General Assembly

Bill No. 6001

June 12 Special Session, 2012

LCO No. **5779**

05779_____

Referred to Committee on No Committee

Introduced by:
REP. DONOVAN, 84th Dist.
SEN. WILLIAMS, 29th Dist.

AN ACT IMPLEMENTING PROVISIONS OF THE STATE BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2012.

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

Section 1. Section 1 of public act 12-104 is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

T1		2012-2013	
T2	LEGISLATIVE		
T3			
T4	LEGISLATIVE MANAGEMENT		
T5	Personal Services	$45,260,629	
T6	Other Expenses	[14,833,232]	14,983,232
T7	Equipment	316,000	
T8	Flag Restoration	75,000	
T9	Minor Capital Improvements	265,000	
T10	Interim Salary/Caucus Offices	464,100	
T11	Connecticut Academy of Science and Engineering	100,000	
T12	Old State House	616,523	

T13	Interstate Conference Fund	380,584	
T14	New England Board of Higher Education	194,183	
T15	AGENCY TOTAL	[62,505,251]	62,655,251
T16			
T17	AUDITORS OF PUBLIC ACCOUNTS		
T18	Personal Services	11,136,456	
T19	Other Expenses	417,709	
T20	Equipment	10,000	
T21	AGENCY TOTAL	11,564,165	
T22			
T23	COMMISSION ON AGING		
T24	Personal Services	251,989	
T25	Other Expenses	6,495	
T26	Equipment	1,500	
T27	AGENCY TOTAL	259,984	
T28			
T29	PERMANENT COMMISSION ON THE STATUS OF WOMEN		
T30	Personal Services	447,419	
T31	Other Expenses	55,475	
T32	Equipment	1,500	
T33	AGENCY TOTAL	504,394	
T34			
T35	COMMISSION ON CHILDREN		
T36	Personal Services	502,233	
T37	Other Expenses	29,507	
T38	AGENCY TOTAL	531,740	
T39			
T40	LATINO AND PUERTO RICAN AFFAIRS COMMISSION		
T41	Personal Services	284,684	
T42	Other Expenses	33,766	
T43	AGENCY TOTAL	318,450	
T44			
T45	AFRICAN-AMERICAN AFFAIRS COMMISSION		
T46	Personal Services	187,166	
T47	Other Expenses	22,663	

T48	AGENCY TOTAL	209,829	
T49			
T50	ASIAN PACIFIC AMERICAN AFFAIRS COMMISSION		
T51	Personal Services	147,482	
T52	Other Expenses	4,213	
T53	Equipment	1,500	
T54	AGENCY TOTAL	153,195	
T55			
T56	GENERAL GOVERNMENT		
T57			
T58	GOVERNOR'S OFFICE		
T59	Personal Services	2,270,218	
T60	Other Expenses	231,311	
T61	Equipment	1	
T62	New England Governors' Conference	113,138	
T63	National Governors' Association	134,720	
T64	AGENCY TOTAL	2,749,388	
T65			
T66	SECRETARY OF THE STATE		
T67	Personal Services	1,045,730	
T68	Other Expenses	563,356	
T69	Equipment	1	
T70	Commercial Recording Division	5,797,115	
T71	Board of Accountancy	337,284	
T72	AGENCY TOTAL	7,743,486	
T73			
T74	LIEUTENANT GOVERNOR'S OFFICE		
T75	Personal Services	423,042	
T76	Other Expenses	67,541	
T77	Equipment	1	
T78	Health Reform and Innovation	427,000	
T79	AGENCY TOTAL	917,584	
T80			
T81	STATE TREASURER		
T82	Personal Services	3,381,288	
T83	Other Expenses	179,350	
T84	Equipment	1	

