



Senate Bill No. 1127

Public Act No. 11-233

AN ACT CONCERNING MISCELLANEOUS PROVISIONS INCLUDING NURSING HOME CLOSURES, STAFFING AT THE POLICE OFFICERS STANDARDS AND TRAINING COUNCIL, THE REPEAL OF PROVISIONS CONCERNING THE DIVISION OF SPECIAL REVENUE, HIGHWAY REST AREAS AND AN EXEMPTION TO THE ELECTRIC GENERATION TAX.

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

Section 1. Subsection (h) of section 19a-533 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(h) Notwithstanding the provisions of this section, a nursing home may, without regard to the order of its waiting list, admit an applicant who (1) seeks to transfer from a nursing home that is closing, or (2) seeks to transfer from a nursing home in which the applicant was placed following the closure of the nursing home where such applicant previously resided or, in the case of a nursing home placed in receivership, the anticipated closure of the nursing home where such applicant previously resided, provided (A) the transfer occurs not later than sixty days following the date that such applicant was transferred from the nursing home where he or she previously resided, and (B) the applicant submitted an application to the nursing home to which he or she seeks admission at the time of the applicant's transfer from the

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nursing home where he or she previously resided.

Sec. 2. Section 7-294d of the general statutes, as amended by section 147 of public act 11-51, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) The Police Officer Standards and Training Council shall have the following powers:

(1) To develop and periodically update and revise a comprehensive municipal police training plan;

(2) To approve, or revoke the approval of, any police training school and to issue certification to such schools and to revoke such certification;

(3) To set the minimum courses of study and attendance required and the equipment and facilities to be required of approved police training schools;

(4) To set the minimum qualifications for law enforcement instructors and to issue appropriate certification to such instructors;

(5) To require that all probationary candidates receive the hours of basic training deemed necessary before being eligible for certification, such basic training to be completed within one year following the appointment as a probationary candidate, unless the candidate is granted additional time to complete such basic training by the council;

(6) To require the registration of probationary candidates with the academy within ten days of hiring for the purpose of scheduling training;

(7) To issue appropriate certification to police officers who have satisfactorily completed minimum basic training programs;

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(8) To require that each police officer satisfactorily complete at least forty hours of certified review training every three years in order to maintain certification, unless the officer is granted additional time not to exceed one year to complete such training by the council;

(9) To renew the certification of those police officers who have satisfactorily completed review training programs;

(10) To establish uniform minimum educational and training standards for employment as a police officer in full-time positions, temporary or probationary positions and part-time or voluntary positions;

(11) To develop, in consultation with the Commissioner of Emergency Services and Public Protection, a schedule to visit and inspect police basic training schools and to inspect each school at least once each year;

(12) To consult with and cooperate with universities, colleges and institutes for the development of specialized courses of study for police officers in police science and police administration;

(13) To work with the Commissioner of Emergency Services and Public Protection and with departments and agencies of this state and other states and the federal government concerned with police training;

(14) To make recommendations to the Commissioner of Emergency Services and Public Protection concerning a training academy administrator, who shall be appointed by the commissioner, and concerning the hiring of staff, within available appropriations, that may be necessary in the performance of its functions;

(15) To perform any other acts that may be necessary and appropriate to carry out the functions of the council as set forth in

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sections 7-294a to 7-294e, inclusive, as amended by [this act] public act 11-51;

(16) To accept, with the approval of the Commissioner of Emergency Services and Public Protection, contributions, grants, gifts, donations, services or other financial assistance from any governmental unit, public agency or the private sector;

(17) To conduct any inspection and evaluation that may be necessary to determine if a law enforcement unit is complying with the provisions of this section;

(18) At the request and expense of any law enforcement unit, to conduct general or specific management surveys;

(19) To develop objective and uniform criteria for recommending any waiver of regulations or granting a waiver of procedures established by the council;

(20) To recruit, select and appoint candidates to the position of probationary candidate, as defined in section 7-294a, as amended by [this act] public act 11-51, and provide recruit training for candidates of the Connecticut Police Corps program in accordance with the Police Corps Act, 42 USC 14091 et seq., as amended from time to time; and

(21) To develop, adopt and revise, as necessary, comprehensive accreditation standards for the administration and management of law enforcement units, to grant accreditation to those law enforcement units that demonstrate their compliance with such standards and, at the request and expense of any law enforcement unit, to conduct such surveys as may be necessary to determine such unit's compliance with such standards.

