



General Assembly

January Session, 2009

Governor's Bill No. 839

LCO No. 3084

03084_____

Referred to Committee on Government Administration and Elections

Introduced by:

SEN. MCKINNEY, 28th Dist.

REP. CAFERO, 142nd Dist.

AN ACT CONCERNING MERGERS AND CONSOLIDATIONS OF VARIOUS STATE AGENCIES.

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

1 Section 1. (NEW) (*Effective July 1, 2009*) (a) On and after July 1, 2009,
2 the State Board of Education shall assume all responsibilities of the
3 Board of Governors of Higher Education pursuant to any provision of
4 the general statutes. The transfer of functions, powers, duties,
5 obligations, including, but not limited to, contract obligations, the
6 continuance of orders and regulations, the effect upon pending actions
7 and proceedings, the completion of unfinished business and the
8 transfer of records and property between the Board of Governors of
9 Higher Education, as said board existed immediately prior to July 1,
10 2009, and the State Board of Education shall be governed by the
11 provisions of sections 4-38d and 4-39 of the general statutes.

12 (b) (1) Wherever the words "Board of Governors of Higher
13 Education" are used or referred to in the following sections of the

14 general statutes or any public or special acts, the words "State Board of
15 Education" shall be substituted in lieu thereof: 3-22e, 4-9a, 4-38c, 4-67x,
16 4-89, 4-186, 4d-80, 4d-82, 5-160, 5-177, 5-242, 10-9, 10-16p, 10-19, 10-
17 145a, 10-145b, 10-155d, 10-155e, 10-155l, 10-183b, 10-183n, 10-220a, 10-
18 235, 10-236a, 10a-3, 10a-4, 10a-6, 10a-6b, 10a-7, 10a-8, 10a-9, 10a-10, 10a-
19 10a, 10a-11, 10a-11a, 10a-12b, 10a-13, 10a-15, 10a-16, 10a-19, 10a-20,
20 10a-20a, 10a-22, 10a-22a, 10a-22x, 10a-24, 10a-25j, 10a-25o, 10a-25p, 10a-
21 31, 10a-33, 10a-34, 10a-34a, 10a-34c, 10a-34d, 10a-34f, 10a-35, 10a-36,
22 10a-37, 10a-38, 10a-39, 10a-40, 10a-42, 10a-42b, 10a-42g, 10a-43, 10a-45,
23 10a-46, 10a-48, 10a-48b, 10a-49, 10a-51, 10a-54, 10a-66, 10a-72, 10a-74,
24 10a-77, 10a-78, 10a-87, 10a-89, 10a-99, 10a-102, 10a-104, 10a-105, 10a-
25 132a, 10a-143, 10a-149, 10a-161, 10a-162a, 10a-163, 10a-163a, 10a-163b,
26 10a-164a, 10a-166, 10a-168, 10a-169, 10a-170, 10a-170b, 10a-170d, 10a-
27 170l, 10a-170m, 10a-170u, 10a-170v, 10a-170w, 10a-203, 10a-210, 12-407,
28 19a-75, 20-37a, 20-206bb, 29-251b, 29-298a, 30-20a and 52-279.

29 (2) Wherever the words "Department of Higher Education" are used
30 or referred to in the following sections of the general statutes or any
31 public or special acts, the words "Department of Education" shall be
32 substituted in lieu thereof: 4-89, 4-124x, 4-124y, 4-124aa, 4a-11, 4d-82, 5-
33 155a, 5-198, 10-8c, 10-76i, 10-145b, 10-155d, 10-221a, 10a-1, 10a-6b, 10a-
34 8b, 10a-8c, 10a-9, 10a-9a, 10a-10, 10a-11a, 10a-11b, 10a-12, 10a-14, 10a-
35 15, 10a-17, 10a-17b, 10a-17c, 10a-17d, 10a-19c, 10a-19e, 10a-19f, 10a-22d,
36 10a-22h, 10a-22r, 10a-22u, 10a-25, 10a-25n, 10a-37, 10a-38, 10a-40, 10a-
37 48, 10a-48a, 10a-54, 10a-65, 10a-77a, 10a-99a, 10a-109c, 10a-109i, 10a-
38 143a, 10a-151, 10a-156a, 10a-161b, 10a-163, 10a-163a, 10a-163b, 10a-
39 164a, 10a-168a, 10a-169a, 10a-169b, 10a-170a, 10a-170e, 10a-170i, 10a-
40 170l, 10a-170r, 10a-170t, 10a-170u, 11-1, 14-19a, 17a-52, 17a-215c and 20-
41 206bb.

42 (3) Wherever the term "Commissioner of Higher Education" is used
43 or referred to in the following sections of the general statutes or any
44 public or special acts, the term "Commissioner of Education" shall be
45 substituted in lieu thereof: 3-22e, 4-124x, 4-124y, 4-124aa, 10-1, 10-16p,
46 10a-4a, 10a-6a, 10a-6b, 10a-8a, 10a-11b, 10a-12a, 10a-19a, 10a-19d, 10a-

47 19e, 10a-19f, 10a-22a, 10a-22b, 10a-22n, 10a-22r, 10a-22s, 10a-22u, 10a-
48 22v, 10a-34a, 10a-34b, 10a-34c, 10a-34d, 10a-34e, 10a-42g, 10a-48, 10a-
49 48b, 10a-55a, 10a-72, 10a-77a, 10a-89, 10a-99a, 10a-104, 10a-109i, 10a-
50 112g, 10a-143, 10a-143a, 10a-144, 10a-150, 10a-150b, 10a-161a, 10-161b,
51 10a-163, 10a-169a, 10a-169b, 10a-170c, 10a-170d, 10a-170h, 10a-170i,
52 10a-170k, 10a-170s, 10a-170t, 10a-203, 10a-224, 12-413b, 17a-52, 32-4f,
53 32-35, 32-39 and 32-717.

54 Sec. 2. Section 10-1 of the general statutes is repealed and the
55 following is substituted in lieu thereof (*Effective July 1, 2009*):

56 Prior to July 1, 1998, the State Board of Education shall consist of
57 nine members. [On and after July 1, 1998] For the period from July 1,
58 1998, to June 30, 2009, the State Board of Education shall consist of
59 eleven members, two of whom shall be nonvoting student members.
60 On and after July 1, 2009, the State Board of Education shall consist of
61 fifteen members, two of whom shall be nonvoting student members.
62 The Governor shall appoint, with the advice and consent of the
63 General Assembly, the members of said board, provided each student
64 member (1) is on the list submitted to the Governor pursuant to section
65 10-2a, (2) is enrolled in a public high school in the state, (3) has
66 completed eleventh grade prior to the commencement of his term, (4)
67 has at least a B plus average, and (5) provides at least three references
68 from teachers in the school he is attending. Nine members shall serve
69 for terms of four years commencing on March first in the year of their
70 appointment. The student members shall serve for terms of one year
71 commencing on July first in the year of their appointment. [The
72 Commissioner of Higher Education shall serve as an ex-officio member
73 without a vote.] Any vacancy in said State Board of Education shall be
74 filled in the manner provided in section 4-19.

75 Sec. 3. Section 10-3a of the general statutes is repealed and the
76 following is substituted in lieu thereof (*Effective July 1, 2009*):

77 (a) There shall be a Department of Education which shall serve as
78 the administrative arm of the State Board of Education. The

79 department shall be under the direction of the Commissioner of
80 Education, whose appointment shall be recommended to the Governor
81 by the State Board of Education for a term of four years to be
82 coterminous with the term of the Governor. Such appointment shall be
83 in accordance with the provisions of sections 4-5 to 4-7, inclusive. The
84 Commissioner of Education shall be the administrative officer of the
85 department and shall administer, coordinate and supervise the
86 activities of the department in accordance with the policies established
87 by the board.

88 (b) The State Board of Education, subject to subsection (c) of this
89 section, shall organize the Department of Education into such bureaus,
90 divisions and other units as may be necessary for the efficient conduct
91 of the business of the department, and may, from time to time, create,
92 abolish, transfer or consolidate within the department any bureau,
93 division or other unit as may be necessary for the efficient conduct of
94 the business of said board. Upon such organization or reorganization
95 the board shall adopt regulations pursuant to the provisions of chapter
96 54. The board may create such advisory boards as it deems necessary
97 for the efficient conduct of the business of the department.

98 (c) There shall be a Bureau of Higher Education within the
99 Department of Education.

