



House of Representatives

General Assembly

File No. 589

January Session, 2011

Substitute House Bill No. 6603

House of Representatives, April 20, 2011

The Committee on Government Administration and Elections reported through REP. MORIN of the 28th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING GOVERNMENT ADMINISTRATION.

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

1 Section 1. Section 1-101 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 Each individual who is a lobbyist shall, while engaged in lobbying,
4 wear a distinguishing badge which shall identify him as a lobbyist.
5 The size, color, material and other requirements of such badge shall be
6 prescribed by regulation of the Citizen's Ethics Advisory Board. Such
7 regulations shall provide that lobbyists who are residents of the state
8 shall wear a blue and white badge and lobbyists who are residents of a
9 state other than this state shall wear a red and white badge.

10 Sec. 2. Subsection (b) of section 1-210 of the general statutes is
11 repealed and the following is substituted in lieu thereof (*Effective*
12 *October 1, 2011*):

13 (b) Nothing in the Freedom of Information Act shall be construed to
14 require disclosure of:

15 (1) Preliminary drafts or notes provided the public agency has
16 determined that the public interest in withholding such documents
17 clearly outweighs the public interest in disclosure;

18 (2) Personnel or medical files and similar files the disclosure of
19 which would constitute an invasion of personal privacy;

20 (3) Records of law enforcement agencies not otherwise available to
21 the public which records were compiled in connection with the
22 detection or investigation of crime, if the disclosure of said records
23 would not be in the public interest because it would result in the
24 disclosure of (A) the identity of informants not otherwise known or the
25 identity of witnesses not otherwise known whose safety would be
26 endangered or who would be subject to threat or intimidation if their
27 identity was made known, (B) signed statements of witnesses, (C)
28 information to be used in a prospective law enforcement action if
29 prejudicial to such action, (D) investigatory techniques not otherwise
30 known to the general public, (E) arrest records of a juvenile, which
31 shall also include any investigatory files, concerning the arrest of such
32 juvenile, compiled for law enforcement purposes, (F) the name and
33 address of the victim of a sexual assault under section 53a-70, 53a-70a,
34 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or risk of injury, or
35 impairing of morals under section 53-21, or of an attempt thereof, or
36 (G) uncorroborated allegations subject to destruction pursuant to
37 section 1-216;

38 (4) Records pertaining to strategy and negotiations with respect to
39 pending claims or pending litigation to which the public agency is a
40 party until such litigation or claim has been finally adjudicated or
41 otherwise settled;

42 (5) (A) Trade secrets, which for purposes of the Freedom of
43 Information Act, are defined as information, including formulas,
44 patterns, compilations, programs, devices, methods, techniques,
45 processes, drawings, cost data, customer lists, film or television scripts
46 or detailed production budgets that (i) derive independent economic
47 value, actual or potential, from not being generally known to, and not

48 being readily ascertainable by proper means by, other persons who can
49 obtain economic value from their disclosure or use, and (ii) are the
50 subject of efforts that are reasonable under the circumstances to
51 maintain secrecy; and

52 (B) Commercial or financial information given in confidence, not
53 required by statute;

54 (6) Test questions, scoring keys and other examination data used to
55 administer a licensing examination, examination for employment or
56 academic examinations;

57 (7) The contents of real estate appraisals, engineering or feasibility
58 estimates and evaluations made for or by an agency relative to the
59 acquisition of property or to prospective public supply and
60 construction contracts, until such time as all of the property has been
61 acquired or all proceedings or transactions have been terminated or
62 abandoned, provided the law of eminent domain shall not be affected
63 by this provision;

64 (8) Statements of personal worth or personal financial data required
65 by a licensing agency and filed by an applicant with such licensing
66 agency to establish the applicant's personal qualification for the
67 license, certificate or permit applied for;

68 (9) Records, reports and statements of strategy or negotiations with
69 respect to collective bargaining;

70 (10) Records, tax returns, reports and statements exempted by
71 federal law or [state] the general statutes or communications
72 privileged by the attorney-client relationship, marital relationship,
73 clergy-penitent relationship, doctor-patient relationship, therapist-
74 patient relationship or any other privilege established by the common
75 law or the general statutes, including any such records, tax returns,
76 reports or communications that were created or made prior to the
77 establishment of the applicable privilege under the common law or the
78 general statutes;

79 (11) Names or addresses of students enrolled in any public school or
80 college without the consent of each student whose name or address is
81 to be disclosed who is eighteen years of age or older and a parent or
82 guardian of each such student who is younger than eighteen years of
83 age, provided this subdivision shall not be construed as prohibiting the
84 disclosure of the names or addresses of students enrolled in any public
85 school in a regional school district to the board of selectmen or town
86 board of finance, as the case may be, of the town wherein the student
87 resides for the purpose of verifying tuition payments made to such
88 school;

89 (12) Any information obtained by the use of illegal means;

90 (13) Records of an investigation or the name of an employee
91 providing information under the provisions of section 4-61dd or
92 sections 17b-301c to 17b-301g, inclusive;

93 (14) Adoption records and information provided for in sections 45a-
94 746, 45a-750 and 45a-751;

95 (15) Any page of a primary petition, nominating petition,
96 referendum petition or petition for a town meeting submitted under
97 any provision of the general statutes or of any special act, municipal
98 charter or ordinance, until the required processing and certification of
99 such page has been completed by the official or officials charged with
100 such duty after which time disclosure of such page shall be required;

101 (16) Records of complaints, including information compiled in the
102 investigation thereof, brought to a municipal health authority pursuant
103 to chapter 368e or a district department of health pursuant to chapter
104 368f, until such time as the investigation is concluded or thirty days
105 from the date of receipt of the complaint, whichever occurs first;

106 (17) Educational records which are not subject to disclosure under
107 the Family Educational Rights and Privacy Act, 20 USC 1232g;

108 (18) Records, the disclosure of which the Commissioner of
109 Correction, or as it applies to Whiting Forensic Division facilities of the

110 Connecticut Valley Hospital, the Commissioner of Mental Health and
111 Addiction Services, has reasonable grounds to believe may result in a
112 safety risk, including the risk of harm to any person or the risk of an
113 escape from, or a disorder in, a correctional institution or facility under
114 the supervision of the Department of Correction or Whiting Forensic
115 Division facilities. Such records shall include, but are not limited to:

116 (A) Security manuals, including emergency plans contained or
117 referred to in such security manuals;