(b) No person may be employed as a police officer by any law enforcement unit for a period exceeding one year unless such person

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has been certified under the provisions of subsection (a) of this section or has been granted an extension by the council. No person may serve as a police officer during any period when such person's certification has been cancelled or revoked pursuant to the provisions of subsection (c) of this section. In addition to the requirements of this subsection, the council may establish other qualifications for the employment of police officers and require evidence of fulfillment of these qualifications. The certification of any police officer who is not employed by a law enforcement unit for a period of time in excess of two years, unless such officer is on leave of absence, shall be considered lapsed. Upon reemployment as a police officer, such officer shall apply for recertification in a manner provided by the council. The council shall certify any applicant who presents evidence of satisfactory completion of a program or course of instruction in another state equivalent in content and quality to that required in this state, provided such applicant passes an examination or evaluation as required by the council.

(c) (1) The council may refuse to renew any certificate if the holder fails to meet the requirements for renewal of his or her certification.

(2) The council may cancel or revoke any certificate if: (A) The certificate was issued by administrative error, (B) the certificate was obtained through misrepresentation or fraud, (C) the holder falsified any document in order to obtain or renew any certificate, (D) the holder has been convicted of a felony, (E) the holder has been found not guilty of a felony by reason of mental disease or defect pursuant to section 53a-13, (F) the holder has been convicted of a violation of subsection (c) of section 21a-279 or section 29-9, (G) the holder has been refused issuance of a certificate or similar authorization or has had his or her certificate or other authorization cancelled or revoked by another jurisdiction on grounds which would authorize cancellation or revocation under the provisions of this subdivision, (H)

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the holder has been found by a law enforcement unit, pursuant to procedures established by such unit, to have used a firearm in an improper manner which resulted in the death or serious physical injury of another person, or (I) the holder has been found by a law enforcement unit, pursuant to procedures established by such unit, to have committed any act that would constitute tampering with or fabricating physical evidence in violation of section 53a-155, perjury in violation of section 53a-156 or false statement in the second degree in violation of section 53a-157b. Whenever the council believes there is a reasonable basis for cancellation or revocation of the certification of a police officer, police training school or law enforcement instructor, it shall give notice and an adequate opportunity for a hearing prior to such cancellation or revocation. The council may cancel or revoke any certificate if, after a de novo review, it finds by clear and convincing evidence (i) a basis set forth in subparagraphs (A) to (G), inclusive, of this subdivision, or (ii) that the holder of the certificate committed an act set forth in subparagraph (H) or (I) of this subdivision. Any police officer or law enforcement instructor whose certification is cancelled or revoked pursuant to this section may reapply for certification no sooner than two years after the date on which the cancellation or revocation order becomes final. Any police training school whose certification is cancelled or revoked pursuant to this section may reapply for certification at any time after the date on which such order becomes final.

(d) Notwithstanding the provisions of subsection (b) of this section, any police officer, except a probationary candidate, who is serving under full-time appointment on July 1, 1982, shall be deemed to have met all certification requirements and shall be automatically certified by the council in accordance with the provisions of subsection (a) of section 7-294e, as amended by [this act] public act 11-51.

(e) The provisions of this section shall apply to any person who

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performs police functions. As used in this subsection, "performs police functions" for a person who is not a police officer, as defined in section 7-294a, means that in the course of such person's official duties, such person carries a firearm and exercises arrest powers pursuant to section 54-1f or engages in the prevention, detection or investigation of crime, as defined in section 53a-24. The council shall establish criteria by which the certification process required by this section shall apply to police officers.