100 Sec. 4. Section 10a-1 of the general statutes is repealed and the
101 following is substituted in lieu thereof (*Effective July 1, 2009*):

102 There shall be a state system of public higher education to consist of
103 (1) The University of Connecticut and all branches thereof, (2) the state
104 colleges, which shall be known collectively as the Connecticut State
105 University System, (3) the regional community-technical colleges, (4)
106 the Board for State Academic Awards, and (5) the staff of the
107 [Department] Bureau of Higher Education within the Department of
108 Education as established pursuant to section [10a-5] 10-3a, as amended
109 by this act. "Constituent units" as used in the general statutes means
110 those units in subdivisions (1) to (4), inclusive, of this section.

111 Sec. 5. Subsection (a) of section 4-9a of the general statutes is
112 repealed and the following is substituted in lieu thereof (*Effective July*
113 *1, 2009*):

114 (a) The Governor shall appoint the chairperson and executive
115 director, if any, of all boards and commissions within the Executive
116 Department, except the [Board of Governors of Higher Education,
117 provided the Governor shall appoint the initial chairman of said board
118 as provided in section 10a-2, the] State Properties Review Board, the
119 State Elections Enforcement Commission, the Commission on Human
120 Rights and Opportunities, the Citizen's Ethics Advisory Board, the
121 Commission on Aging and the Commission on Fire Prevention and
122 Control.

123 Sec. 6. Section 10a-9 of the general statutes is repealed and the
124 following is substituted in lieu thereof (*Effective July 1, 2009*):

125 The [Board of Governors of Higher Education established pursuant
126 to section 10a-2] State Board of Education, in consultation with the
127 Office of Policy and Management, the constituent units and others as
128 appropriate, shall develop a comprehensive planning, budgeting and
129 management information system for public higher education. The
130 Department of [Higher] Education shall develop a three-part planning
131 process which shall consist of the following elements:

132 (1) Five-year operating plans updated annually, which shall be
133 based on an assessment of state and local educational needs,
134 projections of costs and revenues, state-wide and regional enrollment
135 patterns, full and part-time student mix, program demand and such
136 other factors as may be appropriate. The board of trustees of each
137 constituent unit shall collect and provide data for each institution
138 under its jurisdiction and shall assess such information for use in the
139 development of the five-year operating plan and its annual updates.

140 (2) Five-year facility and capital plans, updated annually, which
141 shall be based on ten-year demographic and fiscal trends and the

142 educational requirements of the system including the utilization of
143 existing facilities and the need for new facilities. The board of trustees
144 of each constituent unit shall submit to the State Board of [Governors
145 of Higher] Education a prioritized list of capital projects based on the
146 facility planning and capital expenditure needs of the institutions
147 under its jurisdiction, to be reviewed and included, with such
148 recommendations as may be made by the board of governors, in the
149 five-year facilities and capital plan.

150 (3) Criteria which shall identify, and a special plans procedure
151 which, on consultation with the institution and constituent unit
152 involved, shall resolve serious organizational and operational
153 weaknesses at an institution within the state system of higher
154 education.

155 Sec. 7. Section 4b-3 of the general statutes is repealed and the
156 following is substituted in lieu thereof (*Effective July 1, 2009*):

157 (a) There is established a State Properties Review Board which shall
158 consist of six members appointed as follows: The speaker of the House
159 and president pro tempore of the Senate shall jointly appoint three
160 members, one of whom shall be experienced in matters relating to
161 architecture, one experienced in building construction matters and one
162 in matters relating to engineering; and the minority leader of the
163 House and the minority leader of the Senate shall jointly appoint three
164 members, one of whom shall be experienced in matters relating to the
165 purchase, sale and lease of real estate and buildings, one experienced
166 in business matters generally and one experienced in the management
167 and operation of state institutions. No more than three of said six
168 members shall be of the same political party. One of the members first
169 appointed by the speaker and the president pro tempore shall serve a
170 two-year term, one shall serve a three-year term and one shall serve a
171 four-year term. One of the members first appointed by the minority
172 leaders of the House and Senate shall serve a two-year term, one shall
173 serve a three-year term and one shall serve a four-year term. All

174 appointments of members to replace those whose terms expire shall be
175 for a term of four years and until their successors have been appointed
176 and qualified. If any vacancy occurs on the board, the appointing
177 authorities having the power to make the initial appointment under
178 the provisions of this section shall appoint a person for the unexpired
179 term in accordance with the provisions hereof.

180 (b) The chairman of the board shall be compensated two hundred
181 dollars per diem up to a maximum of thirty thousand dollars annually.
182 Other members of the board shall be compensated two hundred
183 dollars per diem up to a maximum of twenty-five thousand dollars
184 annually. The members of the board shall choose their own chairman.
185 No person shall serve on this board who holds another state or
186 municipal governmental position and no person on the board shall be
187 directly involved in any enterprise which does business with the state
188 or directly or indirectly involved in any enterprise concerned with real
189 estate acquisition or development.

190 (c) The board may adopt such rules as it deems necessary for the
191 conduct of its internal affairs, in accordance with section 4-167, [, and
192 may employ a secretary, a clerk, and within its budget, such
193 employees as it shall deem necessary] The Department of
194 Administrative Services shall provide staff support for the board.

195 (d) Notwithstanding any other statute or special act to the contrary,
196 the Commissioner of Public Works shall be the sole person authorized
197 to represent the state in its dealings with third parties for the
198 acquisition, construction, development or leasing of real estate for
199 housing the offices or equipment of all agencies of the state or for the
200 state-owned public buildings or realty hereinafter provided for in
201 sections 2-90, 4b-1 to 4b-5, inclusive, as amended by this act, 4b-21, 4b-
202 23, 4b-24, 4b-26, 4b-27, 4b-30 and 4b-32, subsection (c) of section 4b-66
203 and sections 4b-67 to 4b-69, inclusive, 4b-71, 4b-72, 10-95, 10a-72, 10a-
204 89, 10a-90, 10a-114, 10a-130, 10a-144, 17b-655, 22-64, 22a-324, 26-3, 27-
205 45, 32-1c, 32-39, 48-9, 51-27d and 51-27f, except that the Joint

206 Committee on Legislative Management may represent the state in the
207 planning and construction of the Legislative Office Building and
208 related facilities, in Hartford; the Chief Court Administrator may
209 represent the state in providing for space for the Court Support
210 Services Division as part of a contract for an alternative incarceration
211 program pursuant to section 54-103b; the board of trustees of a
212 constituent unit of the state system of higher education may represent
213 the state in the leasing of real estate for housing the offices or
214 equipment of such constituent unit, provided no lease payments for
215 such realty are made with funds generated from the general revenues
216 of the state; the Labor Commissioner may represent the state in the
217 leasing of premises required for employment security operations as
218 provided in subsection (c) of section 31-250; the Commissioner of
219 Developmental Services may represent the state in the leasing of
220 residential property as part of the program developed pursuant to
221 subsection (b) of section 17a-218, provided such residential property
222 does not exceed two thousand five hundred square feet, for the
223 community placement of persons eligible to receive residential services
224 from the department; and the Connecticut Marketing Authority may
225 represent the state in the leasing of land or markets under the control
226 of the Connecticut Marketing Authority, and, except for the housing of
227 offices or equipment in connection with the initial acquisition of an
228 existing state mass transit system or the leasing of land by the
229 Connecticut Marketing Authority for a term of one year or more in
230 which cases the actions of the Department of Transportation and the
231 Connecticut Marketing Authority shall be subject to the review and
232 approval of the State Properties Review Board. The Commissioner of
233 Public Works shall have the power to establish and implement any
234 procedures necessary for the commissioner to assume the
235 commissioner's responsibilities as said sole bargaining agent for state
236 realty acquisitions and shall perform the duties necessary to carry out
237 such procedures. The Commissioner of Public Works may appoint,
238 within the commissioner's budget and subject to the provisions of
239 chapter 67, such personnel deemed necessary by the commissioner to

240 carry out the provisions hereof, including experts in real estate,
241 construction operations, financing, banking, contracting, architecture
242 and engineering. The Attorney General's office, at the request of the
243 commissioner, shall assist the commissioner in contract negotiations
244 regarding the purchase, lease or construction of real estate.

245 (e) The State Properties Review Board shall be [an independent
246 body within the Executive Department] within the Department of
247 Administrative Services.

