



# House of Representatives

General Assembly

**File No. 537**

February Session, 2012

Substitute House Bill No. 5016

*House of Representatives, April 19, 2012*

The Committee on Appropriations reported through REP. WALKER of the 93rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING GENERAL GOVERNMENT.**

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

1 Section 1. Subsection (a) of section 4a-12 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July*  
3 *1, 2012*):

4 (a) The Commissioner of Administrative Services shall be  
5 responsible for the following: (1) Investigation, determination, billing  
6 and collection of all charges for support of persons aided, cared for or  
7 treated in a state humane institution, as defined in section 17b-222, and  
8 enforcement of support obligations of the liable relatives of such  
9 persons; (2) investigation, determination, billing and collection of all  
10 charges for services covered under the Medicaid or Medicare  
11 programs provided to persons aided, cared for or treated by the  
12 Department of Veterans' Affairs; (3) billing and collection of any  
13 money due to the state in public assistance cases, and enforcement of  
14 support obligations of liable relatives in such cases; [(3)] (4) collection  
15 of benefits and maintenance of trustee accounts therefor; and [(4)] (5)

16 such collection services for other state agencies and departments as  
17 shall be agreed to between said commissioner and the heads of such  
18 other agencies and departments.

19 Sec. 2. Section 22a-233a of the general statutes is repealed and the  
20 following is substituted in lieu thereof (*Effective July 1, 2012*):

21 Notwithstanding any other provision of the general statutes, any  
22 cost of testing a resources recovery facility or any other activity eligible  
23 for payment shall be paid [from the General Fund and shall not be  
24 paid] by the owner of the facility, [provided such owner shall pay]  
25 including any cost associated with: (1) Continuous meteorological and  
26 emissions monitoring of the facility required pursuant to section 22a-  
27 193 including the proportionate share, as determined by the  
28 Commissioner of Energy and Environmental Protection, of the  
29 telemetry costs incurred by the Department of Energy and  
30 Environmental Protection, (2) testing conducted as part of a  
31 performance test required as a condition for the approval by the  
32 commissioner of any initial permit to operate including, but not  
33 limited to, stack testing of dioxin and furan emissions and residue  
34 testing, but not including ambient air and ambient environmental  
35 monitoring for dioxin, (3) testing conducted as part of a performance  
36 test in conjunction with any modification of a facility which requires  
37 the approval of the commissioner of a new or amended construction or  
38 operating permit, and (4) special testing necessary to demonstrate  
39 compliance with any permit issued for the facility if the commissioner  
40 has reason to believe that the facility does not comply with such  
41 permit.

42 Sec. 3. (NEW) (*Effective July 1, 2012*) (a) The Commissioner of  
43 Correction, at the commissioner's discretion, may release an inmate  
44 from the commissioner's custody, except an inmate convicted of a  
45 capital felony as defined in section 53a-54b of the general statutes, for  
46 placement in a licensed community-based nursing home under  
47 contract with the state for the purpose of providing palliative and end-  
48 of-life care to the inmate if the medical director of the Department of

49 Correction determines that the inmate is suffering from a terminal  
50 condition, disease or syndrome, or is so debilitated or incapacitated by  
51 a terminal condition, disease or syndrome as to (1) require continuous  
52 palliative or end-of-life care, or (2) be physically incapable of  
53 presenting a danger to society.

54 (b) The Commissioner of Correction may require as a condition of  
55 release under subsection (a) of this section that the medical director  
56 conduct periodic medical review and diagnosis of the inmate during  
57 such release. An inmate released pursuant to subsection (a) of this  
58 section shall be returned to the custody of the Commissioner of  
59 Correction if the medical director determines that the inmate no longer  
60 meets the criteria for release under subsection (a) of this section.

61 (c) Any inmate released from the custody of the Commissioner of  
62 Correction pursuant to subsection (a) of this section shall be  
63 supervised in the community by the Department of Correction.

64 Sec. 4. Section 20 of public act 11-48, as amended by section 103 of  
65 public act 11-61, is repealed and the following is substituted in lieu  
66 thereof (*Effective from passage*):

67 (a) The [Commission on Human Rights and Opportunities]  
68 Connecticut Academy of Science and Engineering shall, within  
69 available appropriations and in consultation with the Department of  
70 Administrative Services and the Commission on Human Rights and  
71 Opportunities, conduct a disparity study. The study shall generate  
72 statistical data concerning the state's current set-aside program,  
73 established under section 4a-60g of the general statutes, to determine  
74 whether its current form achieves the goal of facilitating the  
75 participation in state contracts of small contractors and minority  
76 business enterprises. The study shall include, but not be limited to,  
77 examining:

78 (1) Whether, based on available data and analysis, there is  
79 significant statistical evidence of past or continuing discrimination in  
80 the [way that the state's contracting duties are executed] awarding of

81 state contracts;

82 (2) The number of small contractors or minority business  
83 enterprises, based on available data and analysis, that are qualified for  
84 eligibility for state contracts under the set-aside program established  
85 pursuant to section 4a-60g of the general statutes; [, and a  
86 determination of whether such businesses are legitimate small  
87 contractors or legitimately owned by members of a minority;] and

88 (3) The state's contracting processes to determine if there are any  
89 contracting practices or unintentional but existing barriers in the  
90 process that prevent small contractors and minority business  
91 enterprises from fully participating in the state's contracting process.

