heat or total energy costs are not included in their rent receiving fuel and emergency assistance under the program by benefit level;

(E) The number of homeowners and tenants whose heat is included

in their rent and who are receiving assistance, by benefit level; and

(F) The number of households receiving assistance, by energy type and total expenditures for each energy type.

(b) The Commissioner of Social Services shall implement a program to purchase deliverable fuel for low-income households participating in the Connecticut energy assistance program and the state-appropriated fuel assistance program. The commissioner shall ensure **[**that all fuel assistance recipients are treated the same as any other similarly situated customer and**]** that no fuel vendor discriminates against fuel assistance program recipients who are under the vendor's standard payment, delivery, service or other similar plans. The commissioner **[**shall**]** <u>may</u> take advantage of programs offered by fuel vendors that reduce the cost of the fuel purchased, including, but not limited to, fixed price, capped price, prepurchase or summer-fill programs that reduce program cost and that make the maximum use of program revenues. <u>As funding allows, the</u> **[**The**]** commissioner shall ensure that all agencies administering the fuel assistance program shall make payments to program fuel vendors in advance of the delivery of energy where vendor provided price-management strategies require payments in advance.

(c) Each community action agency administering a fuel assistance program shall submit reports, as requested by the Commissioner of Social Services, concerning pricing information from vendors of deliverable fuel participating in the program. Such information shall include, but not be limited to, the state-wide or regional retail price per unit of deliverable fuel, the reduced price per unit paid by the state for the deliverable fuel in utilizing price management strategies offered by program vendors for all consumers, the number of units delivered to the state under the program and the total savings under the program due to the purchase of deliverable fuel utilizing price-management strategies offered by program vendors for all consumers.

(d) **[**Each**]** If funding allows, the Commissioner of Social Services, in consultation with the Secretary of the Office of Policy and Management, shall require that, each community action agency administering a fuel assistance program **[**shall**]** begin accepting applications for the program not later than September first of each year.

Sec. 103. (NEW) (*Effective July 1, 2007*) As used in sections 104 to 108, inclusive, of this act:

(1) "Eligible housing" means the housing that is in the housing loan portfolio that was transferred from the Department of Economic and Community Development to the Connecticut Housing Finance Department pursuant to section 8-37uu of the general statutes;

(2) "Financial assistance" means grants, loans, deferred loans, no interest and low interest loans, loan guarantees, interest subsidies and similar financings; and

(3) "Fund" means the State-Assisted Housing Sustainability Fund established pursuant to section 104 of this act.

Sec. 104. (NEW) (*Effective from passage*) (a) The Department of Economic and Community Development shall, in consultation with the State-Assisted Housing Sustainability Advisory Committee, established pursuant to section 105 of this act, establish and maintain the State-Assisted Housing Sustainability Fund for the purpose of the preservation of eligible housing. The moneys of the fund shall be available to the department to provide financial assistance to the owners of eligible housing for the maintenance, repair, rehabilitation, and modernization of eligible housing and for other activities consistent with preservation of eligible housing, including, but not limited to, (1) emergency repairs to abate actual or imminent emergency conditions that would result in the loss of habitable

housing units, (2) major system repairs or upgrades, including, but not limited to, repairs or upgrades to roofs, windows, mechanical systems and security, (3) reduction of vacant units, (4) remediation or abatement of hazardous materials, including lead, (5) increases in development mobility and sensory impaired accessibility in units, common areas and accessible routes, (6) relocation costs and alternative housing for not more than sixty days, necessary because of the failure of a major building system, and (7) a comprehensive physical needs assessment. Financial assistance shall be awarded to applicants consistent with standards and criteria adopted in consultation with the recommendations of the State-Assisted Housing Sustainability Advisory Committee.

(b) In each of the fiscal years ending June 30, 2008, and June 30, 2009, the department may expend not more than seven hundred fifty thousand dollars from the fund for reasonable administrative costs related to the operation of the fund, including the expenses of the State-Assisted Housing Sustainability Advisory Committee, the development of analytic tools and research concerning the capital and operating needs of eligible housing for the purpose of advising the General Assembly on policy regarding eligible housing and the study required by section 107 of this act. Thereafter, the department shall prepare an administrative budget which shall be effective upon the approval of said committee.