248 (f) The State Properties Review Board shall review real estate
249 acquisitions, sales, leases and subleases proposed by the
250 Commissioner of Public Works, the acquisition, other than by
251 condemnation, or the sale or lease of any property by the
252 Commissioner of Transportation under subdivision (12) of section 13b-
253 4, subject to section 4b-23 and subsection (h) of section 13a-73 and
254 review, for approval or disapproval, any contract for a project
255 described in subsection (h) of section 4b-91. Such review shall consider
256 all aspects of the proposed actions, including feasibility and method of
257 acquisition and the prudence of the business method proposed. The
258 board shall also cooperate with and advise and assist the
259 Commissioner of Public Works and the Commissioner of
260 Transportation in carrying out their duties. The board shall have access
261 to all information, files and records, including financial records, of the
262 Commissioner of Public Works and the Commissioner of
263 Transportation, and shall, when necessary, be entitled to the use of
264 personnel employed by said commissioners. The board shall approve
265 or disapprove any acquisition of development rights of agricultural
266 land by the Commissioner of Agriculture under section 22-26cc. The
267 board shall hear any appeal under section 8-273a and shall render a
268 final decision on the appeal within thirty days thereafter. The written
269 decision of the board shall be a final decision for the purposes of
270 sections 4-180 and 4-183.

271 Sec. 8. Section 4b-4 of the general statutes is repealed and the

272 following is substituted in lieu thereof (*Effective July 1, 2009*):

273 (a) No [employee of the Properties Review Board shall hold another
274 state or municipal position, nor shall any such employee or any]
275 nonclerical employee in the unit in the Department of Public Works
276 which is responsible for acquiring, leasing and selling real property on
277 behalf of the state [,) shall be directly involved in any enterprise which
278 does business with the state or be directly or indirectly involved in any
279 enterprise concerned with real estate acquisition or development. Each
280 member [and employee] of the State Properties Review Board shall
281 file, with the board and with the Office of State Ethics, and each such
282 employee of the department shall file, with the department and with
283 the Office of State Ethics, a financial statement indicating all sources of
284 business income of such person in excess of one thousand dollars, and
285 the name of any business with which he is associated, which shall have
286 the same meaning as defined in section 1-79. Such statement shall be a
287 public record. Financial statements for the preceding calendar year
288 shall be filed with the commission on or before April fifteenth of each
289 year if the employee or member held such a position during the
290 preceding calendar year.

291 (b) The provisions of sections 1-82, 1-82a and 1-88 shall apply to any
292 alleged violation of this section.

293 Sec. 9. Section 4a-19 of the general statutes is repealed and the
294 following is substituted in lieu thereof (*Effective July 1, 2009*):

295 There shall be a State Insurance and Risk Management Board
296 consisting of eleven persons whom the Governor shall appoint subject
297 to the provisions of section 4-9a, as amended by this act. Four of such
298 appointees shall be public members and seven shall be qualified by
299 training and experience to carry out their duties under the provisions
300 of sections 4a-20 and 4a-21. The Comptroller shall be an ex-officio
301 voting member of said board and may designate another person to act
302 in his place. Not more than six appointed members of said board shall,
303 at any time, be members of the same political party. Said appointed

304 members shall receive no compensation for the performance of their
305 duties as such but shall be reimbursed for their necessary expenses.
306 The Governor may fill any vacancy on said board for the unexpired
307 portion of the term. The board shall meet at least once during each
308 calendar quarter and at such other times as the chairperson deems
309 necessary. Special meetings shall be held on the request of a majority
310 of the board after notice in accordance with the provisions of section 1-
311 225. A majority of the members of the board shall constitute a quorum.
312 Any member who fails to attend three consecutive meetings or who
313 fails to attend fifty per cent of all meetings held during any calendar
314 year shall be deemed to have resigned from office. No member shall
315 serve more than two full consecutive terms which commence on or
316 after July 1, 1983. Said board shall be within the [Office of the State
317 Comptroller for administrative purposes only] Department of
318 Administrative Services. Said department shall provide staff support
319 for the board.

320 Sec. 10. Section 4-142a of the general statutes is repealed and the
321 following is substituted in lieu thereof (*Effective July 1, 2009*):

322 (a) The Claims Commissioner shall be appointed by the Governor
323 with the advice and consent of the General Assembly to serve for a
324 term of four years from the first day in July in the year of his
325 appointment and until his successor has been appointed and has
326 qualified. The commissioner shall be an attorney-at-law and shall have
327 been admitted to practice before the courts of the state of Connecticut
328 for at least five years prior to his appointment. The commissioner shall
329 receive such compensation as is fixed under the provisions of section
330 4-40. The commissioner may enter into such contractual agreements, in
331 accordance with established procedures, as may be necessary for the
332 discharge of his duties. Subject to the provisions of section 4-32, and
333 unless otherwise provided by law, the commissioner is authorized to
334 receive any money, revenue or services from the federal government,
335 corporations, associations or individuals, including payments from the
336 sale of printed matter or any other materials or services.

337 (b) The Office of the Claims Commissioner shall be within the [office
338 of the Comptroller for administrative purposes only] Department of
339 Administrative Services.

340 Sec. 11. Section 4-142b of the general statutes is repealed and the
341 following is substituted in lieu thereof (*Effective July 1, 2009*):

342 [The Claims Commissioner shall appoint and may at his pleasure
343 remove a clerk of the Office of the Claims Commissioner and may
344 employ such assistants as he finds necessary to administer the
345 provisions of this chapter. The clerk of the Office of the Claims
346 Commissioner and such assistants shall be in the unclassified service
347 and shall receive such compensation as is fixed under the provisions of
348 section 4-40.] The Department of Administrative Services shall provide
349 staff support for the Office of the Claims Commissioner. The Claims
350 Commissioner shall maintain a permanent office in Hartford County
351 in such suitable space as the Commissioner of Public Works provides.
352 All papers required to be filed with the Claims Commissioner shall be
353 delivered to such office.

354 Sec. 12. Section 20-280 of the general statutes is repealed and the
355 following is substituted in lieu thereof (*Effective July 1, 2009*):

356 (a) There shall be a State Board of Accountancy which shall consist
357 of nine members, to be appointed by the Governor, all of whom shall
358 be residents of this state, five of whom shall hold current, valid
359 licenses to practice public accountancy and four of whom shall be
360 public members. Any persons serving on the board prior to October 1,
361 1992, shall continue to serve until a successor is appointed. Whenever
362 an appointment of a licensee to the state board is to be made, the
363 Connecticut Society of Certified Public Accountants shall submit to the
364 Governor the names of five persons qualified for membership on the
365 board and the Governor shall appoint one of such persons to said
366 board, subject to the provisions of section 4-10. The Governor shall
367 select a chairperson pursuant to section 4-9a, as amended by this act.
368 The term of each member of the board shall be coterminous with that

369 of the Governor. Vacancies occurring during a term shall be filled by
370 appointment by the Governor for the unexpired portion of the term.
371 Upon the expiration of a member's term of office, such member shall
372 continue to serve until his successor has been appointed. Any member
373 of the board whose license under section 20-281d is revoked or
374 suspended shall automatically cease to be a member of the board. No
375 person who has served two successive complete terms shall be eligible
376 for reappointment to the board. Appointment to fill an unexpired term
377 shall not be considered to be a complete term. Any member who,
378 without just cause, fails to attend fifty per cent of all meetings held
379 during any calendar year shall not be eligible for reappointment.

380 (b) The board shall meet at such times and places as may be fixed by
381 the board and shall meet at least once in every quarter of a calendar
382 year. A majority of the board members then serving shall constitute a
383 quorum at any meeting duly called. The board shall have a seal which
384 shall be judicially noticed. The board shall maintain a registry of the
385 names and addresses of all licensees and registrants under sections 20-
386 279b to 20-281m, inclusive, as amended by this act, and shall have
387 responsibility for the administration and enforcement of said sections.

388 (c) Each member of the board shall be reimbursed for his actual and
389 necessary expenses incurred in the discharge of his official duties.

390 (d) The board shall annually cause to be printed a directory which
391 shall contain the names, arranged alphabetically, of all licensees and
392 registrants under sections 20-279b to 20-281m, inclusive, as amended
393 by this act.

394 (e) The board [, subject to the provisions of chapter 67, may employ
395 an executive director and such other personnel as may be necessary to
396 carry out the provisions of sections 20-279b to 20-281m, inclusive. The
397 board may enter into such contractual agreements as may be necessary
398 for the discharge of its duties, within the limit of its appropriated
399 funds and in accordance with established procedures, as it deems
400 necessary in its administration and enforcement of said sections. It

401 may appoint committees or persons to advise or assist the board in
402 such administration and enforcement as it may see fit] shall be within
403 the Department of Consumer Protection. Said department shall
404 provide staff support for the board.