92 (b) Not later than [January 1] June 30, 2013, the executive director of  
93 the Commission on Human Rights and Opportunities shall submit  
94 findings concerning such study and any recommendations for  
95 legislative action concerning such study, in accordance with the  
96 provisions of section 11-4a of the general statutes, to the joint standing  
97 committee of the General Assembly having cognizance of matters  
98 relating to government administration.

99 Sec. 5. (NEW) (*Effective July 1, 2012*) For the fiscal year ending June  
100 30, 2014, and for each fiscal year thereafter, the Comptroller shall fund  
101 up to thirteen million five hundred thousand dollars of the differential  
102 between the average rate for fringe benefits for employees of private  
103 hospitals in the state and the fringe benefit rate for employees of John  
104 Dempsey Hospital from the resources of the Office of the State  
105 Comptroller.

106 Sec. 6. Subsection (c) of section 204 of public act 11-48 is repealed  
107 and the following is substituted in lieu thereof (*Effective from passage*):

108 (c) Not later than October 1, [2012] 2013, the Commissioners of  
109 Education and Higher Education shall report to the joint standing  
110 committees of the General Assembly having cognizance of matters  
111 relating to higher education and education, in accordance with the

112 provisions of section 11-4a of the general statutes, concerning the  
113 results of the pilot program. The report shall include, but not be  
114 limited to: (1) The number, ages and educational history of the adults  
115 who participated in the pilot program; (2) the dates each adult  
116 participated in such pilot program; (3) the subject matter in which each  
117 such adult required postsecondary developmental education; (4) a  
118 description of the college preparatory classes that were offered  
119 through such pilot program; (5) the level of improvement of each such  
120 adult in each subject matter in which such adult required  
121 postsecondary developmental education; (6) the results of any college  
122 placement examinations taken by each such adult and the dates of  
123 such examinations; (7) whether any adults who participated in such  
124 pilot program applied for acceptance to, enrolled in or registered for a  
125 program of higher learning at an institution of higher education prior  
126 to or upon completion of such pilot program and, if so, a description of  
127 such program of higher learning; and (8) the cost of offering college  
128 preparatory classes through such pilot program in comparison to the  
129 cost of offering the equivalent or similar postsecondary developmental  
130 education classes at an institution of higher education in this state.

131 Sec. 7. Subsection (c) of section 205 of public act 11-48 is repealed  
132 and the following is substituted in lieu thereof (*Effective from passage*):

133 (c) Not later than October 1, [2012] 2013, the Commissioners of  
134 Education and Higher Education shall report to the joint standing  
135 committees of the General Assembly having cognizance of matters  
136 relating to higher education and education, in accordance with the  
137 provisions of section 11-4a of the general statutes, concerning the  
138 results of the pilot program. The report shall include, but not be  
139 limited to: (1) The number, ages and educational history of the  
140 students who participated in the pilot program; (2) the dates each  
141 student participated in such pilot program; (3) the subject matter in  
142 which each such student required developmental education; (4) a  
143 description of the college preparatory classes that were offered  
144 through such pilot program; (5) the level of improvement of each such  
145 student in each subject matter in which such student required

146 developmental education; (6) the results of any college placement  
147 examinations taken by each such student and the dates of such  
148 examinations; (7) whether any students who participated in such pilot  
149 program applied for acceptance to, enrolled in or registered for a  
150 program of higher learning at an institution of higher education prior  
151 to or upon completion of such pilot program and, if so, a description of  
152 such program of higher learning; and (8) the cost of offering college  
153 preparatory classes through such pilot program in comparison to the  
154 cost of offering the equivalent or similar developmental education  
155 classes at an institution of higher education in this state.

156 Sec. 8. Section 10-392 of the 2012 supplement to the general statutes  
157 is repealed and the following is substituted in lieu thereof (*Effective*  
158 *from passage*):

159 (a) The General Assembly finds and declares that culture, history,  
160 the arts and the digital media and motion picture and tourism  
161 industries contribute significant value to the vitality, quality of life and  
162 economic health of Connecticut. The [Connecticut Humanities Council  
163 and the] Connecticut Trust for Historic Preservation shall operate in  
164 conjunction with the Department of Economic and Community  
165 Development for purposes of joint strategic planning, annual reporting  
166 on appropriations and fiscal reporting. The department shall enhance  
167 and promote culture, history, the arts and the tourism and digital  
168 media and motion picture industries in Connecticut.

169 (b) The department shall:

170 (1) Market and promote Connecticut as a destination for leisure and  
171 business travelers through the development and implementation of a  
172 strategic state-wide marketing plan and provision of visitor services to  
173 enhance the economic impact of the tourism industry;

174 (2) Promote the arts;

175 (3) Recognize, protect, preserve and promote historic resources;

176 (4) Interpret and present Connecticut's history and culture;

177 (5) Promote Connecticut as a location in which to produce digital  
178 media and motion pictures and to establish and conduct business  
179 related to the digital media and motion picture industries to enhance  
180 these industries' economic impact in the state;

181 (6) Establish a uniform financial reporting system and forms to be  
182 used by each regional tourism district, established under section 10-  
183 397, in the preparation of the annual budget submitted to the General  
184 Assembly;

185 (7) Integrate funding and programs whenever possible; and

186 (8) On or before January 1, 2012, and biennially thereafter, develop  
187 and submit to the Governor and the General Assembly, in accordance  
188 with section 11-4a, a strategic plan to implement subdivisions (1) to (5),  
189 inclusive, of this subsection.