(c) The department shall adopt written procedures in accordance with section 1-121 of the general statutes to implement the provisions of this section. Such procedures shall establish (1) guidelines for grants and loans, and (2) a process for certifying an emergency condition in not more than forty-eight hours and for committing emergency funds, including costs of resident relocation, if necessary, not more than five business days after application by the owner of eligible housing for emergency repair financial assistance. The guidelines under

subdivision (1) of this subsection shall provide for deferred payment of principal and interest upon approval of the committee.

(d) In reviewing applications and providing financial assistance under this section, the department, in consultation with the State-Assisted Housing Sustainability Advisory Committee, shall consider the long term viability of the eligible housing and the likelihood that financial assistance will assure such long term viability. As used in this section, "viability" includes, but is not limited to, continuous habitability and adequate operating cash flow to maintain the existing physical plant and any capital improvements and to provide basic services required under the lease and otherwise required by local codes and ordinances.

(e) On or before February 1, 2009, and annually thereafter, the department, in consultation with the State-Assisted Housing Sustainability Advisory Committee, shall submit a report on the operation of the fund, for the previous calendar year, to the General Assembly, in accordance with section 11-4a of the general statutes. The report shall include an analysis of the distribution of funds and an evaluation of the performance of said fund and may include recommendations for modification to the program.

Sec. 105. (NEW) (*Effective July 1, 2007*) (a) (1) There is established a State-Assisted Housing Sustainability Advisory Committee. The committee shall consist of the following members:

(A) One appointed by the speaker of the House of Representatives who may be a member of the General Assembly;

(B) One appointed by the president pro tempore of the Senate who may be a member of the General Assembly;

(C) One appointed by the majority leader of the House of Representatives who shall represent a housing authority with one

hundred or more but less than two hundred fifty units of eligible housing and be appointed from a list submitted by the Connecticut Chapter of the National Association of Housing and Redevelopment Officials;

(D) One appointed by the majority leader of the Senate who shall represent a housing authority with fewer than one hundred units of eligible housing and be appointed from a list submitted by the Connecticut Chapter of the National Association of Housing and Redevelopment Officials;

(E) One appointed by the minority leader of the House of Representatives who shall represent a housing authority with two hundred fifty or more units of eligible housing and be appointed from a list submitted by the Connecticut Chapter of the National Association of Housing and Redevelopment Officials;

(F) One appointed by the minority leader of the Senate who shall represent a housing authority with fewer than one hundred units of eligible housing and be appointed from a list submitted by the Connecticut Chapter of the National Association of Housing and Redevelopment Officials;

(G) Four appointed by the Governor;

(H) The State Treasurer or the Treasurer's designee; and

(I) The State Comptroller or the Comptroller's designee.

(b) The committee shall meet at least quarterly and shall advise the Commissioner of Economic and Community Development and the Connecticut Housing Finance Authority on the administration, management, procedures and objectives of the financial assistance provided pursuant to section 104 of this act, including, but not limited to, the establishment of criteria, priorities and procedures for such

financial assistance.

(c) The chairperson and vice-chairperson shall be selected by the committee from among its members. The chairperson, or the vice-chairperson in the absence of the chairperson, may establish subcommittees and working groups of the members as needed and designate a chairperson of each such subcommittee.

(d) The initial term of the members appointed to the committee pursuant to subparagraphs (C) to (I), inclusive, of subdivision (1) of subsection (a) shall be staggered by lottery conducted by the committee. After the initial term, the terms of all members shall be three years. Members may be reappointed for an unlimited number of terms.

Sec. 106. (NEW) (*Effective July 1, 2007*) (a) The Department of Economic and Community Development shall design and administer a program of grants to owners of eligible housing to pay the cost of a comprehensive physical needs assessment for each eligible housing development. The final design of this program shall be subject to review by the State-Assisted Housing Sustainability Advisory Committee established pursuant to section 105 of this act. Such assessment may be a twenty-year life cycle analysis covering all physical elements, adjusted for observed conditions, and shall include, at a minimum, an evaluation of (1) dwelling units; building interiors and building envelopes; community buildings and amenities; site circulation and parking; site amenities such as lots; mechanical systems, including an analysis of technological options to reduce energy consumption and pay-back periods on new systems that produce heat and domestic hot water; and site conditions, (2) compliance with physical accessibility guidelines under Title II of the federal Americans with Disabilities Act, and (3) hazardous materials abatement, including lead paint abatement. The costs of such needs assessments shall be paid from the fund.