405 (f) The board shall have the power to take all action that is necessary
406 and proper to effectuate the purposes of sections 20-279b to 20-281m,
407 inclusive, as amended by this act, including the power to issue
408 subpoenas to compel the attendance of witnesses and the production
409 of documents; to administer oaths; to take testimony and to receive
410 evidence concerning all matters within its jurisdiction. In case of
411 disobedience of a subpoena, the board may invoke the aid of any court
412 of this state in requiring the attendance and testimony of witnesses and
413 the production of documentary evidence. The board, its members, and
414 its agents shall be immune from personal liability for actions taken in
415 good faith in the discharge of the board's responsibilities, and the state
416 shall indemnify and hold harmless the board, its members, and its
417 agents from all costs, damages, and attorneys' fees arising from claims
418 and suits against them with respect to matters to which such immunity
419 applies.

420 (g) The board may adopt rules, in accordance with chapter 54,
421 governing its administration and enforcement of sections 20-279b to
422 20-281m, inclusive, as amended by this act, and the conduct of
423 licensees and registrants, including, but not limited to:

424 (1) Regulations governing the board's meetings and the conduct of
425 its business;

426 (2) Regulations concerning procedures governing the conduct of
427 investigations and hearings by the board;

428 (3) Regulations specifying the educational qualifications required
429 for the issuance of certificates under section 20-281c, the experience
430 required for initial issuance of certificates under section 20-281c and
431 the continuing professional education required for renewal of licenses

432 under subsection (e) of section 20-281d;

433 (4) Regulations concerning professional conduct directed to
434 controlling the quality and probity of the practice of public
435 accountancy by licensees, and dealing among other things with
436 independence, integrity, objectivity, competence, technical standards,
437 responsibilities to the public and responsibilities to clients;

438 (5) Regulations specifying actions and circumstances that shall be
439 deemed to constitute holding oneself out as a licensee in connection
440 with the practice of public accountancy;

441 (6) Regulations governing the manner and circumstances of use by
442 holders of certificates who do not also hold licenses under sections 20-
443 279b to 20-281m, inclusive, as amended by this act, of the titles
444 "certified public accountant" and "CPA";

445 (7) Regulations regarding quality reviews that may be required to
446 be performed under the provisions of sections 20-279b to 20-281m,
447 inclusive, as amended by this act;

448 (8) Regulations implementing the provisions of section 20-281l,
449 including, but not limited to, specifying the terms of any disclosure
450 required by subsection (d) of said section 20-281l, the manner in which
451 such disclosure is made and any other requirements the board imposes
452 with regard to such disclosure. Such regulations shall require that any
453 disclosure: (A) Be in writing and signed by the recipient of the product
454 or service; (B) be clear and conspicuous; (C) state the amount of the
455 commission or the basis on which the commission will be calculated;
456 (D) identify the source of the payment of the commission and the
457 relationship between such source and the person receiving payment;
458 and (E) be presented to the client at or prior to the time the
459 recommendation of the product or service is made;

460 (9) Regulations establishing the due date for any fee charged
461 pursuant to sections 20-281c, 20-281d and 20-281e. Such regulations

462 may establish the amount and due date of a late fee charged for the
463 failure to remit payment of any fee charged pursuant to sections 20-
464 281c, 20-281d and 20-281e; and

465 (10) Such other regulations as the board may deem necessary or
466 appropriate for implementing the provisions and the purposes of
467 sections 20-279b to 20-281m, inclusive, as amended by this act.

468 Sec. 13. Section 22a-11 of the general statutes is repealed and the
469 following is substituted in lieu thereof (*Effective July 1, 2009*):

470 There shall be a Council on Environmental Quality which shall be
471 within the Department of Environmental Protection. [for
472 administrative purposes only.] Said council shall consist of nine
473 members, five to be appointed by the Governor, two to be appointed
474 by the speaker of the House of Representatives and two to be
475 appointed by the president pro tempore of the Senate. No member
476 shall be allowed to serve more than eight years of any twelve-year
477 period. The Governor shall fill any vacancy by appointment for the
478 unexpired portion of the term vacated. The chairman of said council
479 shall be selected by the Governor. Members of said council shall
480 receive no compensation for their services thereon, but shall be
481 reimbursed for necessary expenses in the performance of their duties.
482 Said council shall hold one meeting each month and such additional
483 meetings as may be prescribed by council rules. In addition, special
484 meetings may be called by the chairman or by any three members
485 upon delivery of forty-eight hours' written notice to each member. Five
486 members shall constitute a quorum and not fewer than three votes
487 shall be required for any final determination of said council. [The
488 council may employ an executive director, exclusive of the provisions
489 of chapter 67 and such additional staff and consultants as may be
490 necessary to carry out its duties, within available appropriations.]

491 Sec. 14. Section 17a-50 of the general statutes is repealed and the
492 following is substituted in lieu thereof (*Effective July 1, 2009*):

493 (a) There is established a Children's Trust Fund, the resources of
494 which shall be used by [the council established pursuant to subsection
495 (b) of this section] the Commissioner of Children and Families with the
496 advice of the State Advisory Council on Children and Families to fund
497 programs aimed at preventing child abuse and neglect and family
498 resource programs. Said fund is intended to be in addition to those
499 resources that would otherwise be appropriated by the state for
500 programs aimed at preventing child abuse and neglect and family
501 resource programs. The [Children's Trust Fund Council] commissioner
502 may apply for and accept any federal funds which are available for a
503 Children's Trust Fund and shall administer such funds in the manner
504 required by federal law. The fund shall receive money from grants and
505 gifts made pursuant to section 17a-18, as amended by this act. [The
506 Children's Trust Fund Council] The commissioner may solicit and
507 accept funds, on behalf of the Children's Trust Fund, to be used for the
508 prevention of child abuse and neglect and family resource programs.
509 The Commissioner of Children and Families, with the advice of the
510 State Advisory Council on Children and Families, shall adopt
511 regulations, in accordance with the provisions of chapter 54, to
512 administer the fund and to set eligibility requirements for programs
513 seeking funding. [Youth service bureaus may receive funds from the
514 Children's Trust Fund. The Parent Trust Fund, established pursuant to
515 subsection (c) of this section, may receive funds directed to it through
516 the Children's Trust Fund.]

517 [(b) There shall be established, within existing resources, a
518 Children's Trust Fund Council which shall be within the Department
519 of Children and Families for administrative purposes only. The council
520 shall be composed of sixteen members as follows: (1) The
521 Commissioners of Social Services, Education, Children and Families
522 and Public Health, or their designees; (2) a representative of the
523 business community with experience in fund-raising, appointed by the
524 president pro tempore of the Senate; (3) a representative of the
525 business community with experience in fund-raising, appointed by the
526 speaker of the House of Representatives; (4) a representative of the

527 business community with experience in fund-raising, appointed by the
528 minority leader of the House of Representatives; (5) a representative of
529 the business community with experience in fund-raising, appointed by
530 the minority leader of the Senate; (6) a parent, appointed by the
531 majority leader of the House of Representatives; (7) a parent,
532 appointed by the majority leader of the Senate; (8) a parent, appointed
533 by the president pro tempore of the Senate; (9) a person with expertise
534 in child abuse prevention, appointed by the speaker of the House of
535 Representatives; (10) a person with expertise in child abuse prevention,
536 appointed by the minority leader of the House of Representatives; (11)
537 a staff member of a child abuse prevention program, appointed by the
538 minority leader of the Senate; (12) a staff member of a child abuse
539 prevention program, appointed by the majority leader of the House of
540 Representatives; and (13) a pediatrician, appointed by the majority
541 leader of the Senate. The council shall solicit and accept funds, on
542 behalf of the Children's Trust Fund, to be used for the prevention of
543 child abuse and neglect and family resource programs, or on behalf of
544 the Parent Trust Fund, to be used for parent community involvement
545 to improve the health, safety and education of children, and shall make
546 grants to programs pursuant to subsections (a) and (c) of this section.
547 The council may, subject to the provisions of chapter 67, employ an
548 executive director and any necessary staff within available
549 appropriations.

550 (c) There is established a Parent Trust Fund which shall be used to
551 fund programs aimed at improving the health, safety and education of
552 children by training parents in civic leadership skills and supporting
553 increased, sustained, quality parental engagement in community
554 affairs. The fund shall receive federal or private money from grants
555 and gifts made pursuant to section 17a-18.]