190 [(c) Any proposals for projects proposed by the Connecticut  
191 Humanities Council that require funding through the issuance of  
192 bonds by the State Bond Commission, in accordance with sections 13b-  
193 74 to 13b-77, inclusive, shall be submitted to the Department of  
194 Economic and Community Development. The department shall review  
195 such proposals and submit any project that it believes has merit to the  
196 joint standing committee of the General Assembly having cognizance  
197 of matters relating to finance, revenue and bonding with the  
198 department's recommendation for funding.]

199 [(d)] (c) The Department of Economic and Community  
200 Development shall be a successor agency to the Connecticut  
201 Commission on Culture and Tourism, State Commission on the Arts,  
202 the Connecticut Historical Commission, the Office of Tourism, the  
203 Connecticut Tourism Council, the Connecticut Film, Video and Media  
204 Commission and the Connecticut Film, Video and Media Office in  
205 accordance with the provisions of sections 4-38d and 4-39.

206 [(e)] (d) Wherever the words "State Commission on the Arts",  
207 "Connecticut Historical Commission", "Office of Tourism",

208 "Connecticut Film, Video and Media Office" and "Connecticut  
209 Commission on Arts, Tourism, Culture, History and Film" are used in  
210 the following sections of the general statutes, or in any public or  
211 special act of the 2003 or 2004 session the words "Connecticut  
212 Commission on Culture and Tourism" shall be substituted in lieu  
213 thereof: 3-110f, 3-110h, 3-110i, 4-9a, 4b-53, 4b-60, 4b-64, 4b-66a, 7-147a,  
214 7-147b, 7-147c, 7-147j, 7-147p, 7-147q, 7-147y, 8-2j, 10-382, 10-384, 10-  
215 385, 10-386, 10-387, 10-388, 10-389, 10-391, 10a-111a, 10a-112, 10a-112b,  
216 10a-112g, 11-6a, 12-376d, 13a-252, 19a-315b, 19a-315c, 22a-1d, 22a-19b,  
217 25-102qq, 25-109q, 29-259 and 32-6a.

218 [(f)] (e) The Legislative Commissioners' Office shall, in codifying the  
219 provisions of this section, make such technical, grammatical and  
220 punctuation changes as are necessary to carry out the purposes of this  
221 section.

222 Sec. 9. Section 46a-52 of the general statutes is repealed and the  
223 following is substituted in lieu thereof (*Effective July 1, 2012*):

224 (a) The commission shall consist of nine persons. On and after  
225 October 1, 2000, such persons shall be appointed with the advice and  
226 consent of both houses of the General Assembly. (1) On or before July  
227 15, 1990, the Governor shall appoint five members of the commission,  
228 three of whom shall serve for terms of five years and two of whom  
229 shall serve for terms of three years. Upon the expiration of such terms,  
230 and thereafter, the Governor shall appoint either two or three  
231 members, as appropriate, to serve for terms of five years. On or before  
232 July 14, 1990, the president pro tempore of the Senate, the minority  
233 leader of the Senate, the speaker of the House of Representatives and  
234 the minority leader of the House of Representatives shall each appoint  
235 one member to serve for a term of three years. Upon the expiration of  
236 such terms, and thereafter, members so appointed shall serve for terms  
237 of three years. (2) If any vacancy occurs, the appointing authority  
238 making the initial appointment shall appoint a person to serve for the  
239 remainder of the unexpired term. The Governor shall select one of the  
240 members of the commission to serve as chairperson for a term of one

241 year. The commission shall meet at least once during each two-month  
242 period and at such other times as the chairperson deems necessary.  
243 Special meetings shall be held on the request of a majority of the  
244 members of the commission after notice in accordance with the  
245 provisions of section 1-225.

246 (b) Except as provided in section 46a-57, the members of the  
247 commission shall serve without pay, but their reasonable expenses,  
248 including educational training expenses and expenses for necessary  
249 stenographic and clerical help, shall be paid by the state upon  
250 approval of the Commissioner of Administrative Services. Not later  
251 than two months after appointment to the commission, each member  
252 of the commission shall receive a minimum of ten hours of  
253 introductory training prior to voting on any commission matter. Each  
254 year following such introductory training, each member shall receive  
255 five hours of follow-up training. Such introductory and follow-up  
256 training shall consist of instruction on the laws governing  
257 discrimination in employment, housing, public accommodation and  
258 credit, affirmative action and the procedures of the commission. Such  
259 training shall be organized by the managing director of the legal  
260 division of the commission. Any member who fails to complete such  
261 training shall not vote on any commission matter. Any member who  
262 fails to comply with such introductory training requirement within six  
263 months of appointment shall be deemed to have resigned from office.  
264 Any member who fails to attend three consecutive meetings or who  
265 fails to attend fifty per cent of all meetings held during any calendar  
266 year shall be deemed to have resigned from office.

267 (c) On or before July 15, 1989, the commission shall appoint an  
268 executive director who shall be the chief executive officer of the  
269 Commission on Human Rights and Opportunities to serve for a term  
270 expiring on July 14, 1990. Upon the expiration of such term and  
271 thereafter, the executive director shall be appointed for a term of four  
272 years. The executive director shall be supervised and annually  
273 evaluated by the commission. The executive director shall serve at the  
274 pleasure of the commission but no longer than four years from July

275 fifteenth in the year of his or her appointment unless reappointed  
276 pursuant to the provisions of this subsection. The executive director  
277 shall receive an annual salary within the salary range of a salary group  
278 established by the Commissioner of Administrative Services for the  
279 position. The executive director (1) shall conduct comprehensive  
280 planning with respect to the functions of the commission; (2) shall  
281 coordinate the activities of the commission; and (3) shall cause the  
282 administrative organization of the commission to be examined with a  
283 view to promoting economy and efficiency. In accordance with  
284 established procedures, the executive director may enter into such  
285 contractual agreements as may be necessary for the discharge of the  
286 director's duties.