(b) A copy of each completed comprehensive physical needs assessment shall be submitted to the Department of Economic and Community Development in a format prescribed by the department. The format shall be designed by the department so that a baseline of existing and standardized conditions of eligible housing can be prepared and annually updated to reflect changes in the consumer price index and annual construction costs.

Sec. 107. (*Effective July 1, 2007*) The State-Assisted Housing Sustainability Advisory Committee, established pursuant to section 105 of this act, shall study and make recommendations concerning modifications to the program of rental assistance for elderly and disabled persons established pursuant to section 8-119kk of the general statutes. In conducting such study, the committee shall consider expanding to other eligible housing or replacing such program with another program designed to assure the long-term viability of all eligible housing, as defined in section 103 of this act, with minimal impact on low and moderate income households. The committee shall submit its report on or before July 1, 2009, to the select committee of the General Assembly having cognizance of matters relating to housing, in accordance with the provisions of section 11-4a of the general statutes.

Sec. 108. Section 8-41 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) When the governing body of a municipality other than a town adopts a resolution as described in section 8-40, it shall promptly notify the chief executive officer of such adoption. Upon receiving such notice, the chief executive officer shall appoint five persons who are residents of said municipality as commissioners of the authority, except that where the authority operates more than three thousand units the chief executive officer may appoint two additional persons who are residents of the municipality. If the governing body of a town

adopts such a resolution, such body shall appoint five persons who are residents of said town as commissioners of the authority created for such town. The commissioners who are first so appointed shall be designated to serve for a term of either one, two, three, four or five years, except that if the authority has five members, the terms of not more than one member shall expire in the same year. Terms shall commence on the first day of the month next succeeding the date of their appointment, and annually thereafter a commissioner shall be appointed to serve for five years except that any vacancy which may occur because of a change of residence by a commissioner, removal of a commissioner, resignation or death shall be filled for the unexpired portion of the term. If a governing body increases the membership of the authority on or after July 1, 1995, such governing body shall, by resolution, provide for a term of five years for each such additional member. The term of the chairman shall be three years. At least one of such commissioners of an authority having five members, and at least two of such commissioners of an authority having more than five members, shall be a tenant or tenants who live in housing owned or managed by such authority, if any exists, provided that any such tenant shall have resided in such housing for more than one year **[,]** <u>or is a tenant who previously resided in such housing for more than one year and is receiving housing assistance in a housing program directly administered by the Department of Economic and Community Development</u> and provided further that no such tenant shall have the authority to vote on any matter concerning the establishment or revision of the rents to be charged in any housing owned or managed by such authority. If, on October 1, 1979, a municipality has adopted a resolution as described in section 8-40, but has no tenants serving as commissioners, the chief executive officer of a municipality other than a town or the governing body of a town shall appoint a tenant who meets the qualifications set out in this section as a commissioner of such authority when the next vacancy occurs. No commissioner of an authority may hold any public office in the municipality for which the

authority is created. A commissioner shall hold office until his successor is appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk and shall be conclusive evidence of the legal appointment of such commissioner, after he has taken an oath in the form prescribed in the first paragraph of section 1-25. The powers of each authority shall be vested in the commissioners thereof. Three commissioners shall constitute a quorum if the authority consists of five commissioners. Four commissioners shall constitute a quorum if the authority consists of more than five commissioners. Action may be taken by the authority upon a vote of not less than a majority of the commissioners present, unless the bylaws of the authority require a larger number. The chief executive officer, or, in the case of an authority for a town, the governing body of the town, shall designate which of the commissioners shall be the first chairman, but when the office of chairman of the authority becomes vacant, the authority shall select a chairman from among its commissioners. An authority shall select from among its commissioners a vice chairman, and it may employ a secretary, who shall be executive director, and technical experts and such other officers, agents and employees, permanent and temporary, as it requires, and shall determine their qualifications, duties and compensation, provided, in municipalities having a civil service law, all appointments and promotions, except the employment of the secretary, shall be based on examinations given and lists prepared under such law, and, except so far as may be inconsistent with the terms of this chapter, such civil service law and regulations adopted thereunder shall apply to such housing authority and its personnel. For such legal services as it requires, an authority may employ its own counsel and legal staff. An authority may delegate any of its powers and duties to one or more of its agents or employees. A commissioner, or any employee of the authority who handles its funds, shall be required to furnish an adequate bond. The commissioners shall serve without compensation, but shall be entitled to

reimbursement for their actual and necessary expenses incurred in the performance of their official duties.