556 [(d)] (b) On or before July 1, [1997] 2010, and annually thereafter, the
557 [Children's Trust Fund Council] commissioner shall report, in
558 accordance with the provisions of section 11-4a, to the Governor and
559 the joint standing committees of the General Assembly having

560 cognizance of matters relating to human services, public health and
561 education concerning the source and amount of funds received by the
562 Children's Trust Fund [and the Parent Trust Fund,] and the manner in
563 which such funds were administered and disbursed.

564 Sec. 15. Section 17a-50a of the general statutes is repealed and the
565 following is substituted in lieu thereof (*Effective July 1, 2009*):

566 A grandparent or other relative caregiver who is appointed a
567 guardian of a child or children through the Superior Court and who is
568 not a recipient of subsidized guardianship subsidies under section 17a-
569 126 or foster care payments from the Department of Children and
570 Families shall, within available appropriations, be eligible to apply for
571 grants under the Kinship Fund and Grandparents and Relatives
572 Respite Fund administered by the [Children's Trust Fund Council]
573 Department of Children and Families through the Probate Court.

574 Sec. 16. Subsection (a) of section 4-67x of the general statutes is
575 repealed and the following is substituted in lieu thereof (*Effective July*
576 *1, 2009*):

577 (a) There shall be a Child Poverty and Prevention Council consisting
578 of the following members or their designees: The Secretary of the
579 Office of Policy and Management, the president pro tempore of the
580 Senate, the speaker of the House of Representatives, the minority
581 leader of the Senate and the minority leader of the House of
582 Representatives, the Commissioners of Children and Families, Social
583 Services, Correction, Developmental Services, Mental Health and
584 Addiction Services, Transportation, Public Health, Education,
585 Economic and Community Development and Health Care Access, the
586 Labor Commissioner, the Chief Court Administrator, the chairperson
587 of the Board of Governors of Higher Education, the Child Advocate,
588 [the chairperson of the Children's Trust Fund] and the executive
589 directors of the Commission on Children and the Commission on
590 Human Rights and Opportunities. The Secretary of the Office of Policy
591 and Management, or the secretary's designee, shall be the chairperson

592 of the council. The council shall (1) develop and promote the
593 implementation of a ten-year plan, to begin June 8, 2004, to reduce the
594 number of children living in poverty in the state by fifty per cent, and
595 (2) within available appropriations, establish prevention goals and
596 recommendations and measure prevention service outcomes in
597 accordance with this section in order to promote the health and well-
598 being of children and families.

599 Sec. 17. Section 17a-18 of the general statutes is repealed and the
600 following is substituted in lieu thereof (*Effective July 1, 2009*):

601 The Commissioner of Children and Families may accept and receive
602 on behalf of the department or any institution or facility thereof, or on
603 behalf of the Children's Trust Fund, [or the Parent Trust Fund
604 established pursuant to section 17a-50,] subject to section 4b-22, any
605 bequest, devise or grant made to the department or to any institution
606 or facility thereof, or to the Children's Trust Fund [or the Parent Trust
607 Fund,] and may hold and use such property for the purpose specified
608 in such bequest, devise or gift.

609 Sec. 18. Subsection (a) of section 17a-4 of the general statutes is
610 repealed and the following is substituted in lieu thereof (*Effective July*
611 *1, 2009*):

612 (a) There shall be a State Advisory Council on Children and
613 Families which shall consist of seventeen members appointed by the
614 Governor, including at least five persons who are child care
615 professionals, one child psychiatrist licensed to practice medicine in
616 this state, [and] at least one attorney and at least one person with
617 expertise in child abuse prevention. The balance of the advisory
618 council shall be representative of young persons, parents and others
619 interested in the delivery of services to children and youths. No less
620 than fifty per cent of the council's members shall be parents or family
621 members of children who have received, or are receiving, behavioral
622 health services, child welfare services or juvenile services and no more
623 than half the members of the council shall be persons who receive

624 income from a private practice or any public or private agency that
625 delivers mental health, substance abuse, child abuse prevention and
626 treatment, child welfare services or juvenile services. Members of the
627 council shall serve without compensation, except for necessary
628 expenses incurred in the performance of their duties. Members shall
629 serve on the council for terms of two years each and no member shall
630 serve for more than two consecutive terms. The commissioner shall be
631 an ex-officio member of the council without vote and shall attend its
632 meetings. Any member who fails to attend three consecutive meetings
633 or fifty per cent of all meetings during any calendar year shall be
634 deemed to have resigned. The council shall elect a chairperson and
635 vice-chairperson to act in the chairperson's absence.

636 Sec. 19. Section 46a-13k of the general statutes is repealed and the
637 following is substituted in lieu thereof (*Effective July 1, 2009*):

638 [(a)] There is established [an Office of the] a Child Advocate within
639 the Office of the Attorney General. The Governor, with the approval of
640 the General Assembly, shall appoint a person with knowledge of the
641 child welfare system and the legal system [to fill the Office of] as the
642 Child Advocate. [Such person shall be qualified by training and
643 experience to perform the duties of the office as set forth in section 46a-
644 13l. The appointment shall be made from a list of at least three persons
645 prepared and submitted by the advisory committee established
646 pursuant to section 46a-13q. Upon any vacancy in the position of Child
647 Advocate, the advisory committee shall meet to consider and
648 interview successor candidates and shall submit to the Governor a list
649 of no less than five and no more than seven of the most outstanding
650 candidates, not later than sixty days after the occurrence of said
651 vacancy. Such list shall rank the candidates in the order of committee
652 preference. Upon receipt of the list of candidates from the advisory
653 committee, the Governor shall designate a candidate for Child
654 Advocate from among the choices within eight weeks of receipt of
655 such list. If at any time any of the candidates withdraw from
656 consideration prior to confirmation by the General Assembly, the

657 designation shall be made from the remaining candidates on the list
658 submitted to the Governor. If a candidate has not been designated by
659 the Governor within the eight-week time period, the candidate ranked
660 first shall receive the designation and be referred to the General
661 Assembly for confirmation.] If the General Assembly is not in session,
662 the designated candidate shall serve as acting Child Advocate and be
663 entitled to the compensation, privileges and powers of the Child
664 Advocate until the General Assembly meets to take action on said
665 appointment. The person appointed Child Advocate shall serve for a
666 term of [four] two years and may be reappointed or shall continue to
667 hold office until such person's successor is appointed and qualified.
668 [Upon any vacancy in the position of Child Advocate and until such
669 time as a candidate has been confirmed by the General Assembly or, if
670 the General Assembly is not in session, has been designated by the
671 Governor, the Associate Child Advocate shall serve as the acting Child
672 Advocate and be entitled to the compensation, privileges and powers
673 of the Child Advocate.]

674 [(b) The Office of the Child Advocate shall be in the Department of
675 Administrative Services for administrative purposes only.

676 (c) Notwithstanding any other provision of the general statutes, the
677 Child Advocate shall act independently of any state department in the
678 performance of his duties.

679 (d) The Child Advocate may, within available funds, appoint such
680 staff as may be deemed necessary provided, for the fiscal years ending
681 June 30, 1996, and June 30, 1997, such staff shall not exceed one and
682 one-half full-time positions or the equivalent thereof. The duties of the
683 staff may include the duties and powers of the Child Advocate if
684 performed under the direction of the Child Advocate.

685 (e) The General Assembly shall annually appropriate such sums as
686 necessary for the payment of the salaries of the staff and for the
687 payment of office expenses and other actual expenses incurred by the
688 Child Advocate in the performance of his duties. Any legal or court

689 fees obtained by the state in actions brought by the Child Advocate
690 shall be deposited in the General Fund.

691 (f) The Child Advocate shall annually submit to the Governor and
692 the General Assembly a detailed report analyzing the work of the
693 Office of the Child Advocate.]