(f) The provisions of this section shall not apply to (1) any state police training school or program, (2) any sworn member of the Division of State Police within the Department of Emergency Services and Public Protection, (3) Connecticut National Guard security personnel, when acting within the scope of their National Guard duties, who have satisfactorily completed a program of police training conducted by the United States Army or Air Force, (4) employees of the Judicial Department, (5) municipal animal control officers appointed pursuant to section 22-331, or (6) fire police appointed pursuant to section 7-313a. The provisions of this section with respect to renewal of certification upon satisfactory completion of review training programs shall not apply to any chief inspector or inspector in the Division of Criminal Justice who has satisfactorily completed a program of police training conducted by the division.

Sec. 3. Subsection (a) of section 4-9a of the general statutes, as amended by section 132 of public act 11-48 and section 78 of public act 11-61, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) The Governor shall appoint the chairperson and executive director, if any, of all boards and commissions within the Executive Department, except the State Properties Review Board, the State Elections Enforcement Commission, the Commission on Human Rights and Opportunities, the Commission on Fire Prevention and

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Control and the Citizen's Ethics Advisory Board.

Sec. 4. Subsection (d) of section 12-91 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) Annually, [within thirty days after the assessment date in each town, city or borough] on or before the first day of November, each such individual farmer, group of farmers, partnership or corporation shall make written application for the exemption provided for in subsection (a) of this section to the assessor or board of assessors in the town in which such farm is located, including therewith a notarized affidavit certifying that such farmer, individually or as part of a group, partnership or corporation, derived at least fifteen thousand dollars in gross sales from such farming operation, or incurred at least fifteen thousand dollars in expenses related to such farming operation, with respect to the most recently completed taxable year of such farmer prior to the commencement of the assessment year for which such application is made, on forms to be prescribed by the Commissioner of Agriculture. Failure to file such application in said manner and form [within the time limit prescribed] on or before the first day of November shall be considered a waiver of the right to such exemption for the assessment year. Any person aggrieved by any action of the assessors shall have the same rights and remedies for appeal and relief as are provided in the general statutes for taxpayers claiming to be aggrieved by the doings of the assessors or board of assessment appeals.

Sec. 5. Subsection (b) of section 17b-263 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(b) [The rate paid] Notwithstanding the provisions of subsection (d) of section 17b-239, the commissioner shall establish a service-specific

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fee schedule for hospital outpatient mental health therapy services, except for partial hospitalization and other comprehensive services as defined by the commissioner, [, shall be that established in subsection (d) of section 17b-239 for an outpatient clinic visit.] Payment for partial hospitalization services shall be considered payment in full for all outpatient mental health services.

Sec. 6. Section 12-563 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

All regulations of the division shall be adopted in the manner provided in chapter 54. The executive director shall, at least annually, on or before December thirty-first of each year, publish in convenient pamphlet form all regulations then in force and shall furnish copies of such pamphlets to [every establishment authorized to engage in the activities authorized under section 12-567 and to such other persons as] such persons who desire such pamphlets.

Sec. 7. Subsection (a) of section 12-802 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) There is created a body politic and corporate, constituting a public instrumentality and political subdivision of the state created for the performance of an essential governmental revenue-raising function, which shall be named the Connecticut Lottery Corporation, and which may exercise the functions, powers and duties set forth in sections 12-563a and 12-800 to 12-818, inclusive, to implement the purposes set forth in said sections, which are public purposes for which public funds may be expended. The Connecticut Lottery Corporation shall not be construed to be a department, institution or agency of the state with respect to budgeting, procurement or personnel requirements, except as provided in sections 1-120, 1-121, 1-125, 12-557e, 12-563, 12-563a, 12-564, 12-566, [12-567,] 12-568a and 12-

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569, subsection (d) of section 12-574 and sections 12-800 to 12-818, inclusive.

