General Assembly Amendment

January Session, 2009

To: House Bill No. 5095

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

Offered by:
REP. CAFERO, 142\textsuperscript{nd} Dist.
REP. HAMZY, 78\textsuperscript{th} Dist.
REP. KLARIDES, 114\textsuperscript{th} Dist.

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

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 Section 4a-53a of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

The Commissioner of Administrative Services may serve as the contracting agent for a group of three or more municipalities that seek to purchase supplies, materials, or equipment or services, upon the request of such group of municipalities, provided (1) the commissioner determines that the municipalities will achieve a cost savings through the commissioner serving as the contracting agent, and (2) such cost savings are greater than the administrative costs to the state for the commissioner serving as the contracting agent. As the contracting agent for such a group of municipalities, the Commissioner of
Administrative Services may perform administrative functions in accordance with state procurement laws and regulations, including, but not limited to, the following: Issuing requests for bids or proposals, selecting the successful bidder based on competitive bidding or competitive negotiation and administering any contracts for such purchases. Nothing in this section shall be construed to require the state to be a party to any such contract entered into pursuant to this section.

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

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 Subsection (g) of section 10-233c of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

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

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

(a) The meetings of all public agencies, except executive sessions, as defined in subdivision (6) of section 1-200, shall be open to the public. The votes of each member of any such public agency upon any issue before such public agency shall be reduced to writing and made available for public inspection within forty-eight hours and shall also be recorded in the minutes of the session at which taken. Within seven days of the session to which such minutes refer, such minutes shall be
available for public inspection and, for any session held on or after July 1, 2012, shall be posted on such public agency's Internet web site, if available. Each such agency shall make, keep and maintain a record of the proceedings of its meetings.

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

(c) The agenda of the regular meetings of every public agency, except for the General Assembly, shall be available to the public and shall be filed, not less than twenty-four hours before the meetings to which they refer, (1) in such agency's regular office or place of business, and (2) in the office of the Secretary of the State for any such public agency of the state, in the office of the clerk of such subdivision for any public agency of a political subdivision of the state or in the
office of the clerk of each municipal member of any multitown district
or agency. For any meeting to be held on or after July 1, 2012, by any
such public agency of the state, such agenda shall be posted on the
public agency's and the Secretary of the State's web sites. Upon the
affirmative vote of two-thirds of the members of a public agency
present and voting, any subsequent business not included in such filed
agendas may be considered and acted upon at such meetings.

(d) Notice of each special meeting of every public agency, except for
the General Assembly, either house thereof or any committee thereof,
shall (1) for any such meeting to be held on or after July 1, 2012, be
posted not less than twenty-four hours before the meeting to which
such notice refers on the public agency's Internet web site, if available,
and (2) be given not less than twenty-four hours prior to the time of
such meeting by filing a notice of the time and place thereof in the
office of the Secretary of the State for any such public agency of the
state, in the office of the clerk of such subdivision for any public
agency of a political subdivision of the state and in the office of the
clerk of each municipal member for any multitown district or agency.
The secretary or clerk shall cause any notice received under this section
to be posted in his office. Such notice shall be given not less than
twenty-four hours prior to the time of the special meeting; provided, in
case of emergency, except for the General Assembly, either house
thereof or any committee thereof, any such special meeting may be
held without complying with the foregoing requirement for the filing
of notice but a copy of the minutes of every such emergency special
meeting adequately setting forth the nature of the emergency and the
proceedings occurring at such meeting shall be filed with the Secretary
of the State, the clerk of such political subdivision, or the clerk of each
municipal member of such multitown district or agency, as the case
may be, not later than seventy-two hours following the holding of such
meeting. The notice shall specify the time and place of the special
meeting and the business to be transacted. No other business shall be
considered at such meetings by such public agency. In addition, such
written notice shall be delivered to the usual place of abode of each
member of the public agency so that the same is received prior to such
special meeting. The requirement of delivery of such written notice
may be dispensed with as to any member who at or prior to the time
the meeting convenes files with the clerk or secretary of the public
agency a written waiver of delivery of such notice. Such waiver may be
given by telegram. The requirement of delivery of such written notice
may also be dispensed with as to any member who is actually present
at the meeting at the time it convenes. Nothing in this section shall be
construed to prohibit any agency from adopting more stringent notice
requirements.

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

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

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

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

Each provision of the general statutes, the special acts or the charter
of any town, city or borough which requires the insertion of an
advertisement of a legal notice in a daily newspaper shall be construed
to permit such advertisement to be (1) inserted in a weekly newspaper,
or (2) if the town has an Internet web site, posted on such web site; but
this section shall not be construed to reduce or otherwise affect the
time required by law for giving such notice. Whenever notice of any
action or other proceeding is required to be given by publication in a
newspaper, either by statute or order of court, the newspaper selected
for that purpose, unless otherwise expressly prescribed, shall be one
having a substantial circulation in the town in which at least one of the
parties, for whose benefit such notice is given, resides.

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

(a) As used in this section:

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

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

(3) "Local government organization and structure mandate" means a
state mandate concerning such matters as: (A) The form of local
government and the adoption and revision of statutes on the
organization of local government; (B) the establishment of districts,
councils of governments, or other forms and structures for interlocal
cooperation and coordination; (C) the holding of local elections; (D) the
designation of public officers, and their duties, powers and
responsibilities; and (E) the prescription of administrative practices and procedures for local governing bodies;

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

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

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

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

(8) "Tax exemption mandate" means a state mandate that exempts privately owned property or other specified items from the local tax base;
(9) "Personnel mandate" means a state mandate concerning or affecting local government: (A) Salaries and wages; (B) employee qualifications and training except when any civil service commission, professional licensing board, or personnel board or agency established by state law sets and administers standards relative to merit-based recruitment or candidates for employment or conducts and grades examinations and rates candidates in order of their relative excellence for purposes of making appointments or promotions to positions in the competitive division of the classified service of the public employer served by such commission, board or agency; (C) hours, location of employment, and other working conditions; and (D) fringe benefits including insurance, health, medical care, retirement and other benefits.

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

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

(d) On and after January 1, 1985, (1) any bill reported by a joint standing committee of the General Assembly which may create or
enlarge a state mandate to local governments, as defined in subsection (a) of this section, shall be referred by such committee to the joint standing committee of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies, unless such reference is dispensed with by a vote of at least two-thirds of each house of the General Assembly, and (2) any bill amended by either house of the General Assembly or by the report of a committee on conference in such a manner as to create or enlarge a state mandate shall be referred to said committee, unless such reference is dispensed with by a vote of at least two-thirds of each house of the General Assembly. Any such bill which is favorably reported by said committee shall contain a determination by said committee concerning the following: (A) Whether or not such bill creates or enlarges a state mandate, and, if so, which type of mandate is created or enlarged; (B) whether or not the state shall reimburse local governments for costs resulting from such new or enlarged mandate, and, if so, which costs are eligible for reimbursement, the level of reimbursement, the timetable for reimbursement and the duration of reimbursement.

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