118 (B) Engineering and architectural drawings of correctional
119 institutions or facilities or Whiting Forensic Division facilities;

120 (C) Operational specifications of security systems utilized by the
121 Department of Correction at any correctional institution or facility or
122 Whiting Forensic Division facilities, except that a general description
123 of any such security system and the cost and quality of such system
124 may be disclosed;

125 (D) Training manuals prepared for correctional institutions and
126 facilities or Whiting Forensic Division facilities that describe, in any
127 manner, security procedures, emergency plans or security equipment;

128 (E) Internal security audits of correctional institutions and facilities
129 or Whiting Forensic Division facilities;

130 (F) Minutes or recordings of staff meetings of the Department of
131 Correction or Whiting Forensic Division facilities, or portions of such
132 minutes or recordings, that contain or reveal information relating to
133 security or other records otherwise exempt from disclosure under this
134 subdivision;

135 (G) Logs or other documents that contain information on the
136 movement or assignment of inmates or staff at correctional institutions
137 or facilities; and

138 (H) Records that contain information on contacts between inmates,
139 as defined in section 18-84, and law enforcement officers;

140 (19) Records when there are reasonable grounds to believe
141 disclosure may result in a safety risk, including the risk of harm to any
142 person, any government-owned or leased institution or facility or any
143 fixture or appurtenance and equipment attached to, or contained in,
144 such institution or facility, except that such records shall be disclosed
145 to a law enforcement agency upon the request of the law enforcement
146 agency. Such reasonable grounds shall be determined (A) (i) by the
147 Commissioner of Public Works, after consultation with the chief
148 executive officer of an executive branch state agency, with respect to
149 records concerning such agency; and (ii) by the Commissioner of
150 Emergency Management and Homeland Security, after consultation
151 with the chief executive officer of a municipal, district or regional
152 agency, with respect to records concerning such agency; (B) by the
153 Chief Court Administrator with respect to records concerning the
154 Judicial Department; and (C) by the executive director of the Joint
155 Committee on Legislative Management, with respect to records
156 concerning the Legislative Department. As used in this section,
157 "government-owned or leased institution or facility" includes, but is
158 not limited to, an institution or facility owned or leased by a public
159 service company, as defined in section 16-1, a certified
160 telecommunications provider, as defined in section 16-1, a water
161 company, as defined in section 25-32a, or a municipal utility that
162 furnishes electric, gas or water service, but does not include an
163 institution or facility owned or leased by the federal government, and
164 "chief executive officer" includes, but is not limited to, an agency head,
165 department head, executive director or chief executive officer. Such
166 records include, but are not limited to:

167 (i) Security manuals or reports;

168 (ii) Engineering and architectural drawings of government-owned
169 or leased institutions or facilities;

170 (iii) Operational specifications of security systems utilized at any
171 government-owned or leased institution or facility, except that a
172 general description of any such security system and the cost and

173 quality of such system, may be disclosed;

174 (iv) Training manuals prepared for government-owned or leased
175 institutions or facilities that describe, in any manner, security
176 procedures, emergency plans or security equipment;

177 (v) Internal security audits of government-owned or leased
178 institutions or facilities;

179 (vi) Minutes or records of meetings, or portions of such minutes or
180 records, that contain or reveal information relating to security or other
181 records otherwise exempt from disclosure under this subdivision;

182 (vii) Logs or other documents that contain information on the
183 movement or assignment of security personnel;

184 (viii) Emergency plans and emergency preparedness, response,
185 recovery and mitigation plans, including plans provided by a person
186 to a state agency or a local emergency management agency or official;
187 and

188 (ix) With respect to a water company, as defined in section 25-32a,
189 that provides water service: Vulnerability assessments and risk
190 management plans, operational plans, portions of water supply plans
191 submitted pursuant to section 25-32d that contain or reveal
192 information the disclosure of which may result in a security risk to a
193 water company, inspection reports, technical specifications and other
194 materials that depict or specifically describe critical water company
195 operating facilities, collection and distribution systems or sources of
196 supply;

197 (20) Records of standards, procedures, processes, software and
198 codes, not otherwise available to the public, the disclosure of which
199 would compromise the security or integrity of an information
200 technology system;

201 (21) The residential, work or school address of any participant in the
202 address confidentiality program established pursuant to sections 54-

203 240 to 54-240o, inclusive;

204 (22) The electronic mail address of any person that is obtained by
205 the Department of Transportation in connection with the
206 implementation or administration of any plan to inform individuals
207 about significant highway or railway incidents;

208 (23) The name or address of any minor enrolled in any parks and
209 recreation program administered or sponsored by any public agency;

210 (24) Responses to any request for proposals or bid solicitation issued
211 by a public agency or any record or file made by a public agency in
212 connection with the contract award process, until such contract is
213 executed or negotiations for the award of such contract have ended,
214 whichever occurs earlier, provided the chief executive officer of such
215 public agency certifies that the public interest in the disclosure of such
216 responses, record or file is outweighed by the public interest in the
217 confidentiality of such responses, record or file; and

218 (25) The name, address, telephone number or electronic mail
219 address of any person enrolled in any senior center program or any
220 member of a senior center administered or sponsored by any public
221 agency.

222 Sec. 3. Section 1-212 of the general statutes is repealed and the
223 following is substituted in lieu thereof (*Effective October 1, 2011*):

224 (a) Any person applying in writing shall receive, promptly upon
225 request, a plain, facsimile, electronic or certified copy of any public
226 record. The type of copy provided shall be within the discretion of the
227 public agency, except if the applicant does not have access to a
228 computer or facsimile machine, the public agency shall not send the
229 applicant an electronic or facsimile copy. The fee for any copy
230 provided in accordance with the Freedom of Information Act:

231 (1) By an executive, administrative or legislative office of the state, a
232 state agency or a department, institution, bureau, board, commission,
233 authority or official of the state, including a committee of, or created

234 by, such an office, agency, department, institution, bureau, board,
235 commission, authority or official, and also including any judicial office,
236 official or body or committee thereof but only in respect to its or their
237 administrative functions, shall not exceed twenty-five cents per page;
238 and

239 (2) By all other public agencies, as defined in section 1-200, shall not
240 exceed fifty cents per page. If any copy provided in accordance with
241 said Freedom of Information Act requires a transcription, or if any
242 person applies for a transcription of a public record, the fee for such
243 transcription shall not exceed the cost thereof to the public agency.