287 (d) The executive director may appoint no more than two deputy  
288 directors with the approval of a majority of the members of the  
289 commission. The deputy directors shall be supervised by the executive  
290 director and shall assist the executive director in the administration of  
291 the commission, the effectuation of its statutory responsibilities and  
292 such other duties as may be assigned by the executive director. Deputy  
293 directors shall serve at the pleasure of the executive director and  
294 without tenure. The executive director may remove a deputy director  
295 with the approval of a majority of the members of the commission.

296 (e) The commission shall be [within the Department of  
297 Administrative Services for administrative] an autonomous body  
298 within the Judicial Department for fiscal and budgetary purposes only.

299 Sec. 10. Subsection (a) of section 31-276 of the general statutes is  
300 repealed and the following is substituted in lieu thereof (*Effective July*  
301 *1, 2012*):

302 (a) There shall be a Workers' Compensation Commission to  
303 administer the workers' compensation system. The commission shall  
304 be an autonomous body within the Judicial Department for fiscal and  
305 budgetary purposes only. There shall be sixteen workers'  
306 compensation commissioners. On or before the date of the expiration  
307 of the term of each commissioner or upon the occurrence of a vacancy

308 in the office of any commissioner for any reason, the Governor shall  
309 nominate a competent person to fill that office. Subsequent to July 1,  
310 1993, each person nominated by the Governor to serve as a  
311 commissioner shall have been a member in good standing of the  
312 Connecticut bar for at least five years preceding the nomination,  
313 provided the Governor shall not be precluded from renominating an  
314 individual who has previously served as a commissioner. The  
315 commissioners shall, upon nomination by the Governor, be appointed  
316 by the General Assembly as prescribed by law. They shall serve for a  
317 term of five years, but may be removed by impeachment. The  
318 Governor shall from time to time select one of the sixteen  
319 commissioners to serve as chairman of the Workers' Compensation  
320 Commission at the pleasure of the Governor. The commissioner  
321 selected by the Governor to be chairman shall have previously served  
322 as a compensation commissioner in this state for at least one year.

323 Sec. 11. Subsection (b) of section 4a-4 of the general statutes is  
324 repealed and the following is substituted in lieu thereof (*Effective July*  
325 *1, 2012*):

326 (b) The Office of the Chief Court Administrator shall consider and  
327 devise ways and means of establishing and maintaining proper control  
328 of Judicial Department property and equipment, including vehicles  
329 and office equipment, require the establishment of proper permanent  
330 inventory records and the taking of physical inventories of Judicial  
331 Department equipment, and authorize the transfer, use or disposal of  
332 unused and improperly used or neglected Judicial Department  
333 equipment. For the purposes of this subsection, the term "Judicial  
334 Department" does not include the courts of probate, the Division of  
335 Criminal Justice, [and] the Public Defender Services Commission, the  
336 Workers' Compensation Commission and the Commission on Human  
337 Rights and Opportunities, except where they share facilities in state-  
338 maintained courts.

339 Sec. 12. Section 4b-1 of the 2012 supplement to the general statutes is  
340 repealed and the following is substituted in lieu thereof (*Effective July*

341 1, 2012):

342 The Commissioner of Construction Services shall (1) be responsible  
343 for the administrative functions of construction and planning of all  
344 capital improvements undertaken by the state, except (A) highway and  
345 bridge construction, the construction and planning of capital  
346 improvements related to mass transit, marine and aviation  
347 transportation, (B) the Connecticut Marketing Authority, (C) planning  
348 and construction of capital improvements to the State Capitol building  
349 or the Legislative Office Building and related facilities by the Joint  
350 Committee on Legislative Management, (D) any project as defined in  
351 subdivision (16) of section 10a-109c, undertaken by The University of  
352 Connecticut, and (E) construction and planning of capital  
353 improvements related to the Judicial Department if such construction  
354 and planning do not constitute a project within the meaning of  
355 subsection (g) of section 4b-55, including the preparation of  
356 preliminary plans, estimates of cost, development of designs, working  
357 plans and specifications, award of contracts and supervision and  
358 inspection. For the purposes of this subparagraph (E), the term  
359 "Judicial Department" does not include the courts of probate, the  
360 Division of Criminal Justice, [and] the Public Defender Services  
361 Commission, the Workers' Compensation Commission and the  
362 Commission on Human Rights and Opportunities, except where such  
363 agencies share facilities in state-maintained courts; (2) select consultant  
364 firms in accordance with the provisions of sections 4b-56 to 4b-59,  
365 inclusive, to assist in the development of plans and specifications  
366 when in the commissioner's judgment such assistance is desirable; (3)  
367 render technical advice and service to all state agencies in the  
368 preparation and correlation of plans for necessary improvement of  
369 their physical plants; and (4) cooperate with those charged with fiscal  
370 programming and budget formulation in the development of a capital  
371 program and a capital budget for the state.