T85	AGENCY TOTAL	3,560,639	
T86			
T87	STATE COMPTROLLER		
T88	Personal Services	21,590,975	
T89	Other Expenses	3,418,046	
T90	Equipment	1	
T91	Governmental Accounting Standards Board	19,570	
T92	AGENCY TOTAL	25,028,592	
T93			
T94	DEPARTMENT OF REVENUE SERVICES		
T95	Personal Services	55,412,504	
T96	Other Expenses	8,153,274	
T97	Equipment	1	
T98	Collection and Litigation Contingency Fund	99,256	
T99	AGENCY TOTAL	63,665,035	
T100			
T101	OFFICE OF GOVERNMENTAL ACCOUNTABILITY		
T102	Personal Services	832,767	
T103	Other Expenses	275,288	
T104	Equipment	24,905	
T105	Child Fatality Review Panel	95,010	
T106	Information Technology Initiatives	33,250	
T107	Citizens' Election Fund Admin	2,128,549	
T108	Elections Enforcement Commission	1,006,720	
T109	Office of State Ethics	1,293,638	
T110	Freedom of Information Commission	1,712,235	
T111	Judicial Review Council	144,952	
T112	Judicial Selection Commission	90,620	
T113	Office of the Child Advocate	567,465	
T114	Office of the Victim Advocate	315,235	
T115	Board of Firearms Permit Examiners	81,086	
T116	AGENCY TOTAL	8,601,720	
T117			
T118	OFFICE OF POLICY AND MANAGEMENT		
T119	Personal Services	11,264,140	
T120	Other Expenses	2,127,148	
T121	Equipment	1	

T122	Automated Budget System and Data Base Link	52,322	
T123	Cash Management Improvement Act	95	
T124	Justice Assistance Grants	1,131,353	
T125	Innovation Challenge Grant Program	500,000	
T126	Revenue Maximization	787,500	
T127	Criminal Justice Information System	2,089,605	
T128	Main Street Investment Fund Administration		75,000
T129	Tax Relief for Elderly Renters	25,260,000	
T130	Regional Planning Agencies	500,000	
T131	Reimbursement to Towns for Loss of Taxes on State Property	73,641,646	
T132	Reimbursements to Towns for Loss of Taxes on Private Tax-Exempt Property	115,431,737	
T133	Reimbursement Property Tax - Disability Exemption	400,000	
T134	Distressed Municipalities	5,800,000	
T135	Property Tax Relief Elderly Circuit Breaker	20,505,900	
T136	Property Tax Relief Elderly Freeze Program	390,000	
T137	Property Tax Relief for Veterans	2,970,098	
T138	Focus Deterrence	500,000	
T139	AGENCY TOTAL	[263,351,545]	263,426,545
T140			
T141	DEPARTMENT OF VETERANS' AFFAIRS		
T142	Personal Services	21,838,133	
T143	Other Expenses	5,645,075	
T144	Equipment	1	
T145	Support Services for Veterans	190,000	
T146	Burial Expenses	7,200	
T147	Headstones	350,000	
T148	AGENCY TOTAL	28,030,409	
T149			
T150	DEPARTMENT OF ADMINISTRATIVE SERVICES		
T151	Personal Services	38,788,855	
T152	Other Expenses	31,343,930	
T153	Equipment	1	
T154	Management Services	4,767,986	
T155	Loss Control Risk Management	120,898	