694 Sec. 20. Section 46a-13l of the general statutes is repealed and the
695 following is substituted in lieu thereof (*Effective July 1, 2009*):

696 (a) The Child Advocate [shall] may:

697 (1) Evaluate the delivery of services to children by state agencies
698 and those entities that provide services to children through funds
699 provided by the state and recommend changes to policies, procedures
700 and systems with a view toward the rights of children;

701 [(2) Review periodically the procedures established by any state
702 agency providing services to children to carry out the provisions of
703 sections 46a-13k to 46a-13q, inclusive, with a view toward the rights of
704 the children and recommend revisions to such procedures;]

705 [(3)] (2) Review complaints of persons concerning the actions of any
706 state or municipal agency providing services to children and of any
707 entity that provides services to children through funds provided by the
708 state, make appropriate referrals and investigate those where the Child
709 Advocate determines that a child or family may be in need of
710 assistance from the Child Advocate or that a systemic issue in the
711 state's provision of services to children is raised by the complaint;

712 [(4)] (3) Pursuant to an investigation, provide assistance to a child or
713 family who the Child Advocate determines is in need of such
714 assistance including, but not limited to, advocating with an agency,
715 provider or others on behalf of the best interests of the child;

716 [(5) Periodically review the facilities and procedures of any and all
717 institutions or residences, public or private, where a juvenile has been

718 placed by any agency or department;

719 (6) Recommend changes in state policies concerning children
720 including changes in the system of providing juvenile justice, child
721 care, foster care and treatment;

722 (7) Take all possible action including, but not limited to, conducting]

723 (4) Conduct programs of public education, [undertaking] undertake
724 legislative advocacy and [making] make proposals for systemic reform
725 and formal legal action, in order to secure and ensure the legal, civil
726 and special rights of children who reside in this state; and

727 [(8)] (5) Provide training and technical assistance to attorneys
728 representing children and guardians ad litem appointed by the
729 Superior Court. [;]

730 [(9) Periodically review the number of special needs children in any
731 foster care or permanent care facility and recommend changes in the
732 policies and procedures for the placement of such children;

733 (10) Serve or designate a person to serve as a member of the child
734 fatality review panel established in subsection (b) of this section; and

735 (11) Take appropriate steps to advise the public of the services of the
736 Office of the Child Advocate, the purpose of the office and procedures
737 to contact the office.]

738 (b) There is established a child fatality review panel composed of
739 thirteen permanent members as follows: The Child Advocate, [or a
740 designee;] the Commissioners of Children and Families, Public Health
741 and Public Safety, or their designees; the Chief Medical Examiner, or a
742 designee; the Chief State's Attorney, or a designee; a pediatrician,
743 appointed by the Governor; a representative of law enforcement,
744 appointed by the president pro tempore of the Senate; an attorney,
745 appointed by the majority leader of the Senate; a social work
746 professional, appointed by the minority leader of the Senate; a

747 representative of a community service group appointed by the speaker
748 of the House of Representatives; a psychologist, appointed by the
749 majority leader of the House of Representatives; and an injury
750 prevention representative, appointed by the minority leader of the
751 House of Representatives. A majority of the panel may select not more
752 than three additional temporary members with particular expertise or
753 interest to serve on the panel. Such temporary members shall have the
754 same duties and powers as the permanent members of the panel. The
755 chairperson shall be elected from among the panel's permanent
756 members. The panel shall, to the greatest extent possible, reflect the
757 ethnic, cultural and geographic diversity of the state.

758 (c) The child fatality review panel shall review the circumstances of
759 the death of a child placed in out-of-home care or whose death was
760 due to unexpected or unexplained causes to facilitate development of
761 prevention strategies to address identified trends and patterns of risk
762 and to improve coordination of services for children and families in
763 the state. Members of the panel shall not be compensated for their
764 services, but may be reimbursed for necessary expenses incurred in the
765 performance of their duties.

766 (d) On or before January 1, [2000] 2010, and annually thereafter, the
767 child fatality review panel shall issue an annual report which shall
768 include its findings and recommendations to the Governor and the
769 General Assembly on its review of child fatalities for the preceding
770 year.

771 [(e) Upon request of two-thirds of the members of the panel and
772 within available appropriations, the Governor, the General Assembly
773 or at the Child Advocate's discretion, the Child Advocate shall conduct
774 an in-depth investigation and review and issue a report with
775 recommendations on the death or critical incident of a child. The
776 report shall be submitted to the Governor, the General Assembly and
777 the commissioner of any state agency cited in the report and shall be
778 made available to the general public.]

779 [(f)] (e) The Chief Medical Examiner shall provide timely notice to
780 [the Child Advocate and to] the chairperson of the child fatality review
781 panel of the death of any child that is to be investigated pursuant to
782 section 19a-406.

783 [(g)] (f) Any agency having responsibility for the custody or care of
784 children shall provide timely notice to [the Child Advocate and] the
785 chairperson of the child fatality review panel of the death of a child or
786 a critical incident involving a child in its custody or care.

787 Sec. 21. Section 46a-13n of the general statutes is repealed and the
788 following is substituted in lieu thereof (*Effective July 1, 2009*):

789 (a) The name, address and other personally identifiable information
790 of a person who makes a complaint to the Child Advocate as provided
791 in section 46a-13l, as amended by this act, all information obtained or
792 generated by the office in the course of an investigation and all
793 confidential records obtained by the Child Advocate or a designee
794 shall be confidential and shall not be subject to disclosure under the
795 Freedom of Information Act or otherwise, except that such information
796 and records, other than confidential information concerning a pending
797 law enforcement investigation or a pending prosecution, may be
798 disclosed if the Child Advocate determines that disclosure is (1) in the
799 general public interest or (2) necessary to enable the Child Advocate to
800 perform his responsibilities under subsection (a) of section 46a-13l, as
801 amended by this act. If the Child Advocate determines that disclosure
802 of confidential information is not in the public interest but is necessary
803 to enable the Child Advocate to perform responsibilities under
804 subsection (a) of section 46a-13l, as amended by this act, or to identify,
805 prevent or treat the abuse or neglect of a child, the Child Advocate
806 may disclose such information to the appropriate agency responsible
807 for the welfare of such child.

808 (b) No state or municipal agency shall discharge, or in any manner
809 discriminate or retaliate against, any employee who in good faith
810 makes a complaint to the Child Advocate or cooperates with [the

811 Office of] the Child Advocate in an investigation.

812 Sec. 22. Section 46a-13o of the general statutes is repealed and the
813 following is substituted in lieu thereof (*Effective July 1, 2009*):

814 (a) In addition to the powers set forth in section 46a-13m, and
815 notwithstanding section 3-125, the Child Advocate, [or his designee,]
816 may represent, appear, intervene in or bring an action on behalf of any
817 child in any proceeding before any court, agency, board or commission
818 in this state in which matters related to sections 46a-13k to 46a-13q,
819 inclusive, as amended by this act, are in issue. Prior to the institution of
820 any action brought pursuant to this subsection, the Child Advocate
821 shall make a good faith effort to resolve issues or problems through
822 mediation.

823 (b) Any judgment for compensation or order for settlement of the
824 claim for compensation entered by the court pursuant to the
825 provisions of subsection (a) of this section shall be considered as the
826 estate of the child for whose benefit the judgment or order is entered,
827 to be held by [the Office of] the Child Advocate as guardian of such
828 compensation, and shall be deposited into a trust account established
829 by the office for the purposes of distributing such funds to such child
830 in accordance with the plan adopted by the Family Division of the
831 Superior Court.

832 Sec. 23. Section 46a-13p of the general statutes is repealed and the
833 following is substituted in lieu thereof (*Effective July 1, 2009*):

834 The state of Connecticut shall protect and hold harmless [any
835 attorney, director, investigator, social worker or other person
836 employed by the Office of] the Child Advocate and any volunteer
837 appointed by the Child Advocate from financial loss and expense,
838 including legal fees and costs, if any, arising out of any claim, demand
839 or suit for damages resulting from acts or omissions committed in the
840 discharge of his duties with the program within the scope of his
841 employment or appointment which may constitute negligence but

842 which acts are not wanton, malicious or grossly negligent as
843 determined by a court of competent jurisdiction.

844 Sec. 24. Subsection (b) of section 17a-101 of the general statutes is
845 repealed and the following is substituted in lieu thereof (*Effective July*
846 *1, 2009*):

847 (b) The following persons shall be mandated reporters: Any
848 physician or surgeon licensed under the provisions of chapter 370, any
849 resident physician or intern in any hospital in this state, whether or not
850 so licensed, any registered nurse, licensed practical nurse, medical
851 examiner, dentist, dental hygienist, psychologist, coach of intramural
852 or interscholastic athletics, school teacher, school principal, school
853 guidance counselor, school paraprofessional, school coach, social
854 worker, police officer, juvenile or adult probation officer, juvenile or
855 adult parole officer, member of the clergy, pharmacist, physical
856 therapist, optometrist, chiropractor, podiatrist, mental health
857 professional or physician assistant, any person who is a licensed or
858 certified emergency medical services provider, any person who is a
859 licensed or certified alcohol and drug counselor, any person who is a
860 licensed marital and family therapist, any person who is a sexual
861 assault counselor or a battered women's counselor as defined in
862 section 52-146k, any person who is a licensed professional counselor,
863 any person paid to care for a child in any public or private facility,
864 child day care center, group day care home or family day care home
865 licensed by the state, any employee of the Department of Children and
866 Families, any employee of the Department of Public Health who is
867 responsible for the licensing of child day care centers, group day care
868 homes, family day care homes or youth camps, and the Child
869 Advocate, [and any employee of the Office of Child Advocate.]

