



General Assembly

Amendment

January Session, 2009

LCO No. 922

HB0509500922HRO

Offered by:

REP. CAFERO, 142nd Dist.

REP. HAMZY, 78th Dist.

REP. KLARIDES, 114th Dist.

To: House Bill No. 5095

File No.

Cal. No.

"AN ACT CONCERNING DEFICIT MITIGATION FOR THE FISCAL YEAR ENDING JUNE 30, 2009."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 4a-53a of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 The Commissioner of Administrative Services may serve as the
6 contracting agent for a group of three or more municipalities that seek
7 to purchase supplies, materials, [or] equipment or services, upon the
8 request of such group of municipalities, provided (1) the commissioner
9 determines that the municipalities will achieve a cost savings through
10 the commissioner serving as the contracting agent, and (2) such cost
11 savings are greater than the administrative costs to the state for the
12 commissioner serving as the contracting agent. As the contracting
13 agent for such a group of municipalities, the Commissioner of

14 Administrative Services may perform administrative functions in
15 accordance with state procurement laws and regulations, including,
16 but not limited to, the following: Issuing requests for bids or proposals,
17 selecting the successful bidder based on competitive bidding or
18 competitive negotiation and administering any contracts for such
19 purchases. Nothing in this section shall be construed to require the
20 state to be a party to any such contract entered into pursuant to this
21 section.

22 Sec. 502. (*Effective from passage*) Sections 73 to 82, inclusive, 85 and
23 123 of public act 07-4 of the June special session shall take effect July 1,
24 2012.

25 Sec. 503. Subsection (g) of section 10-233c of the general statutes is
26 repealed and the following is substituted in lieu thereof (*Effective from*
27 *passage*):

28 (g) On and after July 1, [2009] 2012, suspensions pursuant to this
29 section shall be in-school suspensions, unless during the hearing held
30 pursuant to subsection (a) of this section, the administration
31 determines that the pupil being suspended poses such a danger to
32 persons or property or such a disruption of the educational process
33 that the pupil shall be excluded from school during the period of
34 suspension. An in-school suspension may be served in the school that
35 the pupil attends, or in any school building under the jurisdiction of
36 the local or regional board of education, as determined by such board.

37 Sec. 504. Section 1-225 of the general statutes is repealed and the
38 following is substituted in lieu thereof (*Effective from passage*):

39 (a) The meetings of all public agencies, except executive sessions, as
40 defined in subdivision (6) of section 1-200, shall be open to the public.
41 The votes of each member of any such public agency upon any issue
42 before such public agency shall be reduced to writing and made
43 available for public inspection within forty-eight hours and shall also
44 be recorded in the minutes of the session at which taken. Within seven
45 days of the session to which such minutes refer, such minutes shall be

46 available for public inspection and, for any session held on or after July
47 1, 2012, shall be posted on such public agency's Internet web site, if
48 available. Each such agency shall make, keep and maintain a record of
49 the proceedings of its meetings.

50 (b) Each such public agency of the state shall file not later than
51 January thirty-first of each year in the office of the Secretary of the
52 State the schedule of the regular meetings of such public agency for the
53 ensuing year and, on and after July 1, 2012, shall post such schedule on
54 such public agency's Internet web site, if available, except that such
55 requirements shall not apply to the General Assembly, either house
56 thereof or to any committee thereof. Any other provision of the
57 Freedom of Information Act notwithstanding, the General Assembly at
58 the commencement of each regular session in the odd-numbered years,
59 shall adopt, as part of its joint rules, rules to provide notice to the
60 public of its regular, special, emergency or interim committee
61 meetings. The chairperson or secretary of any such public agency of
62 any political subdivision of the state shall file, not later than January
63 thirty-first of each year, with the clerk of such subdivision the schedule
64 of regular meetings of such public agency for the ensuing year, and no
65 such meeting of any such public agency shall be held sooner than
66 thirty days after such schedule has been filed. The chief executive
67 officer of any multitown district or agency shall file, not later than
68 January thirty-first of each year, with the clerk of each municipal
69 member of such district or agency, the schedule of regular meetings of
70 such public agency for the ensuing year, and no such meeting of any
71 such public agency shall be held sooner than thirty days after such
72 schedule has been filed.

73 (c) The agenda of the regular meetings of every public agency,
74 except for the General Assembly, shall be available to the public and
75 shall be filed, not less than twenty-four hours before the meetings to
76 which they refer, (1) in such agency's regular office or place of
77 business, and (2) in the office of the Secretary of the State for any such
78 public agency of the state, in the office of the clerk of such subdivision
79 for any public agency of a political subdivision of the state or in the

80 office of the clerk of each municipal member of any multitown district
81 or agency. For any meeting to be held on or after July 1, 2012, by any
82 such public agency of the state, such agenda shall be posted on the
83 public agency's and the Secretary of the State's web sites. Upon the
84 affirmative vote of two-thirds of the members of a public agency
85 present and voting, any subsequent business not included in such filed
86 agendas may be considered and acted upon at such meetings.