T156	Employees' Review Board	23,378	
T157	Surety Bonds for State Officials and Employees	82,000	
T158	Refunds of Collections	27,076	
T159	Rents and Moving	11,924,000	
T160	Capitol Day Care Center	127,250	
T161	W. C. Administrator	5,250,000	
T162	Hospital Billing System	114,951	
T163	Connecticut Education Network	2,966,493	
T164	Claims Commissioner Operations	258,651	
T165	State Insurance and Risk Mgmt Operations	12,350,000	
T166	IT Services	13,806,786	
T167	AGENCY TOTAL	121,952,255	
T168			
T169	DEPARTMENT OF CONSTRUCTION SERVICES		
T170	Personal Services	8,894,319	
T171	Other Expenses	1,046,161	
T172	AGENCY TOTAL	9,940,480	
T173			
T174	ATTORNEY GENERAL		
T175	Personal Services	29,516,393	
T176	Other Expenses	940,920	
T177	Equipment	1	
T178	AGENCY TOTAL	30,457,314	
T179			
T180	DIVISION OF CRIMINAL JUSTICE		
T181	Personal Services	43,351,437	
T182	Other Expenses	2,314,353	
T183	Equipment	23,401	
T184	Witness Protection	220,000	
T185	Training and Education	67,500	
T186	Expert Witnesses	286,000	
T187	Medicaid Fraud Control	1,155,149	
T188	Criminal Justice Commission	395	
T189	Cold Case Unit	355,072	
T190	Shooting Taskforce	1,062,621	
T191	AGENCY TOTAL	48,835,928	

T192			
T193	REGULATION AND PROTECTION		
T194			
T195	DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION		
T196	Personal Services	115,577,292	
T197	Other Expenses	26,244,276	
T198	Equipment	4	
T199	Stress Reduction	23,354	
T200	Fleet Purchase	4,271,474	
T201	Workers' Compensation Claims	4,238,787	
T202	COLLECT	4,892	
T203	Fire Training School - Willimantic	161,798	
T204	Maintenance of County Base Fire Radio	25,176	
T205	Maint of State-Wide Fire Radio Network	16,756	
T206	Police Association of Connecticut	190,000	
T207	Connecticut State Firefighter's Assoc	194,711	
T208	Fire Training School - Torrington	81,367	
T209	Fire Training School - New Haven	48,364	
T210	Fire Training School - Derby	37,139	
T211	Fire Training School - Wolcott	100,162	
T212	Fire Training School - Fairfield	70,395	
T213	Fire Training School - Hartford	169,336	
T214	Fire Training School - Middletown	59,053	
T215	Fire Training School - Stamford	55,432	
T216	AGENCY TOTAL	151,569,768	
T217			
T218	DEPARTMENT OF MOTOR VEHICLES		
T219	Personal Services	258,466	
T220	Other Expenses	200,393	
T221	AGENCY TOTAL	458,859	
T222			
T223	MILITARY DEPARTMENT		
T224	Personal Services	2,785,205	
T225	Other Expenses	2,739,394	
T226	Equipment	1	
T227	Honor Guards	319,500	
T228	Veteran's Service Bonuses	160,000	

T229	AGENCY TOTAL	6,004,100	
T230			
T231	DEPARTMENT OF CONSUMER PROTECTION		
T232	Personal Services	13,173,407	
T233	Other Expenses	1,445,457	
T234	Equipment	1	
T235	Gaming Policy Board	2,758	
T236	AGENCY TOTAL	14,621,623	
T237			
T238	LABOR DEPARTMENT		
T239	Personal Services	5,735,646	
T240	Other Expenses	1,021,670	
T241	Equipment	2	
T242	CETC Workforce	850,000	
T243	Workforce Investment Act	29,154,000	
T244	Job Funnels Projects	425,000	
T245	Connecticut's Youth Employment Program	4,500,000	
T246	Jobs First Employment Services	17,657,471	
T247	STRIDE	590,000	
T248	Apprenticeship Program	595,867	
T249	Spanish-American Merchants Association	600,000	
T250	Connecticut Career Resource Network	157,880	
T251	21st Century Jobs	447,955	
T252	Incumbent Worker Training	450,000	
T253	STRIVE	270,000	
T254	Film Industry Training Program	368,750	
T255	AGENCY TOTAL	62,824,241	
T256			
T257	COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES		
T258	Personal Services	5,196,701	
T259	Other Expenses	382,211	
T260	Equipment	1	
T261	Martin Luther King, Jr. Commission	6,650	
T262	AGENCY TOTAL	5,585,563	
T263			