870 Sec. 25. Section 46a-153 of the general statutes is repealed and the
871 following is substituted in lieu thereof (*Effective July 1, 2009*):

872 Each local or regional board of education, institution or facility that
873 provides direct care, education or supervision of persons at risk shall

874 (1) record each instance of the use of physical restraint or seclusion on
875 a person at risk and the nature of the emergency that necessitated its
876 use, and (2) include such information in an annual compilation on its
877 use of such restraint and seclusion. The commissioner of the state
878 agency that has jurisdiction or supervisory control over each
879 institution or facility shall review the annual compilation prior to
880 renewing a license for or a contract with such institution or facility.
881 The State Board of Education may review the annual compilation of
882 each local and regional board of education, institution and facility that
883 provides special education for children and may produce an annual
884 summary report identifying the frequency of use of physical restraint
885 or seclusion on such children. If the use of such restraint or seclusion
886 results in physical injury to the person, (A) the local or regional board
887 of education, institution or facility that provides special education for a
888 child may report the incident to the State Board of Education, and (B)
889 the institution or facility shall report the incident to the commissioner
890 of the state agency that has jurisdiction or supervisory control over the
891 institution or facility. The State Board of Education and the
892 commissioner receiving a report of such an incident shall report any
893 incidence of serious injury or death to the director of the Office of
894 Protection and Advocacy for Persons with Disabilities and, if
895 appropriate, to the Child Advocate. [of the Office of Child Advocate.]

896 Sec. 26. Subsection (a) of section 17b-261 of the general statutes is
897 repealed and the following is substituted in lieu thereof (*Effective July*
898 *1, 2009*):

899 (a) Medical assistance shall be provided for any otherwise eligible
900 person whose income, including any available support from legally
901 liable relatives and the income of the person's spouse or dependent
902 child, is not more than one hundred forty-three per cent, pending
903 approval of a federal waiver applied for pursuant to subsection (d) of
904 this section, of the benefit amount paid to a person with no income
905 under the temporary family assistance program in the appropriate
906 region of residence and if such person is an institutionalized

907 individual as defined in Section 1917(c) of the Social Security Act, 42
908 USC 1396p(c), and has not made an assignment or transfer or other
909 disposition of property for less than fair market value for the purpose
910 of establishing eligibility for benefits or assistance under this section.
911 Any such disposition shall be treated in accordance with Section
912 1917(c) of the Social Security Act, 42 USC 1396p(c). Any disposition of
913 property made on behalf of an applicant or recipient or the spouse of
914 an applicant or recipient by a guardian, conservator, person
915 authorized to make such disposition pursuant to a power of attorney
916 or other person so authorized by law shall be attributed to such
917 applicant, recipient or spouse. A disposition of property ordered by a
918 court shall be evaluated in accordance with the standards applied to
919 any other such disposition for the purpose of determining eligibility.
920 The commissioner shall establish the standards for eligibility for
921 medical assistance at one hundred forty-three per cent of the benefit
922 amount paid to a family unit of equal size with no income under the
923 temporary family assistance program in the appropriate region of
924 residence. Except as provided in section 17b-277, the medical
925 assistance program shall provide coverage to persons under the age of
926 nineteen with family income up to one hundred eighty-five per cent of
927 the federal [proverty] poverty level without an asset limit and to
928 persons under the age of nineteen and their parents and needy
929 caretaker relatives, who qualify for coverage under Section 1931 of the
930 Social Security Act, with family income up to one hundred eighty-five
931 per cent of the federal poverty level without an asset limit. Such levels
932 shall be based on the regional differences in such benefit amount, if
933 applicable, unless such levels based on regional differences are not in
934 conformance with federal law. Any income in excess of the applicable
935 amounts shall be applied as may be required by said federal law, and
936 assistance shall be granted for the balance of the cost of authorized
937 medical assistance. All contracts entered into on and after July 1, 1997,
938 pursuant to this section shall include provisions for collaboration of
939 managed care organizations with the Nurturing Families Network
940 established pursuant to section 17a-56. The Commissioner of Social

941 Services shall provide applicants for assistance under this section, at
942 the time of application, with a written statement advising them of (1)
943 the effect of an assignment or transfer or other disposition of property
944 on eligibility for benefits or assistance, and (2) the effect that having
945 income that exceeds the limits prescribed in this subsection will have
946 with respect to program eligibility. [, and (3) the availability of, and
947 eligibility for, services provided by the Nurturing Families Network
948 established pursuant to section 17a-56.] Persons who are determined
949 ineligible for assistance pursuant to this section shall be provided a
950 written statement notifying such persons of their ineligibility and
951 advising such persons of the availability of HUSKY Plan, Part B health
952 insurance benefits.

953 Sec. 27. Subsection (a) of section 19a-62a of the general statutes is
954 repealed and the following is substituted in lieu thereof (*Effective July*
955 *1, 2009*):

956 (a) (1) Within available appropriations, the Commissioner of Public
957 Health, in consultation with the Commissioner of Social Services, shall
958 establish a pilot program for the early identification and treatment of
959 pediatric asthma. The Commissioner of Public Health shall make
960 grants-in-aid under the pilot program for projects to be established in
961 two municipalities to identify, screen and refer children with asthma
962 for treatment. Such projects shall work cooperatively with providers of
963 maternal and child health, including, but not limited to, local health
964 departments, community health centers [,] and Healthy Start, [, and the
965 Nurturing Families Network established pursuant to section 17a-56,]
966 to target children who were born prematurely, premature infants or
967 pregnant women at risk of premature delivery for early identification
968 of asthma. Such projects may utilize private resources through public-
969 private partnerships to establish a public awareness program and
970 innovative outreach initiatives targeting urban areas to encourage
971 early screening of children at risk of asthma.

972 (2) The Commissioner of Public Health shall evaluate the pilot

973 program established under this subsection and shall submit a report of
974 the commissioner's findings and recommendations to the joint
975 standing committees of the General Assembly having cognizance of
976 matters relating to public health, human services and appropriations
977 and the budgets of state agencies, not later than October 1, 2001, in
978 accordance with the provisions of section 11-4a.

979 Sec. 28. Section 51-275a of the general statutes is repealed and the
980 following is substituted in lieu thereof (*Effective July 1, 2009*):

981 (a) There is established a Criminal Justice Commission which shall
982 be composed of the Chief State's Attorney and six members nominated
983 by the Governor and appointed by the General Assembly in
984 accordance with section 4-2, two of whom shall be judges of the
985 Superior Court.

986 (b) The chairman shall be appointed by the Governor.

987 (c) Members shall serve without compensation but shall be
988 reimbursed for actual expenses incurred while engaged in the duties of
989 the commission.

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

992 (e) The commission may adopt regulations in accordance with
993 chapter 54 to carry out its responsibilities under this chapter.

994 (f) The commission shall be [an autonomous body within the
995 executive department for fiscal and budgetary purposes only] within
996 the Division of Criminal Justice. Said division shall provide staff
997 support for the commission.

998 Sec. 29. Section 6-38b of the general statutes is repealed and the
999 following is substituted in lieu thereof (*Effective July 1, 2009*):

1000 (a) There is established a State Marshal Commission which shall

1001 consist of eight members appointed as follows: (1) The Chief Justice
1002 shall appoint one member who shall be a judge of the Superior Court;
1003 (2) the speaker of the House of Representatives, the president pro
1004 tempore of the Senate, the majority and minority leaders of the House
1005 of Representatives and the majority and minority leaders of the Senate
1006 shall each appoint one member; and (3) the Governor shall appoint one
1007 member who shall serve as chairperson. No member of the
1008 commission shall be a state marshal, except that two state marshals
1009 appointed by the State Marshals Advisory Board in accordance with
1010 section 6-38c shall serve as ex officio, nonvoting members of the
1011 commission.

1012 (b) The chairperson shall serve for a three-year term and all
1013 appointments of members to replace those whose terms expire shall be
1014 for terms of three years.

1015 (c) No more than four of the members, other than the chairperson,
1016 may be members of the same political party. Of the seven nonjudicial
1017 members, other than the chairperson, at least three shall not be
1018 members of the bar of any state.