(b) Any tenant organization composed of tenants residing within units owned or managed by the appointing authority may indicate to such authority its desire to be notified or any pending appointment of any such commissioner. A reasonable time before appointing any such commissioner, the appointing authority shall notify any such tenant organization and, in making such appointment, such authority shall consider tenants suggested by such tenant organizations.

(c) Notwithstanding any provision of subsection (a) of this section or any other provision of the general statutes to the contrary, a commissioner of an authority may serve as a justice of the peace or a registrar of voters.

Sec. 109. (NEW) (*Effective from passage*) There is established a division of autism spectrum services within the Department of Mental Retardation.

Sec. 110. (NEW) (*Effective from passage*) (a) The Department of Mental Retardation shall adopt regulations, in accordance with chapter 54 of the general statutes, to define the term "autism", establish eligibility standards and criteria for the receipt of services by any resident of the state with an autism spectrum disorder, regardless of age, and data collection, maintenance and reporting processes. The commissioner may implement policies and procedures necessary to administer the provisions of this section prior to adoption of such regulations, provided the commissioner shall publish notice of intent to adopt such regulations not later than twenty days after implementation of such policies and procedures. Any such policies and procedures shall be valid until such regulations are adopted.

(b) The division of autism spectrum services may, within available

appropriations, research, design and implement the delivery of appropriate and necessary services and programs for all residents of the state with autism spectrum disorders. Such services and programs may include the creation of: (1) The Autism-Specific Early Intervention Program, (AEI), designed to deliver services to any child who becomes at risk or is diagnosed with an autism spectrum disorder and who was previously placed in the "birth-to-three" program administered by the Department of Mental Retardation; (2) age three to twenty-one, inclusive, support services including educational, recreation, life and skill coaching, and vocational and transition services; and (3) over age twenty-one adult services, including those services as defined by the pilot autism spectrum disorder program established pursuant to section 17a-215b of the general statutes, as amended by this act, as well as related services deemed necessary by the Commissioner of Mental Retardation.

(c) The Department of Mental Retardation shall serve as the lead state agency for the purpose of the federal Combating Autism Act, P.L. 109-416 and for applying for and receiving funds and performing any related responsibilities concerning autism spectrum disorders which are authorized pursuant to any state or federal law.

(d) On or before February 1, 2009, and annually thereafter, the Department of Mental Retardation shall make recommendations to the Governor and the joint standing committee of the General Assembly having cognizance of matters relating to public health concerning legislation and funding required to provide necessary services to persons with autism spectrum disorders.

(e) The division of autism spectrum services shall research and locate possible funding streams for the continued development and implementation of services for persons with autism spectrum disorders without mental retardation. The division shall take all necessary action, in coordination with the Department of Social

Services, to secure Medicaid reimbursement for home and community-based individualized support services for adults with autism spectrum disorders, but who are not mentally retarded. Such action may include applying for a Medicaid waiver pursuant to Section 1915(c) of the Social Security Act, in order to secure the funding for such services.

(f) The division of autism spectrum services, within available appropriations, shall: (1) Design and implement a training initiative that shall include training to develop a workforce; (2) develop an autism-specific curriculum in coordination with the Department of Higher Education; and (3) to the extent federal reimbursement permits, develop an education and training initiative eligible for the receipt of funding pursuant to the federal Combating Autism Act, P.L. 109-416.

Sec. 111. (NEW) (*Effective from passage*) The case records of the division of autism spectrum services maintained by the division for any purpose authorized pursuant to section 110 of this act shall be subject to the same confidentiality requirements, under state and federal law, that govern all client records maintained by the Department of Mental Retardation.

Sec. 112. (*Effective July 1, 2007*) Up to $200,000 of the unexpended balance of funds appropriated to the Department of Mental Retardation in section 1 of public act 06-186, for a pilot program for autism services, shall not lapse on June 30, 2007, and shall continue to be available for expenditure to study the feasibility of an amendment to the state Medicaid plan or a waiver from federal law, to establish and implement a Medicaid-financed home and community-based program to provide community-based services for adults with autism spectrum disorders, but are not mentally retarded, during the fiscal year ending June 30, 2008.