T264	OFFICE OF PROTECTION AND ADVOCACY FOR PERSONS WITH DISABILITIES		
T265	Personal Services	2,219,908	
T266	Other Expenses	210,856	
T267	Equipment	1	
T268	AGENCY TOTAL	2,430,765	
T269			
T270	CONSERVATION AND DEVELOPMENT		
T271			
T272	DEPARTMENT OF AGRICULTURE		
T273	Personal Services	3,317,987	
T274	Other Expenses	669,279	
T275	Equipment	1	
T276	Vibrio Bacterium Program	1	
T277	Senior Food Vouchers	384,275	
T278	Environmental Conservation	90,000	
T279	Collection of Agricultural Statistics	1,026	
T280	Tuberculosis and Brucellosis Indemnity	900	
T281	Fair Testing	4,040	
T282	Connecticut Grown Product Promotion	10,000	
T283	WIC Coupon Program for Fresh Produce	184,090	
T284	[Lobster Restoration	100,000]	
T285	AGENCY TOTAL	[4,761,599]	4,661,599
T286			
T287	DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION		
T288	Personal Services	29,015,253	
T289	Other Expenses	3,771,656	
T290	Equipment	1	
T291	Stream Gaging	199,561	
T292	Mosquito Control	259,168	
T293	State Superfund Site Maintenance	541,100	
T294	Laboratory Fees	170,309	
T295	Dam Maintenance	120,737	
T296	Emergency Spill Response	6,798,977	
T297	Solid Waste Management	2,360,398	
T298	Underground Storage Tank	975,276	

T299	Clean Air	4,829,325	
T300	Environmental Conservation	8,495,636	
T301	Environmental Quality	9,753,982	
T302	Pheasant Stocking Account	160,000	
T303	Greenways Account		1
T304	Interstate Environmental Commission	48,783	
T305	Agreement USGS - Hydrological Study	155,456	
T306	New England Interstate Water Pollution Commission	28,827	
T307	Northeast Interstate Forest Fire Compact	3,295	
T308	Connecticut River Valley Flood Control Commission	32,395	
T309	Thames River Valley Flood Control Commission	48,281	
T310	Agreement USGS-Water Quality Stream Monitoring	215,412	
T311	Lobster Restoration	[100,000]	200,000
T312	AGENCY TOTAL	[68,083,828]	68,183,829
T313			
T314	COUNCIL ON ENVIRONMENTAL QUALITY		
T315	Personal Services	160,867	
T316	Other Expenses	3,547	
T317	Equipment	1	
T318	AGENCY TOTAL	164,415	
T319			
T320	DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT		
T321	Personal Services	8,254,749	
T322	Other Expenses	814,873	
T323	Equipment	1	
T324	Elderly Rental Registry and Counselors	1,098,171	
T325	Statewide Marketing	11,475,000	
T326	Nanotechnology Study	119,000	
T327	CT Asso Performing Arts/Schubert Theater	378,712	
T328	Hartford Urban Arts Grant	378,712	
T329	New Britain Arts Council	75,743	
T330	Fair Housing	308,750	
T331	Main Street Initiatives	[246,000]	171,000