244 (b) The fee for any copy provided in accordance with subsection (a)
245 of section 1-211 shall not exceed the cost thereof to the public agency.
246 In determining such costs for a copy, other than for a printout which
247 exists at the time that the agency responds to the request for such copy,
248 an agency may include only:

249 (1) An amount equal to the hourly salary attributed to all agency
250 employees engaged in providing the requested computer-stored public
251 record, including their time performing the formatting or
252 programming functions necessary to provide the copy as requested,
253 but not including search or retrieval costs except as provided in
254 subdivision (4) of this subsection;

255 (2) An amount equal to the cost to the agency of engaging an
256 outside professional electronic copying service to provide such
257 copying services, if such service is necessary to provide the copying as
258 requested;

259 (3) The actual cost of the storage devices or media provided to the
260 person making the request in complying with such request; and

261 (4) The computer time charges incurred by the agency in providing
262 the requested computer-stored public record where another agency or
263 contractor provides the agency with computer storage and retrieval
264 services. Notwithstanding any other provision of this section, the fee

265 for any copy of the names of registered voters shall not exceed three
266 cents per name delivered or the cost thereof to the public agency, as
267 determined pursuant to this subsection, whichever is less. The
268 Department of Information Technology shall monitor the calculation of
269 the fees charged for copies of computer-stored public records to ensure
270 that such fees are reasonable and consistent among agencies.

271 (c) A public agency may require the prepayment of any fee required
272 or permitted under the Freedom of Information Act if such fee is
273 estimated to be ten dollars or more. The sales tax provided in chapter
274 219 shall not be imposed upon any transaction for which a fee is
275 required or permissible under this section or section 1-227.

276 (d) The public agency shall waive any fee provided for in this
277 section when:

278 (1) The person requesting the records is an indigent individual;

279 (2) The records located are determined by the public agency to be
280 exempt from disclosure under subsection (b) of section 1-210, as
281 amended by this act;

282 (3) In its judgment, compliance with the applicant's request benefits
283 the general welfare; or

284 (4) The person requesting the record is an elected official of a
285 political subdivision of the state and the official (A) obtains the record
286 from an agency of the political subdivision in which the official serves,
287 and (B) certifies that the record pertains to the official's duties.

288 (e) Except as otherwise provided by law, the fee for any person who
289 has the custody of any public records or files for certifying any copy of
290 such records or files, or certifying to any fact appearing therefrom,
291 shall be for the first page of such certificate, or copy and certificate, one
292 dollar; and for each additional page, fifty cents. For the purpose of
293 computing such fee, such copy and certificate shall be deemed to be
294 one continuous instrument.

295 (f) The Secretary of the State, after consulting with the chairperson
296 of the Freedom of Information Commission, the Commissioner of
297 Correction and a representative of the Judicial Department, shall
298 propose a fee structure for copies of public records provided to an
299 inmate, as defined in section 18-84, in accordance with subsection (a) of
300 this section. The Secretary of the State shall submit such proposed fee
301 structure to the joint standing committee of the General Assembly
302 having cognizance of matters relating to government administration,
303 not later than January 15, 2000.

304 (g) Any individual may copy a public record through the use of a
305 hand-held scanner. A public agency may establish a fee structure not
306 to exceed twenty dollars for an individual to pay each time the
307 individual copies records at the agency with a hand-held scanner. As
308 used in this section, "hand-held scanner" means a battery operated
309 electronic scanning device the use of which (1) leaves no mark or
310 impression on the public record, and (2) does not unreasonably
311 interfere with the operation of the public agency.

312 Sec. 4. Section 2-35 of the general statutes is repealed and the
313 following is substituted in lieu thereof (*Effective October 1, 2011*):

314 (a) All bills carrying or requiring appropriations and favorably
315 reported by any other committee, except for payment of claims against
316 the state, shall, before passage, be referred to the joint standing
317 committee of the General Assembly having cognizance of matters
318 relating to appropriations and the budgets of state agencies, unless
319 such reference is dispensed with by a vote of at least two-thirds of each
320 house of the General Assembly. Resolutions paying the contingent
321 expenses of the Senate and House of Representatives shall be referred
322 to said committee. Said committee may originate and report any bill
323 which it deems necessary and shall, in each odd-numbered year,
324 report such appropriation bills as it deems necessary for carrying on
325 the departments of the state government and for providing for such
326 institutions or persons as are proper subjects for state aid under the
327 provisions of the statutes, for the ensuing biennium. In each even-

328 numbered year, the committee shall originate and report at least one
329 bill which adjusts expenditures for the ensuing fiscal year in such
330 manner as it deems appropriate. Each appropriation bill shall specify
331 the particular purpose for which appropriation is made and shall be
332 itemized as far as practicable. The state budget act may contain any
333 legislation necessary to implement its appropriations provisions,
334 provided no other general legislation shall be made a part of such act.

335 (b) The state budget act passed by the legislature for funding the
336 expenses of operations of the state government in the ensuing
337 biennium shall contain a statement of estimated revenue, based upon
338 the most recent consensus revenue estimate or the revised consensus
339 revenue estimate issued pursuant to section 2-36c, itemized by major
340 source, for each appropriated fund. The statement of estimated
341 revenue applicable to each such fund shall include, for any fiscal year,
342 an estimate of total revenue with respect to such fund, which amount
343 shall be reduced by (1) an estimate of total refunds of taxes to be paid
344 from such revenue in accordance with the authorization in section 12-
345 39f, and (2) an estimate of total refunds of payments to be paid from
346 such revenue in accordance with the provisions of section 4-37. Such
347 statement of estimated revenue, including the estimated refunds of
348 taxes to be offset against such revenue, shall be supplied by the joint
349 standing committee of the General Assembly having cognizance of
350 matters relating to state finance, revenue and bonding. The total
351 estimated revenue for each fund, as adjusted in accordance with this
352 section, shall not be less than the total net appropriations made from
353 each fund. On or before July first of each fiscal year said committee
354 shall, if any revisions in such estimates are required by virtue of
355 legislative amendments to the revenue measures proposed by said
356 committee, changes in conditions or receipt of new information since
357 the original estimate was supplied, meet and revise such estimates
358 and, through its cochairpersons, report to the Comptroller any such
359 revisions.

360 (c) If the state budget act passed by the legislature for funding the
361 expenses of operations of the state government in the ensuing

362 biennium or making adjustments to a previously adopted biennial
363 budget contains state-wide budgeted reductions not allocated by a
364 budgeted agency, such act shall specify the amount of such budgeted
365 reductions to be achieved in each branch of state government.