Sec. 8. Subdivision (3) of subsection (e) of section 12-802 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(3) No employee who is covered by a collective bargaining agreement as an employee of the Division of Special Revenue shall be laid off as a result of the creation of the corporation. Each employee of the Division of Special Revenue who is not employed by the corporation and by virtue of sections 12-563a and 12-800 to 12-818, inclusive, is no longer employed by the Division of Special Revenue shall be assigned with his position to another state agency. Such opportunities shall be offered in the order of seniority. Seniority shall be defined in the same way as cases of transfer under the appropriate collective bargaining agreements. Such assignments shall be made only with the approval of the Office of Policy and Management and shall be reported at the end of the fiscal year to the Finance Advisory Committee. Employees may choose to be laid off in lieu of accepting any such assignment. In such case, they shall be entitled to all collective bargaining rights under their respective collective bargaining agreements including the State Employees Bargaining Agent Coalition (SEBAC). Sections 1-120, 1-121, 1-125, 12-557e, 12-563, 12-563a, 12-564, 12-566, [12-567,] 12-568a and 12-569, subsection (d) of section 12-574 and sections 12-800 to 12-818, inclusive, shall in no way affect the collective bargaining rights of employees of the Division of Special Revenue.

Sec. 9. Subsection (h) of section 12-802 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(h) In any interest arbitration regarding employees of the

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corporation, the arbitrator shall take into account as a factor, in addition to those factors specified in section 5-276a, the purposes of sections 1-120, 1-121, 1-125, 12-557e, 12-563, 12-563a, 12-564, 12-566, [12-567,] 12-568a and 12-569, subsection (d) of section 12-574 and sections 12-800 to 12-818, inclusive, the entrepreneurial mission of the corporation and the necessity to provide flexibility and innovation to facilitate the success of the Connecticut Lottery Corporation in the marketplace. In any arbitration regarding any classification of entrepreneurial sales employees, the arbitrator shall include a term awarding incentive compensation for such employees for the purpose of motivating employees to maximize lottery sales.

Sec. 10. Subdivision (2) of subsection (b) of section 12-806 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(2) To operate and manage the lottery consistent with the provisions of sections 1-120, 1-121, 1-125, 12-557e, 12-563, 12-563a, 12-564, 12-566, [12-567,] 12-568a and 12-569, subsection (d) of section 12-574 and sections 12-800 to 12-818, inclusive, and as specifically provided in section 12-812;

Sec. 11. Section 12-816 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

The exercise of the powers granted by sections 1-120, 1-121, 1-125, 12-557e, 12-563, 12-563a, 12-564, 12-566, [12-567,] 12-568a and 12-569, subsection (d) of section 12-574 and sections 12-800 to 12-818, inclusive, constitute the performance of an essential governmental function and all operations of the corporation shall be free from any form of federal or state taxation. In addition, except pursuant to any federal requirements, the corporation shall not be required to pay any taxes or assessments upon or in respect to sales of lottery tickets, or any property or moneys of the corporation, levied by the state or any

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political subdivision or municipal taxing authority. The corporation and its assets, property and revenues shall at all times be free from taxation of every kind by the state and by the municipalities and all other political subdivisions or special districts having taxing powers in the state.

Sec. 12. Subsection (a) of section 12-569 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) If the president of the Connecticut Lottery Corporation determines that any lottery sales agent has breached such agent's fiduciary responsibility to the corporation in that the account of such lottery sales agent with respect to moneys received from the sale of lottery tickets has become delinquent in accordance with regulations adopted as provided in section 12-568a, the president shall notify the executive director of the breach of fiduciary duty and the executive director shall impose a delinquency assessment upon such account equal to ten per cent of the amount due or ten dollars, whichever amount is greater, plus interest at the rate of one and one-half per cent of such amount for each month or fraction of a month from the date such amount is due to the date of payment. [Except as provided in section 12-569b, and subject] Subject to the provisions of section 12-3a, the executive director may waive all or part of the penalties provided under this subsection when it is proven to the executive director's satisfaction that the failure to pay such moneys to the state within the time allowed was due to reasonable cause and was not intentional or due to neglect. Any such delinquent lottery sales agent shall be notified of such delinquency assessment and shall be afforded an opportunity to contest the validity and amount of such assessment before the executive director who may conduct such hearing. Upon request of the president of the Connecticut Lottery Corporation, the executive director may prepare and sign a warrant directed to any