T332	Office of Military Affairs	453,508	
T333	SBIR Matching Grants	95,625	
T334	Ivoryton Playhouse	150,000	
T335	Economic Development Grants	1,742,937	
T336	Garde Arts Theatre	300,000	
T337	Capitol Region Development Authority	5,920,145	
T338	Subsidized Assisted Living Demonstration	1,880,000	
T339	Congregate Facilities Operation Costs	7,087,047	
T340	Housing Assistance and Counseling Program	438,500	
T341	Elderly Congregate Rent Subsidy	2,389,796	
T342	Nutmeg Games	25,000	
T343	Discovery Museum	378,712	
T344	National Theatre for the Deaf	151,484	
T345	Culture, Tourism and Art Grant	2,000,000	
T346	CT Trust for Historic Preservation	210,396	
T347	Connecticut Science Center	630,603	
T348	Bushnell Theater	250,000	
T349	Local Theatre Grant	500,000	
T350	Tax Abatement	1,704,890	
T351	Payment in Lieu of Taxes	2,204,000	
T352	Greater Hartford Arts Council	94,677	
T353	Stamford Center for the Arts	378,712	
T354	Stepping Stones Museum for Children	44,294	
T355	Maritime Center Authority	531,525	
T356	Tourism Districts	1,495,596	
T357	Amistad Committee for the Freedom Trail	44,294	
T358	Amistad Vessel	378,712	
T359	New Haven Festival of Arts and Ideas	797,287	
T360	New Haven Arts Council	94,677	
T361	Palace Theater	378,712	
T362	Beardsley Zoo	354,350	
T363	Mystic Aquarium	620,112	
T364	Quinebaug Tourism	41,101	
T365	Northwestern Tourism	41,101	
T366	Eastern Tourism	41,101	
T367	Central Tourism	41,101	
T368	Twain/Stowe Homes	95,674	

T369	AGENCY TOTAL	[57,135,380]	57,060,380
T370			
T371	DEPARTMENT OF HOUSING		
T372	Personal Services	180,000	
T373			
T374	AGRICULTURAL EXPERIMENT STATION		
T375	Personal Services	5,379,259	
T376	Other Expenses	901,360	
T377	Equipment	1	
T378	Mosquito Control	459,952	
T379	Wildlife Disease Prevention	89,571	
T380	AGENCY TOTAL	6,830,143	
T381			
T382	HEALTH AND HOSPITALS		
T383			
T384	DEPARTMENT OF PUBLIC HEALTH		
T385	Personal Services	32,409,747	
T386	Other Expenses	8,034,224	
T387	Equipment	1,278	
T388	Needle and Syringe Exchange Program	457,244	
T389	Children's Health Initiatives	2,433,365	
T390	Childhood Lead Poisoning	75,377	
T391	AIDS Services	4,975,686	
T392	Breast and Cervical Cancer Detection and Treatment	2,230,275	
T393	Children with Special Health Care Needs	1,278,016	
T394	Medicaid Administration	3,963,583	
T395	Fetal and Infant Mortality Review	20,000	
T396	Community Health Services	6,717,155	
T397	Rape Crisis	441,893	
T398	X-Ray Screening and Tuberculosis Care	1,201,026	
T399	Genetic Diseases Programs	832,908	
T400	Immunization Services	18,387,336	
T401	Local and District Departments of Health	4,662,487	
T402	Venereal Disease Control	196,191	
T403	School Based Health Clinics	11,543,438	
T404	AGENCY TOTAL	99,861,229	
T405			

T406	OFFICE OF THE CHIEF MEDICAL EXAMINER		
T407	Personal Services	4,317,148	
T408	Other Expenses	684,544	
T409	Equipment	15,500	
T410	Medicolegal Investigations	28,828	
T411	AGENCY TOTAL	5,046,020	
T412			
T413	DEPARTMENT OF DEVELOPMENTAL SERVICES		
T414	Personal Services	246,714,526	
T415	Other Expenses	21,942,944	
T416	Equipment	1	
T417	Human Resource Development	208,801	
T418	Family Support Grants	3,116,091	
T419	Cooperative Placements Program	22,923,542	
T420	Clinical Services	4,320,720	
T421	Early Intervention	34,862,523	
T422	Community Temporary Support Services	63,950	
T423	Community Respite Care Programs	313,828	
T424	Workers' Compensation Claims	15,246,035	
T425	Pilot Program for Autism Services	1,631,873	
T426	Voluntary Services	31,381,907	
T427	Supplemental Payments for Medical Services	13,400,000	
T428	Rent Subsidy Program	4,537,554	
T429	Family Reunion Program	128,156	
T430	Employment Opportunities and Day Services	200,341,298	
T431	Community Residential Services	437,859,368	
T432	AGENCY TOTAL	1,038,993,117	
T433			
T434	DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES		
T435	Personal Services	172,873,389	
T436	Other Expenses	27,812,305	
T437	Equipment	1	
T438	Housing Supports and Services	16,299,667	
T439	Managed Service System	39,915,163	
T440	Legal Services	817,481	