366 (d) The state budget bill for funding the expenses of operations of
367 the state government in the ensuing biennium or making adjustments
368 to a previously adopted biennial budget shall be posted on the Internet
369 web site of the General Assembly or otherwise made available to the
370 members of the General Assembly in its final form at least forty-eight
371 hours prior to the vote on such bill by the General Assembly. If such
372 bill is amended by either house of the General Assembly, such
373 amendment shall be posted on the Internet web site of the General
374 Assembly or otherwise made available to the members of the General
375 Assembly at least forty-eight hours prior to the vote on such bill, as
376 amended, by either house of the General Assembly. Any bill that
377 implements the provisions of the state budget act or the adjustment to
378 the previously adopted biennial budget shall be posted on the Internet
379 web site of the General Assembly or otherwise made available to the
380 members of the General Assembly in its final form at least twenty-four
381 hours prior to the vote on such bill by either house of the General
382 Assembly.

383 Sec. 5. (NEW) (*Effective October 1, 2011*) Any state agency may, in the
384 discretion of the commissioner of such agency, remove press releases
385 and other information from such state agency's Internet web site,
386 provided the information or press release relates to actions taken
387 against individuals by the agency and is no longer necessary to protect
388 the public.

389 Sec. 6. Subsection (a) of section 4-168 of the general statutes is
390 repealed and the following is substituted in lieu thereof (*Effective*
391 *October 1, 2011, and applicable to any proposed regulations noticed on or*
392 *after said date*):

393 (a) Except as provided in subsection (g) of this section, an agency,
394 prior to adopting a proposed regulation, shall: (1) Give at least thirty

395 days' notice by publication in the Connecticut Law Journal of its
396 intended action. The notice shall include (A) either a statement of the
397 terms or of the substance of the proposed regulation or a description
398 sufficiently detailed so as to apprise persons likely to be affected of the
399 issues and subjects involved in the proposed regulation, (B) a
400 statement of the purposes for which the regulation is proposed, (C) a
401 reference to the statutory authority for the proposed regulation, (D)
402 when, where and how interested persons may obtain a copy of the
403 small business impact and regulatory flexibility analyses required
404 pursuant to section 4-168a, and (E) when, where and how interested
405 persons may present their views on the proposed regulation; (2) give
406 notice by mail to each joint standing committee of the General
407 Assembly having cognizance of the subject matter of the proposed
408 regulation; (3) give notice by mail to all persons who have made
409 requests to the agency for advance notice of its regulation-making
410 proceedings. The agency may charge a reasonable fee for such notice
411 based on the estimated cost of providing the service; (4) provide a copy
412 of the proposed regulation to persons requesting it. The agency may
413 charge a reasonable fee for copies in accordance with the provisions of
414 section 1-212, as amended by this act; (5) no later than the date of
415 publication of the notice in the Connecticut Law Journal, prepare a
416 fiscal note, including an estimate of the cost or of the revenue impact in
417 the current year and in each of the next five fiscal years and any long-
418 range fiscal implications (A) on the state or any municipality of the
419 state, and (B) on small businesses in the state, including an estimate of
420 the number of small businesses subject to the proposed regulation and
421 the projected costs, including but not limited to, reporting,
422 recordkeeping and administrative, associated with compliance with
423 the proposed regulation and, if applicable, the regulatory flexibility
424 analysis prepared under section 4-168a. The governing body of any
425 municipality, if requested, shall provide the agency, within twenty
426 working days, with any information that may be necessary for analysis
427 in preparation of such fiscal note; (6) afford all interested persons
428 reasonable opportunity to submit data, views or arguments, orally at a
429 hearing granted under subdivision (7) of this subsection or in writing,

430 and to inspect and copy the fiscal note prepared pursuant to
431 subdivision (5) of this subsection; (7) grant an opportunity to present
432 oral argument if requested by fifteen persons, by a governmental
433 subdivision or agency or by an association having not less than fifteen
434 members, if notice of the request is received by the agency within
435 fourteen days after the date of publication of the notice; and (8)
436 consider fully all written and oral submissions respecting the proposed
437 regulation and revise the fiscal note in accordance with the provisions
438 of subdivision (5) of this subsection to indicate any changes made in
439 the proposed regulation. No regulation shall be found invalid due to
440 the failure of an agency to give notice to each committee of cognizance
441 pursuant to subdivision (2) of this subsection, provided one such
442 committee has been so notified.

443 Sec. 7. Section 4-173 of the general statutes is repealed and the
444 following is substituted in lieu thereof (*Effective October 1, 2011*):

445 (a) The Commission on Official Legal Publications shall publish and
446 distribute a compilation of all effective regulations adopted by all state
447 agencies subsequent to October 27, 1970, except regulations adopted
448 pursuant to subsection (f) of section 4-168. Such publication may be a
449 supplement to or revision of the most current compilation, and shall be
450 published at least semiannually. The Commission on Official Legal
451 Publications may omit from such compilation (1) any regulation that is
452 incorporated by reference into a Connecticut regulation and published
453 by or otherwise available in printed form from a federal agency, a
454 government agency of another state or a commercial publishing
455 company, (2) any regulation that is too expensive to publish, or (3) any
456 regulation the publication of which would be unduly cumbersome. If
457 the commission omits a regulation from the compilation, it shall
458 publish in the compilation a notice identifying the omitted regulation,
459 stating the general subject matter of the regulation and stating an
460 address, telephone number and any other information needed to
461 obtain a copy of the regulation. Such address and telephone number
462 shall be kept current in each semiannual publication of the
463 compilation. The commission shall publish any regulation that has

464 been omitted from publication under subdivision (2) of this subsection
465 as soon as the commission has sufficient funds.

466 (b) The Commission on Official Legal Publications shall in addition
467 cause to be published in the Connecticut Law Journal at least monthly
468 the text of all regulations received by the commission from the office of
469 the Secretary of the State pursuant to section 4-172 during the
470 preceding month. The commission may omit from the Connecticut
471 Law Journal (1) any regulation submitted in accordance with
472 subsection (g) of section 4-168, for the purposes of renumbering
473 sections only, if a correlated table of the former and new section
474 numbers is published in lieu of the full text, (2) any regulation that is
475 incorporated by reference into a Connecticut regulation and published
476 by or otherwise available in printed form from a federal agency, a
477 government agency of another state or a commercial publishing
478 company, and (3) any regulation the publication of which would be
479 too expensive or unduly cumbersome. If the commission omits a
480 regulation from publication in the Connecticut Law Journal under
481 subdivision (2) or (3) of this subsection, the commission shall publish
482 in the Connecticut Law Journal a notice identifying the omitted
483 regulation, stating the general subject matter of the regulation and
484 stating an address, telephone number and any other information
485 needed to obtain a copy of the regulation.