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state marshal, constable or any collection agent employed by the Connecticut Lottery Corporation for distraint upon any property of such delinquent lottery sales agent within the state, whether personal or real property. An itemized bill shall be attached to the warrant certified by the executive director as a true statement of the amount due from such lottery sales agent. Such warrant shall have the same force and effect as an execution issued in accordance with chapter 906. Such warrant shall be levied on any real, personal, tangible or intangible property of such agent and sale made pursuant to such warrant in the same manner and with the same force and effect as a levy and sale pursuant to an execution.

Sec. 13. Subsections (a) and (b) of section 52-362 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) For the purposes of this section:

(1) "Dependent" means a spouse, former spouse or child entitled to payments under a support order, provided Support Enforcement Services of the Superior Court or the state acting under an assignment of a dependent's support rights or under an application for child support enforcement services shall, through an officer of Support Enforcement Services or the Bureau of Child Support Enforcement within the Department of Social Services or an investigator of the Department of Administrative Services or the Attorney General, take any action which the dependent could take to enforce a support order;

(2) "Disposable earnings" means that part of the earnings of an individual remaining after deduction from those earnings of amounts required to be withheld for the payment of federal, state and local income taxes, employment taxes, normal retirement contributions, union dues and initiation fees, and group life and health insurance premiums;

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(3) "Earnings" means any debt accruing to an obligor by reason of such obligor's personal services, including any compensation payable by an employer to an employee for such personal services whether denominated as wages, salary, commission, bonus or otherwise, including unemployment compensation if a purchase of service agreement between the Commissioner of Social Services and the Labor Commissioner is in effect pursuant to subsection (e) of section 17b-179;

(4) "Employer" means any person, including the Labor Commissioner, who owes earnings to an obligor;

(5) "Income" means any periodic form of payment due to an individual, regardless of source, including, but not limited to, disposable earnings, workers' compensation and disability benefits, payments pursuant to a pension or retirement program and interest;

(6) "Issue" means: (A) Complete the withholding order form prescribed under subsection (q) of this section and serve such form on the employer or other payer of income, or (B) in the case of an income withholding order served electronically in accordance with subsection (h) of this section, transmit electronic data sufficient to implement the withholding to an employer that has agreed to receive electronic transmission of income withholding orders and notices;

[(6)] (7) "Obligor" means a person required to make payments under a support order;

[(7)] (8) "Support order" means a court order, or order of a family support magistrate including an agreement approved by a court or a family support magistrate, that requires the payment to a dependent of current support, cash medical support, a specific dollar amount of child care costs or arrearage payments;

[(8)] (9) "Unemployment compensation" means any compensation payable under chapter 567, including amounts payable by the

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administrator of the unemployment compensation law pursuant to an agreement under any federal law providing for compensation, assistance or allowances with respect to unemployment.