87 (d) Notice of each special meeting of every public agency, except for
88 the General Assembly, either house thereof or any committee thereof,
89 shall (1) for any such meeting to be held on or after July 1, 2012, be
90 posted not less than twenty-four hours before the meeting to which
91 such notice refers on the public agency's Internet web site, if available,
92 and (2) be given not less than twenty-four hours prior to the time of
93 such meeting by filing a notice of the time and place thereof in the
94 office of the Secretary of the State for any such public agency of the
95 state, in the office of the clerk of such subdivision for any public
96 agency of a political subdivision of the state and in the office of the
97 clerk of each municipal member for any multitown district or agency.
98 The secretary or clerk shall cause any notice received under this section
99 to be posted in his office. Such notice shall be given not less than
100 twenty-four hours prior to the time of the special meeting; provided, in
101 case of emergency, except for the General Assembly, either house
102 thereof or any committee thereof, any such special meeting may be
103 held without complying with the foregoing requirement for the filing
104 of notice but a copy of the minutes of every such emergency special
105 meeting adequately setting forth the nature of the emergency and the
106 proceedings occurring at such meeting shall be filed with the Secretary
107 of the State, the clerk of such political subdivision, or the clerk of each
108 municipal member of such multitown district or agency, as the case
109 may be, not later than seventy-two hours following the holding of such
110 meeting. The notice shall specify the time and place of the special
111 meeting and the business to be transacted. No other business shall be
112 considered at such meetings by such public agency. In addition, such
113 written notice shall be delivered to the usual place of abode of each

114 member of the public agency so that the same is received prior to such
115 special meeting. The requirement of delivery of such written notice
116 may be dispensed with as to any member who at or prior to the time
117 the meeting convenes files with the clerk or secretary of the public
118 agency a written waiver of delivery of such notice. Such waiver may be
119 given by telegram. The requirement of delivery of such written notice
120 may also be dispensed with as to any member who is actually present
121 at the meeting at the time it convenes. Nothing in this section shall be
122 construed to prohibit any agency from adopting more stringent notice
123 requirements.

124 (e) No member of the public shall be required, as a condition to
125 attendance at a meeting of any such body, to register the member's
126 name, or furnish other information, or complete a questionnaire or
127 otherwise fulfill any condition precedent to the member's attendance.

128 (f) A public agency may hold an executive session, as defined in
129 subdivision (6) of section 1-200, upon an affirmative vote of two-thirds
130 of the members of such body present and voting, taken at a public
131 meeting and stating the reasons for such executive session, as defined
132 in section 1-200.

133 (g) In determining the time within which or by when a notice,
134 agenda, record of votes or minutes of a special meeting or an
135 emergency special meeting are required to be filed under this section,
136 Saturdays, Sundays, legal holidays and any day on which the office of
137 the agency, the Secretary of the State or the clerk of the applicable
138 political subdivision or the clerk of each municipal member of any
139 multitown district or agency, as the case may be, is closed, shall be
140 excluded.

141 Sec. 505. Section 1-2 of the general statutes is repealed and the
142 following is substituted in lieu thereof (*Effective from passage*):

143 Each provision of the general statutes, the special acts or the charter
144 of any town, city or borough which requires the insertion of an
145 advertisement of a legal notice in a daily newspaper shall be construed

146 to permit such advertisement to be (1) inserted in a weekly newspaper,
147 or (2) if the town has an Internet web site, posted on such web site; but
148 this section shall not be construed to reduce or otherwise affect the
149 time required by law for giving such notice. Whenever notice of any
150 action or other proceeding is required to be given by publication in a
151 newspaper, either by statute or order of court, the newspaper selected
152 for that purpose, unless otherwise expressly prescribed, shall be one
153 having a substantial circulation in the town in which at least one of the
154 parties, for whose benefit such notice is given, resides.