T441	Connecticut Mental Health Center	8,665,721	
T442	Professional Services	11,788,898	
T443	General Assistance Managed Care	[179,689,353]	167,189,353
T444	Workers' Compensation Claims	10,594,566	
T445	Nursing Home Screening	622,784	
T446	Young Adult Services	63,981,110	
T447	TBI Community Services	14,267,815	
T448	Jail Diversion	4,506,446	
T449	Behavioral Health Medications	6,169,095	
T450	Prison Overcrowding	6,540,370	
T451	Medicaid Adult Rehabilitation Option	4,783,262	
T452	Discharge and Diversion Services	14,025,649	
T453	Home and Community Based Services	9,799,089	
T454	Persistent Violent Felony Offenders Act	671,701	
T455	Nursing Home Contract	300,000	
T456	Grants for Substance Abuse Services	24,929,551	
T457	Grants for Mental Health Services	76,475,894	
T458	Employment Opportunities	10,470,087	
T459	AGENCY TOTAL	[705,999,397]	693,499,397
T460			
T461	PSYCHIATRIC SECURITY REVIEW BOARD		
T462	Personal Services	249,027	
T463	Other Expenses	31,469	
T464	Equipment	1	
T465	AGENCY TOTAL	280,497	
T466			
T467	HUMAN SERVICES		
T468			
T469	DEPARTMENT OF SOCIAL SERVICES		
T470	Personal Services	106,676,774	
T471	Other Expenses	109,149,735	
T472	Equipment	1	
T473	Children's Trust Fund	13,133,084	
T474	HUSKY Information and Referral	335,564	
T475	Genetic Tests in Paternity Actions	191,142	
T476	State Food Stamp Supplement	1,333,966	
T477	HUSKY B Program		29,890,000

T478	[HUSKY Program	29,890,000]	
T479	Charter Oak Health Plan	3,350,000	
T480	HUSKY Performance Monitoring	[175,000]	219,000
T481	Old Age Assistance	36,417,524	
T482	Aid to the Blind	758,644	
T483	Aid to the Disabled	60,649,215	
T484	Temporary Assistance to Families - TANF	113,187,034	
T485	Emergency Assistance	1	
T486	Food Stamp Training Expenses	12,000	
T487	Connecticut Pharmaceutical Assistance Contract to the Elderly	310,000	
T488	Healthy Start	1,497,708	
T489	DMHAS-Disproportionate Share	108,935,000	
T490	Connecticut Home Care Program	[47,942,500]	47,316,100
T491	Human Resource Development-Hispanic Programs	941,034	
T492	Services to the Elderly	3,929,683	
T493	Safety Net Services	1,900,307	
T494	Transportation for Employment Independence Program	3,171,386	
T495	Refunds of Collections	57,792	
T496	Services for Persons With Disabilities	630,379	
T497	Child Care Services-TANF/CCDBG	104,440,819	
T498	Nutrition Assistance	449,912	
T499	Housing/Homeless Services	57,594,605	
T500	Disproportionate Share-Medical Emergency Assistance	268,486,847	
T501	State Administered General Assistance	14,723,163	
T502	Child Care Quality Enhancements	3,764,506	
T503	Connecticut Children's Medical Center	10,579,200	
T504	Community Services	1,641,524	
T505	Alzheimer Respite Care	2,294,388	
T506	Human Service Infrastructure Community Action Program	3,436,148	
T507	Teen Pregnancy Prevention	1,923,957	
T508	Medicaid - Acute Care Services		1,325,342,501
T509	Medicaid - Professional Medical Care		806,152,531
T510	Medicaid - Other Medical Services		664,415,738