486 (c) Each agency which adopts a regulation shall make the regulation
487 available for inspection and copying at its main office. On and after
488 October 1, 2011, each such agency shall post on its Internet web site
489 any regulation of such agency that (1) is published pursuant to
490 subsection (b) of this section on or after said date, or (2) was omitted
491 from such publication pursuant to subdivision (3) of subsection (b) of
492 this section and identified in a notice of omission published on or after
493 said date. Not later than January 1, 2012, each such agency shall post
494 on its web site any effective regulation of such agency. Prior to the
495 posting of any regulation on its web site, each agency shall certify that
496 the content of the regulation is consistent with the content of the
497 regulation that was filed with the office of the Secretary of the State in

498 accordance with the provisions of section 4-172, and shall post such
499 certification on the agency's web site.

500 (d) Any publication made pursuant to subsections (a) and (b) of this
501 section shall be made available upon request to agencies and officials
502 of this state free of charge, and to other persons at prices fixed by the
503 Commission on Official Legal Publications, in accordance with section
504 51-216b.

505 (e) The compilation of regulations published under subsection (a) of
506 this section and all Connecticut regulations omitted from the
507 compilation under subsection (a) shall be maintained in the reference
508 collection of each law library described in section 11-19a.

509 Sec. 8. Subsection (d) of section 4b-3 of the general statutes is
510 repealed and the following is substituted in lieu thereof (*Effective*
511 *October 1, 2011*):

512 (d) Notwithstanding any other statute or special act to the contrary,
513 the Commissioner of Public Works shall be the sole person authorized
514 to represent the state in its dealings with third parties for the
515 acquisition, construction, development or leasing of real estate for
516 housing the offices or equipment of all agencies of the state or for the
517 state-owned public buildings or realty hereinafter provided for in
518 sections 2-90, 4b-1 to 4b-5, inclusive, 4b-21, 4b-23, 4b-24, 4b-26, 4b-27,
519 4b-30 and 4b-32, subsection (c) of section 4b-66 and sections 4b-67 to
520 4b-69, inclusive, 4b-71, 4b-72, 10-95, 10a-72, 10a-89, 10a-90, 10a-114,
521 10a-130, 10a-144, 17b-655, 22-64, 22a-324, 26-3, 27-45, 32-1c, 32-39, 48-9,
522 51-27d and 51-27f, except that (1) the Joint Committee on Legislative
523 Management may represent the state in the planning and construction
524 of the Legislative Office Building and related facilities, in Hartford; (2)
525 the Chief Court Administrator may represent the state in providing for
526 space for the Court Support Services Division as part of a new or
527 existing contract for an alternative incarceration program pursuant to
528 section 54-103b or a program developed pursuant to section 46b-121i,
529 46b-121j, 46b-121k or 46b-121l; (3) the board of trustees of a constituent
530 unit of the state system of higher education may represent the state in

531 the leasing of real estate for housing the offices or equipment of such
532 constituent unit, provided no lease payments for such realty are made
533 with funds generated from the general revenues of the state; (4) the
534 Labor Commissioner may represent the state in the leasing of premises
535 required for employment security operations as provided in subsection
536 (c) of section 31-250; (5) the Commissioner of Developmental Services
537 may represent the state in the leasing of residential property as part of
538 the program developed pursuant to subsection (b) of section 17a-218,
539 provided such residential property does not exceed two thousand five
540 hundred square feet, for the community placement of persons eligible
541 to receive residential services from the department; (6) the
542 Commissioner of Mental Health and Addiction Services may represent
543 the state in the leasing of residential units as part of a program
544 developed pursuant to section 17a-455a, provided each such
545 residential unit does not exceed two thousand five hundred square
546 feet; and (7) the Connecticut Marketing Authority may represent the
547 state in the leasing of land or markets under the control of the
548 Connecticut Marketing Authority, and, except for the housing of
549 offices or equipment in connection with the initial acquisition of an
550 existing state mass transit system or the leasing of land by the
551 Connecticut Marketing Authority for a term of one year or more in
552 which cases the actions of the Department of Transportation and the
553 Connecticut Marketing Authority shall be subject to the review and
554 approval of the State Properties Review Board. The Commissioner of
555 Public Works shall have the power to establish and implement any
556 procedures necessary for the commissioner to assume the
557 commissioner's responsibilities as said sole bargaining agent for state
558 realty acquisitions and shall perform the duties necessary to carry out
559 such procedures. The Commissioner of Public Works may appoint,
560 within the commissioner's budget and subject to the provisions of
561 chapter 67, such personnel deemed necessary by the commissioner to
562 carry out the provisions hereof, including experts in real estate,
563 construction operations, financing, banking, contracting, architecture
564 and engineering. The Attorney General's office, at the request of the
565 commissioner, shall assist the commissioner in contract negotiations

566 regarding the purchase, lease or construction of real estate.

567 Sec. 9. (*Effective from passage*) The Commissioner of Public Works
568 shall identify and name a state building the "Lieutenant Governor
569 Joseph J. Fauliso Facility".

570 Sec. 10. Subsection (a) of section 10-29a of the general statutes is
571 amended by adding subdivisions (62) to (65), inclusive, as follows
572 (*Effective from passage*):

573 (NEW) (62) Irish-American Heritage Month. The Governor shall
574 proclaim the month of March of each year to be Irish-American
575 Heritage Month to honor Americans of Irish ancestry, their culture and
576 the great contribution they have made to this country. Suitable
577 exercises shall be held in the State Capitol and elsewhere as the
578 Governor designates for the observance of the month.

579 (NEW) (63) Italian-American Heritage Month. The Governor shall
580 proclaim the month of October of each year to be Italian-American
581 Heritage Month to honor Americans of Italian ancestry, their culture
582 and the great contribution they have made to this country. Suitable
583 exercises shall be held in the State Capitol and elsewhere as the
584 Governor designates for the observance of the month.

585 (NEW) (64) French Canadian Day. The Governor shall proclaim
586 June twenty-fourth of each year to be French Canadian Day to honor
587 Americans of French Canadian ancestry, their culture and the great
588 contribution they have made to this country. Suitable exercises shall be
589 held in the State Capitol and elsewhere as the Governor designates for
590 the observance of the day.