1019 (d) If any vacancy occurs on the commission, the appointing
1020 authority having the power to make the initial appointment under the
1021 provisions of this section shall appoint a person for the unexpired term
1022 in accordance with the provisions of this section.

1023 (e) Members shall serve without compensation but shall be
1024 reimbursed for actual expenses incurred while engaged in the duties of
1025 the commission.

1026 (f) The commission, in consultation with the State Marshals
1027 Advisory Board, shall adopt regulations in accordance with the
1028 provisions of chapter 54 to establish professional standards, including
1029 training requirements and minimum fees for execution and service of
1030 process.

1031 (g) The commission shall be responsible for the equitable
1032 assignment of service of restraining orders to the state marshals in each
1033 county and ensure that such restraining orders are served
1034 expeditiously. Failure of any state marshal to accept for service any
1035 restraining order assigned by the commission or to serve such
1036 restraining order expeditiously without good cause shall be sufficient
1037 for the convening of a hearing for removal under subsection (j) of this
1038 section.

1039 (h) Any vacancy in the position of state marshal in any county as
1040 provided in section 6-38 shall be filled by the commission with an
1041 applicant who shall be an elector in the county where such vacancy
1042 occurs. Any applicant for such vacancy shall be subject to the
1043 application and investigation requirements of the commission.

1044 (i) Except as provided in section 6-38f, no person may be a state
1045 marshal and a state employee at the same time. This subsection does
1046 not apply to any person who was both a state employee and a deputy
1047 sheriff or special deputy sheriff on April 27, 2000.

1048 (j) No state marshal may be removed except by order of the
1049 commission for cause after due notice and hearing.

1050 (k) The commission may adopt such rules as it deems necessary for
1051 conduct of its internal affairs and shall adopt regulations in accordance
1052 with the provisions of chapter 54 for the application and investigation
1053 requirements for filling vacancies in the position of state marshal.

1054 (l) The commission shall be within the Department of
1055 Administrative Services. [for administrative purposes only.]

1056 Sec. 30. Subsection (a) of section 29-32b of the general statutes is
1057 repealed and the following is substituted in lieu thereof (*Effective July*
1058 *1, 2009*):

1059 (a) There shall be established a Board of Firearms Permit Examiners,
1060 within the Department of Public Safety, [for administrative purposes

1061 only,] hereinafter referred to as the board, to be comprised of seven
1062 members appointed by the Governor to serve during his term and
1063 until their successors are appointed and qualify. With the exception of
1064 public members, the members shall be appointed from nominees of the
1065 Commissioner of Public Safety, the Connecticut State Association of
1066 Chiefs of Police, the Commissioner of Environmental Protection, The
1067 Connecticut State Rifle and Revolver Association, Inc., and Ye
1068 Connecticut Gun Guild, Inc., and each of said organizations shall be
1069 entitled to representation on the board. At least one member of the
1070 board shall be a lawyer licensed to practice in this state, who shall act
1071 as chairman of the board during the hearing of appeals brought under
1072 this section.

1073 Sec. 31. Section 12-557d of the general statutes is repealed and the
1074 following is substituted in lieu thereof (*Effective July 1, 2009*):

1075 (a) There shall be a Gaming Policy Board within the Department of
1076 Revenue Services, [for administrative purposes only.] Said board shall
1077 consist of five members appointed by the Governor with the advice
1078 and consent of both houses of the General Assembly. Not more than
1079 three members of said board in office at any one time shall be members
1080 of the same political party. On or before July 1, 1979, the Governor
1081 shall nominate three members who shall serve until July 1, 1981, and
1082 two members who shall serve until July 1, 1983. The General Assembly
1083 shall confirm or reject such nominations in the manner prescribed by
1084 section 4-7 before adjournment sine die of the 1979 regular session,
1085 except that if the nominations cannot be acted on by both houses of the
1086 General Assembly during said regular session, the General Assembly
1087 shall confirm or reject the nominations at a special session which shall
1088 be called, notwithstanding sections 2-6 and 2-7, immediately following
1089 adjournment sine die of the 1979 session reconvened in accordance
1090 with article third of the amendments to the Constitution of
1091 Connecticut, except that if no session is held pursuant to said article,
1092 the General Assembly shall meet in special session, notwithstanding
1093 sections 2-6 and 2-7, not later than August 1, 1979, to confirm or reject

1094 such nominations. Any special session called pursuant to this section
1095 shall be held for the sole purpose of confirming or rejecting the initial
1096 nominations made by the Governor to the board. Thereafter members
1097 shall serve for a term of four years and the procedure prescribed by
1098 section 4-7 shall apply to such appointments, except that the Governor
1099 shall submit such nominations on or before May first, and both houses
1100 shall confirm or reject the nominations before adjournment sine die.
1101 Members shall receive fifty dollars per day for each day they are
1102 engaged in the business of the board and shall be reimbursed for
1103 necessary expenses incurred in the performance of their duties. The
1104 executive director shall serve on the board ex officio without voting
1105 rights.

1106 (b) To insure the highest standard of legalized gambling regulation
1107 at least four of the board members shall have training or experience in
1108 at least one of the following fields: Corporate finance, economics, law,
1109 accounting, law enforcement, computer science or the pari-mutuel
1110 industry. At least two of these fields shall be represented on the board
1111 at any one time.

1112 (c) No board member shall accept any form of employment by a
1113 business organization regulated under this chapter for a period of two
1114 years following the termination of his service as a board member.

1115 (d) No board member shall engage in any oral ex parte
1116 communications with any representative, agent, officer or employee of
1117 any business organization regulated under this chapter concerning any
1118 matter pending or impending before the board.

1119 (e) The members of the board shall not participate actively in
1120 political management and campaigns. Such activity includes holding
1121 office in a political party, political organization or political club,
1122 campaigning for a candidate in a partisan election by making speeches,
1123 writing on behalf of a candidate, soliciting votes in support of or in
1124 opposition to a candidate and making contributions of time and
1125 money to political parties.

1126 (f) The Department of Revenue Services shall provide staff support
 1127 for the board.

1128 Sec. 32. Sections 10a-2, 10a-5, 10a-23, 10a-53, 10a-171, 17a-56, 17a-
 1129 56a, 17b-277a and 46a-13q of the general statutes are repealed.
 1130 (*Effective July 1, 2009*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	New section
Sec. 2	<i>July 1, 2009</i>	10-1
Sec. 3	<i>July 1, 2009</i>	10-3a
Sec. 4	<i>July 1, 2009</i>	10a-1
Sec. 5	<i>July 1, 2009</i>	4-9a(a)
Sec. 6	<i>July 1, 2009</i>	10a-9
Sec. 7	<i>July 1, 2009</i>	4b-3
Sec. 8	<i>July 1, 2009</i>	4b-4
Sec. 9	<i>July 1, 2009</i>	4a-19
Sec. 10	<i>July 1, 2009</i>	4-142a
Sec. 11	<i>July 1, 2009</i>	4-142b
Sec. 12	<i>July 1, 2009</i>	20-280
Sec. 13	<i>July 1, 2009</i>	22a-11
Sec. 14	<i>July 1, 2009</i>	17a-50
Sec. 15	<i>July 1, 2009</i>	17a-50a
Sec. 16	<i>July 1, 2009</i>	4-67x(a)
Sec. 17	<i>July 1, 2009</i>	17a-18
Sec. 18	<i>July 1, 2009</i>	17a-4(a)
Sec. 19	<i>July 1, 2009</i>	46a-13k
Sec. 20	<i>July 1, 2009</i>	46a-13l
Sec. 21	<i>July 1, 2009</i>	46a-13n
Sec. 22	<i>July 1, 2009</i>	46a-13o
Sec. 23	<i>July 1, 2009</i>	46a-13p
Sec. 24	<i>July 1, 2009</i>	17a-101(b)
Sec. 25	<i>July 1, 2009</i>	46a-153
Sec. 26	<i>July 1, 2009</i>	17b-261(a)
Sec. 27	<i>July 1, 2009</i>	19a-62a(a)
Sec. 28	<i>July 1, 2009</i>	51-275a
Sec. 29	<i>July 1, 2009</i>	6-38b

Sec. 30	<i>July 1, 2009</i>	29-32b(a)
Sec. 31	<i>July 1, 2009</i>	12-557d
Sec. 32	<i>July 1, 2009</i>	Repealer section

Statement of Purpose:

To implement the Governor's budget recommendations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]