372 Sec. 13. Section 4b-11 of the 2012 supplement to the general statutes  
373 is repealed and the following is substituted in lieu thereof (*Effective July*  
374 *1, 2012*):

375 The board of trustees of each state institution shall have the  
376 supervision, care and control of all property used in connection with  
377 such institution; the Commissioner of Emergency Services and Public  
378 Protection shall have the supervision, care and control of all property  
379 used in connection with the Division of State Police within the  
380 Department of Emergency Services and Public Protection located  
381 outside the city of Hartford; the Joint Committee on Legislative  
382 Management of the General Assembly shall have the supervision, care  
383 and control of the State Capitol building and grounds, the Legislative  
384 Office Building and parking garage and grounds and related  
385 structures and facilities; the Office of the Chief Court Administrator  
386 shall have the supervision, care and control of all property where the  
387 Judicial Department is the primary occupant and of the building and  
388 grounds of the State Library and Supreme Court and shall establish  
389 policies and procedures governing such supervision, care and control.  
390 For the purposes of this section, the term "Judicial Department" does  
391 not include the courts of probate, the Division of Criminal Justice,  
392 [and] the Public Defender Services Commission, the Workers'  
393 Compensation Commission and the Commission on Human Rights  
394 and Opportunities, except where they share facilities in state-  
395 maintained courts. Such board of trustees and said commissioner may  
396 make regulations for the maintenance of order on, and the  
397 safeguarding and use of, any such property, subject to the direction  
398 and supervision of the Commissioner of Administrative Services. Any  
399 person who trespasses upon such property shall be subject to the  
400 penalty for criminal trespass, as provided in sections 53a-107 to 53a-  
401 109, inclusive, or simple trespass, as provided in section 53a-110a. Any  
402 person who violates any regulation concerning the use of such  
403 property shall be fined not more than five hundred dollars or  
404 imprisoned not more than three months, or both.

405 Sec. 14. Section 4b-29 of the general statutes is repealed and the  
406 following is substituted in lieu thereof (*Effective July 1, 2012*):

407 The Commissioner of Administrative Services shall, subject to the  
408 approval of the State Properties Review Board, order the assignment

409 and removal of state agencies, other than institutions and the Judicial  
410 Department, to and from real estate available to the state, through  
411 ownership or lease, when he deems it necessary to provide space,  
412 facilities and necessary accommodations to meet the needs of any of  
413 such agencies and when such assignment or removal will be in the best  
414 interests of the state. If any such agency fails to abide by an order of  
415 assignment or removal of the commissioner, the Commissioner of  
416 Administrative Services shall promptly inform the Governor of the  
417 reason for his order and of the failure of the agency to comply  
418 therewith. For the purposes of this section, the term "Judicial  
419 Department" does not include the courts of probate, the Division of  
420 Criminal Justice, [and] the Public Defender Services Commission, the  
421 Workers' Compensation Commission and the Commission on Human  
422 Rights and Opportunities, except where they share facilities in state-  
423 maintained courts.

424 Sec. 15. Subsection (a) of section 4b-30 of the general statutes is  
425 repealed and the following is substituted in lieu thereof (*Effective July*  
426 *1, 2012*):

427 (a) The Commissioner of Administrative Services shall assign office  
428 space and provide necessary accommodations in state-owned facilities  
429 for state agencies, other than institutions, the Legislative Department  
430 and the Judicial Department. Subject to the provisions of section 4b-23,  
431 the commissioner shall execute all leases for offices or any other type  
432 of space or facility necessary to meet the needs of all state agencies, the  
433 Judicial Department, the Division of Criminal Justice, the Public  
434 Defender Services Commission and institutions. Any provisions of the  
435 general statutes to the contrary notwithstanding, the Commissioner of  
436 Administrative Services shall be the sole authority for negotiating such  
437 leases, provided any such leases, intending to provide for the needs of  
438 institutions, shall further be subject to the approval of the board of  
439 trustees of the institution involved and provided further, the  
440 Commissioner of Administrative Services shall expedite the handling  
441 of leases to meet emergency and short term needs. For the purposes of  
442 this section, the term "Judicial Department" does not include the courts

443 of probate, the Division of Criminal Justice, [and] the Public Defender  
444 Services Commission, the Workers' Compensation Commission and  
445 the Commission on Human Rights and Opportunities, except where  
446 they share facilities in state-maintained courts.

447 Sec. 16. Subsection (a) of section 51-1a of the general statutes is  
448 repealed and the following is substituted in lieu thereof (*Effective July*  
449 *1, 2012*):

450 (a) The Judicial Department of the state shall consist of the Supreme  
451 Court, the Appellate Court, the Superior Court, the Office of the Chief  
452 Court Administrator and their employees and divisions, the courts of  
453 probate, [and,] as provided in chapter 887, the Public Defender  
454 Services Commission, as provided in chapter 568, the Workers'  
455 Compensation Commission, and, as provided in chapter 814c, the  
456 Commission on Human Rights and Opportunities. For the purposes of  
457 the general statutes, "Judicial Branch" means the Judicial Department.