591 (NEW) (65) Native American Day. The Governor shall proclaim the
592 first Friday after Thanksgiving of each year to be Native American Day
593 to honor Americans of Native American ancestry, their culture and the
594 great contribution they have made to this country. Suitable exercises
595 shall be held in the State Capitol and elsewhere as the Governor
596 designates for the observance of the day.

597 Sec. 11. (*Effective from passage*) There is established a task force to
598 identify which licenses or permits of state agencies are unduly
599 cumbersome and negatively impact economic development and to
600 develop a plan to streamline the permitting and licensing processes
601 within the Departments of Environmental Protection, Consumer
602 Protection, Economic and Community Development, Public Health
603 and Public Safety. The task force shall consist of the Secretary of the
604 Office of Policy and Management and the Commissioners of
605 Administrative Services, Environmental Protection, Consumer
606 Protection, Economic and Community Development, Public Health
607 and Public Safety, or the designees of said commissioners, and two
608 members of the business community, one to be appointed by the
609 speaker of the House of Representatives and one to be appointed by
610 the president pro tempore of the Senate. The Secretary of the Office of
611 Policy and Management shall serve as the chairperson of the task
612 force. Not later than December 31, 2011, the task force shall submit
613 such plan, in accordance with the provisions of section 11-4a of the
614 general statutes, to the joint standing committee of the General
615 Assembly having cognizance of matters relating to government
616 administration.

617 Sec. 12. (NEW) (*Effective October 1, 2011*) No person on the executive
618 board of a town committee of a political party shall serve as the lead
619 town counsel or associate town counsel of a municipality. Any person
620 appointed to serve as the lead town counsel or associate town counsel
621 of a municipality shall avoid any appearance of partisanship and shall
622 give unbiased legal advice to any board or commission of the
623 municipality.

624 Sec. 13. Subsection (a) of section 17b-93 of the general statutes is
625 repealed and the following is substituted in lieu thereof (*Effective*
626 *July 1, 2011*):

627 (a) If a beneficiary of aid under the state supplement program,
628 medical assistance program, aid to families with dependent children
629 program, temporary family assistance program or state-administered

630 general assistance program has or acquires property of any kind or
631 interest in any property, estate or claim of any kind, except moneys
632 received for the replacement of real or personal property, the state of
633 Connecticut shall have a claim subject to subsections (b) and (c) of this
634 section, which shall have priority over all other unsecured claims and
635 unrecorded encumbrances, against such beneficiary for the full
636 amount paid, subject to the provisions of section 17b-94, as amended
637 by this act, to him or on his behalf under said programs; and, in
638 addition thereto, the parents of an aid to dependent children
639 beneficiary, a state-administered general assistance beneficiary or a
640 temporary family assistance beneficiary shall be liable to repay, subject
641 to the provisions of [said] section 17b-94, as amended by this act, to the
642 state the full amount of any such aid paid to or on behalf of either
643 parent, his spouse, and his dependent child or children, as defined in
644 section 17b-75. The state of Connecticut shall have a lien against
645 property of any kind or interest in any property, estate or claim of any
646 kind of the parents of an aid to dependent children beneficiary, in
647 addition and not in substitution of its claim, for amounts owing under
648 any order for support of any court or any family support magistrate,
649 including any arrearage under such order, provided household goods
650 and other personal property identified in section 52-352b, real property
651 pursuant to section 17b-79, as long as such property is used as a home
652 for the beneficiary and money received for the replacement of real or
653 personal property, shall be exempt from such lien.

654 Sec. 14. Section 17b-94 of the general statutes is repealed and the
655 following is substituted in lieu thereof (*Effective July 1, 2011*):

656 (a) In the case of causes of action of beneficiaries of aid under the
657 state supplement program, medical assistance program, aid to families
658 with dependent children program, temporary family assistance
659 program or state-administered general assistance program, subject to
660 subsections (b) and (c) of section 17b-93, or of a parent [of a beneficiary
661 of the aid to families with dependent children program, the temporary
662 family assistance program or the state-administered general assistance
663 program] liable to repay the state under the provisions of section 17b-

664 93, as amended by this act, the claim of the state shall be a lien against
665 the proceeds therefrom in the amount of the assistance paid or fifty per
666 cent of the proceeds received by such beneficiary or such parent after
667 payment of all expenses connected with the cause of action, whichever
668 is less, for repayment under [said] section 17b-93, as amended by this
669 act, and shall have priority over all other claims except attorney's fees
670 for said causes, expenses of suit, costs of hospitalization connected
671 with the cause of action by whomever paid over and above hospital
672 insurance or other such benefits, and, for such period of
673 hospitalization as was not paid for by the state, physicians' fees for
674 services during any such period as are connected with the cause of
675 action over and above medical insurance or other such benefits; and
676 such claim shall consist of the total assistance repayment for which
677 claim may be made under said programs. The proceeds of such causes
678 of action shall be assignable to the state for payment of the amount due
679 under [said] section 17b-93, as amended by this act, irrespective of any
680 other provision of law. Upon presentation to the attorney for the
681 beneficiary of an assignment of such proceeds executed by the
682 beneficiary or his conservator or guardian, such assignment shall
683 constitute an irrevocable direction to the attorney to pay the
684 Commissioner of Administrative Services in accordance with its terms,
685 except if, after settlement of the cause of action or judgment thereon,
686 the Commissioner of Administrative Services does not inform the
687 attorney for the beneficiary of the amount of lien which is to be paid to
688 the Commissioner of Administrative Services within forty-five days of
689 receipt of the written request of such attorney for such information,
690 such attorney may distribute such proceeds to such beneficiary and
691 shall not be liable for any loss the state may sustain thereby.

692 (b) In the case of an inheritance of an estate by a beneficiary of aid
693 under the state supplement program, medical assistance program, aid
694 to families with dependent children program, temporary family
695 assistance program or state-administered general assistance program,
696 subject to subsections (b) and (c) of section 17b-93 or by a parent liable
697 to repay the state under the provisions of section 17b-93, as amended
698 by this act, fifty per cent of the assets of the estate payable to the

699 beneficiary or such parent or the amount of such assets equal to the
700 amount of assistance paid, whichever is less, shall be assignable to the
701 state for payment of the amount due under [said] section 17b-93, as
702 amended by this act. The state shall have a lien against such assets in
703 the applicable amount specified in this subsection. The Court of
704 Probate shall accept any such assignment executed by the beneficiary
705 or parent or any such lien notice if such assignment or lien notice is
706 filed by the Commissioner of Administrative Services with the court
707 prior to the distribution of such inheritance, and to the extent of such
708 inheritance not already distributed, the court shall order distribution in
709 accordance [therewith] with such assignment or lien notice. If the
710 Commissioner of Administrative Services receives any assets of an
711 estate pursuant to any such assignment, the commissioner shall be
712 subject to the same duties and liabilities concerning such assigned
713 assets as the beneficiary or parent.