155 Sec. 506. Section 2-32b of the general statutes is repealed and the
156 following is substituted in lieu thereof (*Effective from passage*):

157 (a) As used in this section:

158 (1) "Local government" means any political subdivision of the state
159 having power to make appropriations or to levy taxes, including any
160 town, city or borough, consolidated town and city or consolidated
161 town and borough, any village, any school, sewer, fire, water or
162 lighting district, metropolitan district, any municipal district, any
163 beach or improvement association, and any other district or association
164 created by any special act or pursuant to chapter 105, or any other
165 municipal corporation having the power to issue bonds;

166 (2) "State mandate" means any constitutional, statutory or executive
167 action that requires a local government to establish, expand or modify
168 its activities in such a way as to necessitate additional expenditures
169 from local revenues, excluding any order issued by a state court and
170 any legislation necessary to comply with a federal mandate;

171 (3) "Local government organization and structure mandate" means a
172 state mandate concerning such matters as: (A) The form of local
173 government and the adoption and revision of statutes on the
174 organization of local government; (B) the establishment of districts,
175 councils of governments, or other forms and structures for interlocal
176 cooperation and coordination; (C) the holding of local elections; (D) the
177 designation of public officers, and their duties, powers and

178 responsibilities; and (E) the prescription of administrative practices
179 and procedures for local governing bodies;

180 (4) "Due process mandate" means a state mandate concerning such
181 matters as: (A) The administration of justice; (B) notification and
182 conduct of public hearings; (C) procedures for administrative and
183 judicial review of actions taken by local governing bodies; and (D)
184 protection of the public from malfeasance, misfeasance, or nonfeasance
185 by local government officials;

186 (5) "Benefit spillover" means the process of accrual of social or other
187 benefits from a governmental service to jurisdictions adjacent to or
188 beyond the jurisdiction providing the service;

189 (6) "Service mandate" means a state mandate as to creation or
190 expansion of governmental services or delivery standards therefor and
191 those applicable to services having substantial benefit spillover and
192 consequently being wider than local concern. For purposes of this
193 section, applicable services include but are not limited to elementary
194 and secondary education, community colleges, public health,
195 hospitals, public assistance, air pollution control, water pollution
196 control and solid waste treatment and disposal. A state mandate that
197 expands the duties of a public official by requiring the provision of
198 additional services is a "service mandate" rather than a "local
199 government organization and structure mandate";

200 (7) "Interlocal equity mandate" means a state mandate requiring
201 local governments to act so as to benefit other local governments or to
202 refrain from acting to avoid injury to, or conflict with neighboring
203 jurisdictions, including such matters as land use regulations, tax
204 assessment procedures for equalization purposes and environmental
205 standards;

206 (8) "Tax exemption mandate" means a state mandate that exempts
207 privately owned property or other specified items from the local tax
208 base;

209 (9) "Personnel mandate" means a state mandate concerning or
210 affecting local government: (A) Salaries and wages; (B) employee
211 qualifications and training except when any civil service commission,
212 professional licensing board, or personnel board or agency established
213 by state law sets and administers standards relative to merit-based
214 recruitment or candidates for employment or conducts and grades
215 examinations and rates candidates in order of their relative excellence
216 for purposes of making appointments or promotions to positions in the
217 competitive division of the classified service of the public employer
218 served by such commission, board or agency; (C) hours, location of
219 employment, and other working conditions; and (D) fringe benefits
220 including insurance, health, medical care, retirement and other
221 benefits.

222 (b) The Office of Fiscal Analysis shall append to any bill before
223 either house of the General Assembly for final action which has the
224 effect of creating or enlarging a state mandate to local governments, an
225 estimate of the cost to such local governments which would result
226 from the passage of such bill. Any amendment offered to any bill
227 before either house of the General Assembly which has the effect of
228 creating or enlarging a state mandate to local governments shall have
229 appended thereto an estimate of the cost to such local governments
230 which would result from the adoption of such amendment.

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

240 (d) On and after January 1, 1985, (1) any bill reported by a joint
241 standing committee of the General Assembly which may create or

242 enlarge a state mandate to local governments, as defined in subsection
243 (a) of this section, shall be referred by such committee to the joint
244 standing committee of the General Assembly having cognizance of
245 matters relating to appropriations and the budgets of state agencies,
246 unless such reference is dispensed with by a vote of at least two-thirds
247 of each house of the General Assembly, and (2) any bill amended by
248 either house of the General Assembly or by the report of a committee
249 on conference in such a manner as to create or enlarge a state mandate
250 shall be referred to said committee, unless such reference is dispensed
251 with by a vote of at least two-thirds of each house of the General
252 Assembly. Any such bill which is favorably reported by said
253 committee shall contain a determination by said committee concerning
254 the following: (A) Whether or not such bill creates or enlarges a state
255 mandate, and, if so, which type of mandate is created or enlarged; (B)
256 whether or not the state shall reimburse local governments for costs
257 resulting from such new or enlarged mandate, and, if so, which costs
258 are eligible for reimbursement, the level of reimbursement, the
259 timetable for reimbursement and the duration of reimbursement.

260 (e) No bill that creates or enlarges a state mandate to local
261 governments, as defined in subsection (a) of this section, shall be
262 passed without the vote of at least two-thirds of each house of the
263 General Assembly."