458 Sec. 17. Section 51-9 of the general statutes is repealed and the  
459 following is substituted in lieu thereof (*Effective July 1, 2012*):

460 Under the supervision and direction of the Chief Court  
461 Administrator, the executive secretary and other members of the staff  
462 of the Office of Chief Court Administrator shall:

463 (1) Audit all bills to be paid from state appropriations, except bills of  
464 the Division of Criminal Justice, for the expenses of the Judicial  
465 Department and its constituent courts prior to taxation or final  
466 approval thereof by any judge;

467 (2) Maintain adequate accounting and budgetary records for all  
468 appropriations by the state for the maintenance of the Judicial  
469 Department, except the Division of Criminal Justice, and all other  
470 appropriations assigned by the legislature or state budgetary control  
471 offices for administration by the Judicial Department, except the  
472 Division of Criminal Justice;

473 (3) Prepare and submit to the appropriate budget agency of the state

474 government estimates of appropriations necessary for the maintenance  
475 and operation of the Judicial Department, including therein estimates  
476 submitted for the Division of Criminal Justice as provided in section  
477 51-279, and make recommendations in respect to those appropriations;

478 (4) Act as secretary of any meetings, conferences or assemblies of  
479 judges, or committees thereof, of the Judicial Department and of its  
480 constituent courts;

481 (5) Supervise all purchases of commodities and services for the  
482 Judicial Department, except for the Division of Criminal Justice, to be  
483 charged to state appropriations, and issue all orders therefor for the  
484 department, excluding orders for the Division of Criminal Justice;

485 (6) Examine the administrative methods and systems employed in  
486 the Judicial Department and its constituent courts and agencies, except  
487 the Division of Criminal Justice, and develop and implement programs  
488 for the improvement thereof and for securing uniform administration  
489 and procedures;

490 (7) Examine the state of the dockets of the courts of the Judicial  
491 Department to ascertain the need for assistance by any court and to  
492 implement programs for the fair and prompt disposition of cases  
493 therein;

494 (8) Collect and compile statistical and other data concerning the  
495 business transacted by the Judicial Department and its constituent  
496 courts and the expenditure of public moneys for the maintenance and  
497 operation of the judicial system;

498 (9) Assist in the preparation of the assignments of the judges of the  
499 Superior Court and attend to the printing and distribution for the  
500 Superior Court of an annual directory containing relevant information  
501 pertaining to the operation of the court;

502 (10) Serve as payroll officer for the Judicial Department, excluding  
503 the Division of Criminal Justice, and for the Supreme Court, Appellate  
504 Court and Superior Court;

505 (11) Supervise the assignment of court reporters of the Superior  
506 Court;

507 (12) Conduct research and planning activities for the Judicial  
508 Department and its constituent courts and offices as deemed feasible  
509 by, or in the discretion of, the Chief Justice or the Chief Court  
510 Administrator;

511 (13) Develop education programs for the judges and other  
512 personnel of the Judicial Department;

513 (14) Develop personnel standards, policies and procedures, and  
514 make recommendations concerning all personnel matters, including  
515 requests for salary increases or for additional positions, for  
516 consideration by the Supreme Court or the appropriate appointing  
517 authorities;

518 (15) Report periodically to the Chief Court Administrator  
519 concerning all matters which have been entrusted to him;

520 (16) Attend to matters assigned to him by the Chief Justice, or the  
521 Chief Court Administrator or by statute;

522 (17) Design, implement and maintain, as deemed feasible by the  
523 Chief Court Administrator, computerized automatic data processing  
524 systems for use in the Supreme Court, Appellate Court and Superior  
525 Court or divisions of the Superior Court;

526 (18) Supervise administrative methods employed in clerks' offices  
527 and in the various offices of the Supreme Court, Appellate Court and  
528 Superior Court; and

529 (19) Supervise the care and control of all property where the Judicial  
530 Department is the primary occupant, which supervision shall include  
531 planning, execution of contracts, except for contracts for consultant  
532 services which shall be subject to section 4b-58, oversight and  
533 supervision of work involving the construction, repair or alteration of  
534 a building or premises under the supervision of the Office of the Chief

535 Court Administrator, when construction contracts do not exceed one  
536 million two hundred fifty thousand dollars. For the purposes of this  
537 subdivision, "Judicial Department" does not include the courts of  
538 probate, the Division of Criminal Justice, [and] the Public Defender  
539 Services Commission, the Workers' Compensation Commission and  
540 the Commission on Human Rights and Opportunities, except where  
541 they share facilities in state-maintained courts.

542 Sec. 18. Subsection (a) of section 51-36a of the general statutes is  
543 repealed and the following is substituted in lieu thereof (*Effective July*  
544 *1, 2012*):

545 (a) For the purposes of this section, "employees of the Judicial  
546 Department" shall not include employees of the courts of probate, [or]  
547 the Public Defender Services Commission, the Workers' Compensation  
548 Commission or the Commission on Human Rights and Opportunities,  
549 and "records" shall not include records maintained by the courts of  
550 probate, [or] the Public Defender Services Commission, the Workers'  
551 Compensation Commission or the Commission on Human Rights and  
552 Opportunities.