Sec. 113. (NEW) (*Effective from passage*) (a) The Commissioner of Social Services, in consultation with the Commissioner of Mental

Retardation, may seek approval of an amendment to the state Medicaid plan or a waiver from federal law, whichever is sufficient and most expeditious, to establish and implement a Medicaid-financed home and community-based program to provide community-based services and, if necessary, housing assistance, to adults with autism spectrum disorders who are not mentally retarded.

(b) On or before January 1, 2008, and annually thereafter, the Commissioner of Social Services, in consultation with the Commissioner of Mental Retardation, and in accordance with the provisions of section 11-4a of the general statutes, shall submit a report to the joint standing committee of the General Assembly having cognizance of matters relating to public health, on the status of any amendment to the state Medicaid plan or waiver from federal law as described in subsection (a) of this section and on the establishment and implementation of the program authorized pursuant to subsection (a) of this section.

Sec. 114. (NEW) (*Effective from passage*) The independent council established pursuant to section 17a-215b of the general statutes shall advise the Commissioner of Mental Retardation on all matters relating to autism.

Sec. 115. (*Effective from passage*) Notwithstanding sections 4-6 and 4-7 of the general statutes, the Governor may submit a nomination to the House of Representatives for the Commissioner of Children and Families, and the committee on executive nominations may hold a public hearing and report thereon by resolution. The House of Representatives may, by emergency certification, take up the resolution and such nomination confirmed pursuant to this section during the June 2007 special session, which is otherwise valid, is hereby validated and confirmed.

Sec. 116. Subsection (i) of section 16-50p of the general statutes is

repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(i) For a facility described in subdivision (1) of subsection (a) of section 16-50i, with a capacity of three hundred forty-five kilovolts or greater, there shall be a presumption that a proposal to place the overhead portions, if any, of such facility adjacent to residential areas, private or public schools, licensed child day care facilities, licensed youth camps or public playgrounds is inconsistent with the purposes of this chapter. An applicant may rebut this presumption by demonstrating to the council that it will be technologically infeasible to bury the facility. In determining such infeasibility, the council shall consider the effect of burying the facility on the reliability of the electric transmission system of the state <u>and whether the cost of any contemplated technology or design configuration may result in an unreasonable economic burden on the ratepayers of the state</u>.

Sec. 117. Subsection (g) of section 16a-7c of the general statutes, as amended by public act 07-242, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(g) When evaluating submissions pursuant to subsection (f) of this section for a <u>generation</u> facility described in subdivision (3) of subsection (a) of section 16-50i that are in excess of sixty-five megawatts, the board shall perform a net energy analysis for each proposal. Such analysis shall include calculations of all embodied energy requirements used in the materials for initial construction of the facility over its projected useful lifetime. The analysis shall be expressed in a dimensionless unit as an energy profit ratio of energy generated by the facility to the calculated net energy expended in plant construction, maintenance and total fuel cycle energy requirements over the projected useful lifetime of the facility. The boundary for both the net energy calculations of the fuel cycle and materials for the facility construction and maintenance shall both be at the point of

primary material extraction and include the energy consumed through the entire supply chain to final, but not be limited to, such subsequent steps as transportation, refinement and energy for delivery to the end consumer. The results of said net energy analysis shall be included in the results forwarded to the Connecticut Siting Council pursuant to subsection (f) of this section. For purposes of this subsection, "facility net energy" means the heat energy delivered by the facility contained in a fuel minus the life cycle energy used to produce the facility. "Fuel net energy" means the heat energy contained in a fuel minus the energy used to extract the fuel from the environment, refine it to a socially useful state and deliver it to consumers, and "embodied energy" means the total energy used to build and maintain a process, expressed in calorie equivalents of one type of energy.

Sec. 118. Subsection (b) of section 17b-192 of the general statutes, as amended by section 2 of public act 07-185 and section 14 of public act 07-2 of the June special session, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(b) Each person eligible for state-administered general assistance shall be entitled to receive medical care through a federally qualified health center or other primary care provider as determined by the commissioner. The Commissioner of Social Services shall determine appropriate service areas and shall, in the commissioner's discretion, contract with community health centers, other similar clinics, and other primary care providers, if necessary, to assure access to primary care services for recipients who live farther than a reasonable distance from a federally qualified health center. The commissioner shall assign and enroll eligible persons in federally qualified health centers and with any other providers contracted for the program because of access needs. Each person eligible for state-administered general assistance shall be entitled to receive hospital services. Medical services under the program shall be limited to the services provided by a federally