714 Sec. 15. Section 17b-224 of the general statutes is repealed and the
715 following is substituted in lieu thereof (*Effective July 1, 2011*):

716 A patient who is receiving or has received care in a state humane
717 institution, his estate or both shall be liable to reimburse the state for
718 any unpaid portion of per capita cost to the same extent as the liability
719 of a public assistance beneficiary under sections 17b-93, as amended by
720 this act, and 17b-95, subject to the same protection of a surviving
721 spouse or dependent child as is [therein] provided in section 17b-95
722 and subject to the same limitations and the same assignment and lien
723 rights as provided in section 17b-94, as amended by this act.

724 Sec. 16. Section 20-572 of the general statutes is repealed and the
725 following is substituted in lieu thereof (*Effective July 1, 2011*):

726 There shall be in the department a Commission of Pharmacy
727 [which] that shall consist of six persons appointed by the Governor,
728 subject to the provisions of section 4-9a, four of whom shall be
729 pharmacists each actively engaged in the practice of pharmacy on a
730 full-time basis during the term of such person's appointment in this
731 state and two of whom shall be public members. At least two of the

732 pharmacist members shall be community retail pharmacists, one from
 733 an independent retail setting and one from a chain retail setting, and at
 734 least one of the pharmacist members shall be a pharmacist employed
 735 on a full-time basis as a pharmacist in a hospital in the state during the
 736 term of such pharmacist member's appointment. Members of the
 737 commission may be selected from lists of individuals nominated by the
 738 Connecticut Pharmacists Association or by other professional
 739 associations of pharmacists or pharmacies. Any vacancy on the
 740 commission shall be filled by the Governor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	1-101
Sec. 2	<i>October 1, 2011</i>	1-210(b)
Sec. 3	<i>October 1, 2011</i>	1-212
Sec. 4	<i>October 1, 2011</i>	2-35
Sec. 5	<i>October 1, 2011</i>	New section
Sec. 6	<i>October 1, 2011, and applicable to any proposed regulations noticed on or after said date</i>	4-168(a)
Sec. 7	<i>October 1, 2011</i>	4-173
Sec. 8	<i>October 1, 2011</i>	4b-3(d)
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>from passage</i>	10-29a(a)
Sec. 11	<i>from passage</i>	New section
Sec. 12	<i>October 1, 2011</i>	New section
Sec. 13	<i>July 1, 2011</i>	17b-93(a)
Sec. 14	<i>July 1, 2011</i>	17b-94
Sec. 15	<i>July 1, 2011</i>	17b-224
Sec. 16	<i>July 1, 2011</i>	20-572

Statement of Legislative Commissioners:

In section 4 references to "act" were changed to "bill" for accuracy and in section 12 "of a political party" was added for statutory consistency and clarity.

GAE *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Dept. of Administrative Services	GF - Potential Revenue Gain	Up to \$1.0 million	Up to \$1.0 million
Legislative Management	GF - Potential Cost	Up to \$15,000	Up to \$15,000
Various State Agencies	GF - Potential Cost	Up to \$5,000	None
Various State Agencies	GF - Potential Savings	Up to \$1,000	Up to \$1,000
Dept. of Public Works	GF - Cost	3,000	None

Note: GF=General Fund

Explanation

This bill makes a variety of changes to government administration statutes.

Sections 13-15 of the bill clarifies that the state has lien rights (a more efficient and less costly process) to recover the costs of state aid and state humane care. As a result, it is anticipated that the Department of Administrative Services (DAS) may be able to collect additional potential revenue of \$1.0 million per year.

Section 9 requires the Department of Public Works (DPW) to rename the building at 10 Franklin Square in New Britain after former Senator Joseph Harper. This would cost DPW approximately \$3,000 in FY 12, which includes: (1) the purchase of a brass placard at the front entrance of the building and large letters for the exterior of the building, and (2) the installation cost.

Sections 6-7 of the bill requires electronic submission of agency regulations. This is anticipated to result in a savings of less than \$1,000

annually associated with office supplies to the various agencies that currently submit hard copy regulations.

Section 4 of the bill requires that certain bills must be available on the legislature's website at least two legislative days prior to passage. This could result in costs for the Office of Legislative Management (OLM) of up to \$15,000 in both FY 12 and FY 13 for backup server hardware and licensing to ensure availability to the legislature's Internet.

Section 11 of the bill establishes a task force to study cumbersome permitting requirements. Agencies could incur minimal costs, estimated to be less than \$5,000 in FY 12, associated with mileage reimbursement of 51 cents per mile for legislators and agency staff (who seek such reimbursement) participating on the task force.

Municipal Impact:

Section 12 of the bill would prohibit certain individuals from serving as lead or associate town counsel of a municipality. To the extent that an individual subject to the prohibition may otherwise have been employed, or their services retained, on or after October 1, 2011 a fiscal impact reflective of the compensation differential between that individual and his or her successor would be experienced.

The Out Years

The annualized ongoing fiscal impact described above associated with the potential revenue gain for DAS and the savings for the various state agencies associated with the electronic submission of regulations would continue into the future subject to inflation. The other fiscal impacts described above affect FY 12 and FY 13 only.