553 Sec. 19. Subsection (a) of section 17b-93 of the 2012 supplement to  
554 the general statutes is repealed and the following is substituted in lieu  
555 thereof (*Effective from passage*):

556 (a) If a beneficiary of aid under the state supplement program,  
557 medical assistance program, aid to families with dependent children  
558 program, temporary family assistance program or state-administered  
559 general assistance program has or acquires property of any kind or  
560 interest in any property, estate or claim of any kind, except moneys  
561 received for the replacement of real or personal property, the state of  
562 Connecticut shall have a claim subject to subsections (b) and (c) of this  
563 section, which shall have priority over all other unsecured claims and  
564 unrecorded encumbrances, against such beneficiary for the full  
565 amount paid, subject to the provisions of section 17b-94, to the  
566 beneficiary or on the beneficiary's behalf under said programs; and, in  
567 addition thereto, the parents of an aid to dependent children

568 beneficiary, a state-administered general assistance beneficiary or a  
 569 temporary family assistance beneficiary shall be liable to repay, subject  
 570 to the provisions of section 17b-94, to the state the full amount of any  
 571 such aid paid to or on behalf of either parent, [the beneficiary's] his or  
 572 her spouse, and [the beneficiary's] his or her dependent child or  
 573 children, as defined in section 17b-75. The state of Connecticut shall  
 574 have a lien against property of any kind or interest in any property,  
 575 estate or claim of any kind of the parents of an aid to dependent  
 576 children, temporary family assistance or state-administered general  
 577 assistance beneficiary, in addition and not in substitution of its claim,  
 578 for amounts owing under any order for support of any court or any  
 579 family support magistrate, including any arrearage under such order,  
 580 provided household goods and other personal property identified in  
 581 section 52-352b, real property pursuant to section 17b-79, as long as  
 582 such property is used as a home for the beneficiary and money  
 583 received for the replacement of real or personal property, shall be  
 584 exempt from such lien.

585 Sec. 20. Section 31-276a of the general statutes is repealed. (*Effective*  
 586 *July 1, 2012*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2012</i>	4a-12(a)
Sec. 2	<i>July 1, 2012</i>	22a-233a
Sec. 3	<i>July 1, 2012</i>	New section
Sec. 4	<i>from passage</i>	PA 11-48, Sec. 20
Sec. 5	<i>July 1, 2012</i>	New section
Sec. 6	<i>from passage</i>	PA 11-48, Sec. 204(c)
Sec. 7	<i>from passage</i>	PA 11-48, Sec. 205(c)
Sec. 8	<i>from passage</i>	10-392
Sec. 9	<i>July 1, 2012</i>	46a-52
Sec. 10	<i>July 1, 2012</i>	31-276(a)
Sec. 11	<i>July 1, 2012</i>	4a-4(b)
Sec. 12	<i>July 1, 2012</i>	4b-1
Sec. 13	<i>July 1, 2012</i>	4b-11
Sec. 14	<i>July 1, 2012</i>	4b-29

Sec. 15	<i>July 1, 2012</i>	4b-30(a)
Sec. 16	<i>July 1, 2012</i>	51-1a(a)
Sec. 17	<i>July 1, 2012</i>	51-9
Sec. 18	<i>July 1, 2012</i>	51-36a(a)
Sec. 19	<i>from passage</i>	17b-93(a)
Sec. 20	<i>July 1, 2012</i>	Repealer section

**APP**      *Joint Favorable Subst.*

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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.

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### **OFA Fiscal Note**

**State Impact:** Implements the Budget; See Below

**Municipal Impact:** See Below

### **Explanation**

The bill includes provisions to implement sHB 5014, the revised FY 13 budget bill, as favorably reported by the Appropriations Committee and other changes that result in the following fiscal impacts, presented section-by-section below:

**Section 1** transfers collection services from the Department of Veterans' Affairs to the Department of Administrative Services. A transfer of \$166,800 and one position from the Department of Veterans' Affairs is included in sHB 5014, the revised FY 13 budget bill, as favorably reported by the Appropriations Committee.

**Section 2** results in a savings of \$300,000 to the Department of Energy and Environmental Protection (DEEP), as DEEP would no longer be required to reimburse RRF's for these various testing costs. The \$300,000 identified in savings is included in sHB 5014, the revised FY 13 budget bill, as favorably reported by the Appropriations Committee. Various municipalities would incur increased costs, associated with higher tip fees. Towns that currently charge residents a direct fee for the removal of municipal solid waste (at a transfer station) would incur smaller costs than those towns that pay for disposal through municipal taxes. Tip fees currently range from \$57-\$70 per ton. There are currently seven permitted RRF's in the state, six of which convert municipal solid waste (MSW) to energy.

**Section 3** results in a savings of \$235,000 in the Department of

Correction related to the potential release of 26 inmates to a community-based nursing home to provide end-of-life care for the inmate. This savings is included in sHB 5014, the revised FY 13 budget bill as favorably reported by the Appropriations Committee. Additionally, sHB 5014 includes \$2,299,500 in the Department of Social Services and \$300,000 in the Department of Mental Health and Addiction Services for anticipated nursing home services for individuals who are difficult to place in appropriate care settings, including those from correctional facilities.

**Section 4** requires CASE, within available appropriations, to conduct a disparity study. sHB 5014, the revised FY 13 budget bill, as favorably reported by the Appropriations Committee, transferred \$500,000 of funding appropriated to the Commission on Human Resources and Opportunities in FY 12, for the purpose of conducting the disparity study, to the CASE account within the Office of Legislative Management, in FY 13 for this purpose. FY 12 funding is available due to delays in study implementation.

**Section 5** requires the State Comptroller (OSC) to fund up to \$13.5 million of the differential between the average fringe benefit rate at private state hospitals versus the state fringe benefit rate for state employees at John Dempsey Hospital out of the resources of OSC. Section 42 of PA 11-6 requires the OSC to fund up to \$13.5 million in FY 12 and FY 13 of the fringe benefit differential out of OSC's resources; this section continues this practice in the future.