qualified health center, hospital, or other provider contracted for the program at the commissioner's discretion because of access needs. The commissioner shall ensure that ancillary services and specialty services are provided by a federally qualified health center, hospital, or other providers contracted for the program at the commissioner's discretion. Ancillary services include, but are not limited to, radiology, laboratory, and other diagnostic services not available from a recipient's assigned primary-care provider, and durable medical equipment. Specialty services are services provided by a physician with a specialty that are not included in ancillary services. Ancillary or specialty services provided under the program shall not exceed such services provided under the state-administered general assistance program on July 1, 2003, except for nonemergency medical transportation and vision care services which may be provided **[**for**]** on a limited **[**duration**]** basis within available appropriations. Notwithstanding any provision of this subsection, the commissioner may, when determined cost effective, provide or require a contractor to provide home health services or skilled nursing facility coverage for state-administered general assistance recipients being discharged from a chronic disease hospital.

Sec. 119. Section 24 of public act 07-2 of the June special session is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

Each local or regional board of education shall require each pupil enrolled in the schools under its jurisdiction to annually report whether the pupil has health insurance. The Commissioner of Social Services, or the commissioner's designee, shall provide information to each local or regional board of education on state-sponsored health insurance programs for children, including application assistance for such programs. Each local or regional board of education shall provide such information to the **[**pupil's**]** parent or guardian of each pupil identified as uninsured.

Sec. 120. Subparagraph (A) of subdivision (1) of subsection (a) of section 17b-137 of the general statutes, as amended by section 18 of public act 07-2 of the June special session, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(a) (1) (A) Any person who has in his possession or control any property of any person applying for or presently or formerly receiving aid or care or child support enforcement services, as defined in subdivision (2) of subsection (b) of section 46b-231, from the state or who is indebted to such applicant or recipient or has knowledge of any insurance, including health insurance or property currently or formerly belonging to him, or information pertaining to eligibility for such aid or care or services, and any officer who has control of the books and accounts of any corporation which has possession or control of any property belonging to any person applying for or receiving such aid or care or services or who is indebted to him, or has knowledge of any insurance, including health insurance or any person having in his employ any such person, shall, upon presentation by the Commissioner of Social Services, or the Commissioner of Administrative Services, or the Commissioner of Public Safety, or a support enforcement officer of the Superior Court, or any person deputized by any of them, of a certificate, signed by him, stating that such applicant, recipient or employee has applied for or is receiving or has received such aid or care or services from the state, make full disclosure to said commissioner, such officer or such deputy of any such property, insurance, wages, indebtedness or information. Notwithstanding the provisions of this subparagraph, any health insurer, including a self-insured plan, group health plan, as defined in Section 607(1) of the Employee Retirement Income Security Act of 1974, service benefit plan, managed care organization, health care center, pharmacy benefit manager, dental benefit manager or other party that is, by statute, contract or agreement, legally responsible for payment of a claim for a health care item or service, which may or may

not be financially at risk for the cost of a health care item or service, shall, upon request of the Commissioner of Social Services, or the commissioner's designee, provide any and all information in a manner and format prescribed by the commissioner, or the commissioner's designee, to identify, determine or establish third-party coverage, including **[**,**]** all information necessary to determine during what period a person, his or her spouse or his or her dependents may be, or may have been, covered by a health insurer and the nature of the coverage that is or was provided by the health insurer, including the name, address and identifying number of the plan. Such information shall also be provided by such health insurer to all third-party administrators, pharmacy benefit managers, dental benefit managers or other entities with which the health insurer has an arrangement to adjudicate claims for a health care item or service.

Sec. 121. Subdivision (27) of section 12-412 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007, and applicable to sales occurring on or after July 1, 2007*):

(27) (A) Sales of any items for fifty cents or less from vending machines; or (B) **[**sales of food products, as defined in subsection (13) of this section,**]** notwithstanding the provisions of subdivision (13) of this section, meals sold through coin-operated vending machines or at unattended "honor boxes".

Sec. 122. Section 1 of public act 07-206, section 8 of public act 07-213 and section 127 of public act 07-242 are repealed. (*Effective from passage*)

Sec. 123. Sections 46b-150f to 46b-150h, inclusive, of the general statutes are repealed. (*Effective January 1, 2010*)

Approved June 29, 2007