OLR Bill Analysis**sHB 6603*****AN ACT CONCERNING GOVERNMENT ADMINISTRATION.*****SUMMARY:**

This bill makes changes to a variety of government administration statutes. It:

1. requires lobbyists who live out-of-state to wear red-and-white badges and those who live in Connecticut to wear blue-and-white badges (§ 1);
2. adds an exemption to the Freedom of Information Act (FOIA) and allows agencies to respond to FOIA requests electronically or by fax (§§ 2-3);
3. requires budget bills to be posted online or otherwise made available to legislators at least 48 hours before they are voted on (§ 4);
4. explicitly allows agencies to remove certain information from their websites (§ 5);
5. requires (a) fiscal notes for proposed agency regulations to consider longer-term fiscal implications and (b) agencies to post their regulations online (§§ 6-7);
6. allows the Department of Mental Health and Addiction Services (DMHAS) to lease certain residential units (§ 8);
7. requires the Department of Public Works (DPW) to name a state building the "Lieutenant Governor Joseph J. Fauliso Facility" (§ 9);

8. designates (a) March as Irish-American Heritage Month, (b) October as Italian-American Heritage Month, (c) June 24 as French Canadian Day, and (d) the day after Thanksgiving as Native American Day (§ 10);
9. establishes a task force to study cumbersome permitting requirements (§ 11);
10. prohibits political parties' town committee executive board members from serving as a municipality's lead or associate counsel and requires such a counsel to (a) give unbiased legal advice to the municipality's boards and commissions and (b) avoid any appearance of partisanship (§ 12);
11. allows the state to place a lien on certain "windfall" awards received by individuals who are liable to repay the state for the cost of public assistance (§§ 13-15); and
12. specifies that the Commission on Pharmacy's membership must include one pharmacist from an independent retail setting and one from a chain retail setting (§ 16).

The bill also makes technical changes.

EFFECTIVE DATE: October 1, 2011, except for the provisions concerning (1) public assistance recoveries and the Commission on Pharmacy membership, which take effect July 1, 2011, and (2) the permitting task force, naming a state building, and designating certain months and days, which take effect upon passage.

§§ 2-3 — FREEDOM OF INFORMATION ACT

The bill exempts from disclosure under FOIA any communication privileged by common or state law, including those between (1) marital partners, (2) clergy and penitent, (3) doctor and patient, and (4) therapist and patient relationships. The exemption is retroactive and applies to records, tax returns, reports, or communications that pre-date the establishment of the applicable privilege.

The bill also permits an agency to provide records electronically or by fax in response to a FOIA request, unless the requester does not have access to a computer or fax machine.

§ 4 — ADVANCE POSTING OF BUDGET BILLS

The bill requires:

1. budget bills (including the biennial budget and adjustments to previously adopted budgets) to be posted on the legislature's website or otherwise available to legislators in their final form at least 48 hours before being voted on,
2. amendments to such bills to be posted online or otherwise available to legislators at least 48 hours before the bill as amended is voted on, and
3. bills that implement the budget's provisions (but not amendments to such bills) to be posted online or otherwise available to legislators in their final form at least 24 hours before being voted on.

It is unclear if these requirements are enforceable on future legislatures (see BACKGROUND).

§ 5 — REMOVING INFORMATION FROM AGENCY WEBSITES

The bill explicitly allows a state agency, at the discretion of its commissioner, to remove press releases and other information from its website if they (1) relate to actions the agency took against individuals and (2) are no longer necessary to protect the public. Current law does not appear to prohibit agencies from taking such actions.

§§ 6-7 — AGENCY REGULATIONS

The bill requires fiscal notes for proposed agency regulations to consider the cost or revenue impact on the state, municipalities, and small businesses for the current year and the next five years. The notes must also consider any long-range fiscal implications. Current law does not specify the time frame that these fiscal notes must consider.

Beginning October 1, 2011, the bill requires each state agency to post on its website (1) its regulations that the Commission on Official Legal Publications publishes in the *Connecticut Law Journal* on or after that date and (2) regulations omitted from publication in the journal because they are too costly or cumbersome to publish. By January 1, 2012, each agency must post all of its effective regulations on its website.

The bill also requires agencies, before posting a regulation online, to (1) certify that its content is consistent with the written version filed with the secretary of the state and (2) post such certifications on their websites.

§ 8 — DMHAS LEASING

By law, DMHAS may enter into a lease or other rental agreement for an apartment, home, or similar private residence on behalf of and for occupancy by a person who receives services from the department. The bill allows DMHAS to represent the state in leasing such units if they are less than 2,500 square feet in area. Under current law, DPW represents DMHAS in entering into such agreements.

§ 11 — PERMITTING TASK FORCE

The bill establishes a task force to (1) identify cumbersome agency licensing or permitting requirements that negatively impact economic development and (2) develop a plan to streamline permitting and licensing at the departments of Environmental Protection (DEP), Consumer Protection (DCP), Economic and Community Development (DECD), Public Health (DPH), and Public Safety (DPS).

The Office of Policy and Management secretary is the task force chairperson. Its membership also includes the commissioners of the Department of Administrative Services, DEP, DCP, DECD, DPH, and DPS, or their designees, and two members of the business community, one each appointed by the House speaker and the Senate president pro tempore. The task force must submit its plan to the Government Administration and Elections Committee by December 31, 2011.

§§ 13-15 — PUBLIC ASSISTANCE RECOVERIES

By law, a current or former beneficiary of certain public assistance programs, including the State Supplement, Medicaid, Temporary Family Assistance (TFA), Aid to Families with Dependent Children (AFDC), or State-Administered General Assistance (SAGA), is liable to repay the assistance if he or she has or acquires certain “windfall” awards (i.e., property or interest in any property, estate, or claim, except money received for the replacement of real or personal property). A parent of a TFA, AFDC, or SAGA beneficiary is also liable to repay the state.

The law gives the state a claim for the full amount of assistance paid to the beneficiary or parent. The state’s claim has priority over all other unsecured claims and unrecorded encumbrances. It generally allows the state to place a lien on a windfall award, which is an irrevocable directive to pay the state. The lien (1) entitles the state to 50% of the windfall award up to the amount owed by the beneficiary or parent and (2) with certain exceptions, has priority over most other claims.

The bill specifies that the state may place a lien on an inheritance of an estate received by a parent of a TFA, AFDC, or SAGA beneficiary. It also specifies that the state may use a lien to recover a windfall award from a person who received care in a state humane institution.

BACKGROUND***Legislative Entrenchment***

Legislative entrenchment refers to one legislature restricting a future legislature’s ability to enact legislation. For example, CGS § 2-35 previously prohibited appropriations bills from containing general legislation (this provision has since been repealed). In *Patterson v. Dempsey*, 152 Conn. 431 (1965), the Connecticut Supreme Court held that this provision of CGS § 2-35 was unenforceable, writing that, “to hold otherwise would be to hold that one General Assembly could effectively control the enactment of legislation by a subsequent General Assembly. This obviously is not true, except where vested rights, protected by the constitution, have accrued under the earlier

act.”

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 14 Nay 1 (04/01/2011)