**Sections 6 - 7** relating to the reporting dates for the college transition pilot program, does not result in a fiscal impact.

**Section 8** eliminates the requirement of the Connecticut Humanities Council to operate in conjunction with the Department of Economic and Community Development (DECD) for purposes of joint strategic planning, annual reporting on appropriations and fiscal reporting. sHB 5014, the revised FY 13 budget bill, as favorably reported by the Appropriations Committee, transfers funding of \$2,272,633 for the Connecticut Humanities Council from DECD to the Connecticut State

Library in FY 13.

**Sections 9-18**, which transfer the Commission of Human Rights and Opportunities and the Workers' Compensation Commission from the Executive Branch to the Judicial Branch, has no fiscal impact. The agencies will remain autonomous agencies within the Judicial Branch for fiscal and budgetary purposes only.

**Section 19** does not result in a fiscal impact, as it corrects last year's modification in order to maintain current practice and the collection of recoveries (as General Fund revenue) from legally liable parents who come into inheritances and other windfalls pursuant to 17b-93.

**Section 20** repeals CGS 31-276a which transferred the Workers' Compensation Commission into the Department of Labor for administrative purposes only, and has no fiscal impact.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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**OFA Bill Analysis**

**sHB 5016**

***AN ACT CONCERNING GENERAL GOVERNMENT.***

**SUMMARY:**

The bill includes provisions to implement sHB 5014, the revised FY 13 budget bill, as favorably reported by the Appropriations Committee and other changes, presented section-by-section:

**Section 1** transfers responsibility for collection and billing for services rendered by the Department of Veterans' Affairs (DVA) from DVA to the Department of Administrative Services.

**Section 2** requires that any testing costs incurred at a resources recovery facility (RRF), or any other activity eligible for payment, would be paid by the owner of the facility instead of by the state. Under the bill, activities that would be ineligible for reimbursement by the state include: (1) meteorological and emissions monitoring testing of the RRF's as determined by the Department of Energy and Environmental Protection (DEEP), (2) stack testing of dioxin and furan emissions, and residue testing but not including ambient air and ambient environmental monitoring for dioxin, (3) performance testing for any facility modifications that requires DEEP approval of a new or amended construction or operating permits, and (4) other special testing as necessary to demonstrate DEEP permit compliance.

**Section 3** allows the Commissioner of Correction the discretion to release inmates that (1) require end of life care and (2) do not present a danger to society to the care of a licensed, community based nursing home. The Department of Social Services and the Department of Mental Health and Addiction Services are responsible for executing

contracts with nursing homes to accept difficult to place patients from several settings, including correctional facilities.

**Section 4** transfers responsibility for conducting a disparity study to the Connecticut Academy of Science and Engineering (CASE) from the Commission on Human Rights and Opportunities (CHRO), but requires CASE to consult with CHRO, in addition to the Department of Administrative Services (DAS). It requires CASE to generate statistical data concerning the state's current set-aside program to determine whether its current form achieves the goal of facilitating the participation in state contracts of small contractors and minority business enterprises. The bill specifies that the study include examining: (1) whether, based on available data and analysis, there is significant statistical evidence of past or continuing discrimination in the awarding of state contracts; (2) the number of small contractors or minority business enterprises, based on available data and analysis, that are qualified for eligibility for state contracts under the set-aside program established; and (3) the state's contracting processes to determine if there are any contracting practices or unintentional but existing barriers in the process that prevent small contractors and minority business enterprises from fully participating in the state's contracting process. The bill changes the date by which the executive director of CHRO must report on the study's findings to the Government Administration and Elections (GAE) Committee from January 1, 2013 to June 30, 2013.

**Section 5** University of Connecticut Health Center (UCHC) employees, including those at John Dempsey Hospital, are state employees and are entitled to the state fringe benefit package. The costs of fringe benefits for certain UCHC employees are paid out the Office of the State Comptroller (OSC), while other UCHC employees' fringes are covered by the hospital's revenues. Section 42 of PA 11-6 (the budget bill) requires the OSC to fund up to \$13.5 million of fringe costs for certain UCHC employees, which otherwise would have been covered by hospital revenue, out of the resources of the OSC. The funding is intended to offset the differential between the state fringe

benefit rate and the average rate for private Connecticut hospitals.

**Sections 6 and 7** delay the date of reporting on the college transition pilot program, from October 1, 2012 to October 1, 2013.

**Section 8** eliminates the requirement of the Connecticut Humanities Council to operate in conjunction with the Department of Economic and Community Development (DECD) for purposes of joint strategic planning, annual reporting on appropriations and fiscal reporting.

**Sections 9-18 and 20:** The Workers' Compensation Commission (WCC) and the Commission on Human Rights and Opportunities (CHRO) are currently independent agencies within the Executive Branch. The bill transfers the WCC and CHRO out of the Executive Branch and into the Judicial Branch. The agencies remain autonomous within the Judicial Branch.

**Section 19** corrects last year's modification in order to maintain current practice and the collection of recoveries (as General Fund revenue) from legally liable parents who come into inheritances and other windfalls pursuant to 17b-93. The state's debt collection statutes were modified last year to make the language gender neutral. There were two places where the word "his" was incorrectly changed to "the beneficiary's."

EFFECTIVE DATE: July 1, 2012, except for Sections 4, 6-8 and 19, which are effective upon passage.

**COMMITTEE ACTION**

Appropriations Committee

Joint Favorable Substitute

Yea 36 Nay 19 (04/03/2012)