(b) The Superior Court and any family support magistrate shall [issue] enter an order for withholding pursuant to this section against the income of an obligor to enforce a support order when the support order is entered or modified or when the obligor is before the court in an enforcement proceeding. The court shall order the withholding to be effective immediately or may, for cause or pursuant to an agreement by the parties, order a contingent withholding to be effective only on accrual of a delinquency in an amount greater than or equal to thirty days' obligation. Any finding that there is cause not to order withholding to be effective immediately shall be based on at least (1) a written determination that, and explanation by the court or family support magistrate of why, implementing immediate income withholding would not be in the best interests of the child, and (2) proof of timely payment of previously ordered support in cases involving the modification of such support. Before the court or family support magistrate [issues] enters an order for withholding which is effective immediately against an obligor who is before the court or a family support magistrate, it shall inform the obligor of the minimum amount of income which is exempt from withholding under state and federal law, of such obligor's right to claim any applicable state or federal exemptions with respect thereto and of such obligor's right to offer any evidence as to why a withholding order effective immediately should not [issue] enter. If the court or family support magistrate [issues] enters an order for withholding to be effective immediately against a nonappearing obligor, notice shall be served subsequently upon the obligor in accordance with section 52-57 or sent by certified mail, return receipt requested, to the obligor's last known address, informing such obligor: (A) That a support order has been [issued] entered to be enforced by an income withholding order, (B)

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that an income withholding order has been [issued] entered effective immediately as part of the support order, (C) of the minimum amount of income exempt from withholding under state and federal law and of such obligor's right at the hearing on the support order to claim any other applicable state or federal exemptions with respect thereto, (D) of such obligor's right to a hearing, upon motion to the court, to offer any evidence as to why the withholding order effective immediately should not continue in effect, (E) of the amount of income received by such obligor which formed the basis for the support order against such obligor, and (F) of such obligor's right to move to modify the support order if such obligor's income has changed substantially or if the support order substantially deviates from the child support guidelines established pursuant to section 46b-215a.

Sec. 14. Subsection (h) of section 52-362 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(h) Service of any process under this section, including any notice, may be made in accordance with section 52-57, or by certified mail, return receipt requested. If service is made on behalf of the state, it may be made by an authorized employee of Support Enforcement Services, [or] by an investigator or other officer of the Bureau of Child Support Enforcement within the Department of Social Services, [or] by an investigator of the Department of Administrative Services or by the Attorney General. Service of income withholding orders by Support Enforcement Services or by an investigator or other officer of said bureau upon an employer under this section may be made in accordance with section 52-57, by certified mail, return receipt requested, [or] by first class mail or electronically, provided the employer agrees to accept service made electronically.

Sec. 15. (*Effective July 1, 2011*) There is established a pilot program in the superior court for family matters in the judicial districts of

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Hartford and New Haven and another judicial district selected by the Chief Court Administrator for the purpose of providing employment opportunities for child support obligors. Not later than July 1, 2012, the Chief Court Administrator shall submit a report on the status of the program and participation in the program to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary, in accordance with section 11-4a of the general statutes.

Sec. 16. Subdivision (4) of subsection (b) of section 10-399 of the general statutes, as amended by section 104 of public act 11-48 and section 157 of public act 11--61, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(4) The Department of Economic and Community Development shall place a full-time year-round supervisor and a part-time assistant supervisor at the Danbury, Darien, [and] North Stonington and West Willington centers. The responsibilities of each supervisor shall include, but not be limited to: (A) Maintaining a sufficient inventory of up-to-date brochures for dissemination to visitors, (B) scheduling staff so as to assure coverage at all times, (C) training staff, (D) compiling and maintaining statistics on center usage, (E) serving as liaison between the department, the Department of Transportation, the tourism district in which the center is located and businesses in such district, (F) maintaining quality tourism services, (G) rotating displays, (H) evaluating staff, (I) problem-solving, and (J) computing travel reimbursements for volunteer staff;

Sec. 17. Subsection (e) of section 104 of public act 11-6, as amended by section 45 of public act 11-61, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(e) The tax imposed by this section shall not apply to any net kilowatt hours of electricity generated at (1) an electric generation

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facility in this state exclusively through the use of fuel cells or an alternative energy system, [or] (2) a resources recovery facility, as defined in section 22a-260 of the general statutes, or (3) customer-side distributed resources as defined in subdivision (40) of subsection (a) of section 16-1 of the general statutes.

Sec. 18. Sections 12-567 and 12-569b of the general statutes are repealed. (*Effective July 1, 2011*)

Approved July 13, 2011