T511	Medicaid - Home and Community-Based Services		490,628,527
T512	Medicaid - Nursing Home Facilities		1,195,063,293
T513	Medicaid - Other Long Term Care Facilities		176,893,798
T514	Medicaid - Administrative Services & Adjustments		39,472,944
T515	Human Resource Development-Hispanic Programs - Municipality	5,337	
T516	Teen Pregnancy Prevention - Municipality	144,321	
T517	Services to the Elderly - Municipality	44,629	
T518	Housing/Homeless Services - Municipality	637,212	
T519	Community Services - Municipality	87,707	
T520	AGENCY TOTAL	[1,114,829,748]	5,812,216,680
T521			
T522	[DEPARTMENT OF SOCIAL SERVICES - MEDICAID]		
T523	[Hospital Inpatient	528,760,403]	
T524	[Hospital Outpatient	406,569,000]	
T525	[Physician	279,026,924]	
T526	[Pharmacy - Net	246,771,473]	
T527	[Clinics	217,475,174]	
T528	[Home Health	248,021,684]	
T529	[Transportation	29,008,052]	
T530	[Non-emergency Transportation	39,945,179]	
T531	[Dental	152,738,919]	
T532	[Vision	21,670,368]	
T533	[Lab & X-Ray	35,560,904]	
T534	[Durable Medical Equipment	63,051,563]	
T535	[MI Waiver	641,593]	
T536	[Alcohol & Drug Services	4,701,102]	
T537	[Other Practitioner	39,115,800]	
T538	[CT Home Care - Assessments	889,180]	
T539	[CT Home Care - Waiver Services	154,388,045]	
T540	[PCA Waiver Services	26,643,335]	
T541	[Acquired Brain Injury Waiver	42,123,284]	
T542	[Money Follows the Person - Year 1	10,876,385]	
T543	[Hospice Services	2,431,218]	
T544	[Waivers - Administration	2,455,000]	
T545	[Behavioral Health Partnership - ASO	13,486,668]	

T546	[Dental - ASO	6,700,000]	
T547	[Medicare Part D Clawback	141,057,521]	
T548	[Hospital Retro Payments	6,000,000]	
T549	[Hospital Supplemental	131,000,000]	
T550	[Adjustments	21,013,777]	
T551	[Family Planning	1,040,296]	
T552	[Low Income Adults	462,152,055]	
T553	[Nursing Homes-CCH	1,167,921,818]	
T554	[Nursing Homes - RHNS	12,839,549]	
T555	[ICF/MR	66,579,886]	
T556	[Hospice Services	35,056,033]	
T557	[Chronic Disease Hospitals	67,130,744]	
T558	[AGENCY TOTAL	4,684,842,932]	
T559			
T560	STATE DEPARTMENT ON AGING		
T561	Personal Services	72,500	
T562	Other Expenses	27,400	
T563	Equipment	100	
T564	AGENCY TOTAL	100,000	
T565			
T566	BUREAU OF REHABILITATIVE SERVICES		
T567	Personal Services	4,749,662	
T568	Other Expenses	992,846	
T569	Equipment	2	
T570	Part-Time Interpreters	191,633	
T571	Educational Aid for Blind and Visually Handicapped Children	4,821,904	
T572	Enhanced Employment Opportunities	676,381	
T573	Vocational Rehabilitation - Disabled	7,423,780	
T574	Supplementary Relief and Services	104,448	
T575	Vocational Rehabilitation - Blind	894,928	
T576	Special Training for the Deaf Blind	300,085	
T577	Connecticut Radio Information Service	87,640	
T578	Employment Opportunities	1,058,119	
T579	Independent Living Centers	551,804	
T580	AGENCY TOTAL	21,853,232	
T581			
T582	EDUCATION, MUSEUMS, LIBRARIES		

T583			
T584	DEPARTMENT OF EDUCATION		
T585	Personal Services	19,950,048	
T586	Other Expenses	3,726,563	
T587	Equipment	1	
T588	Basic Skills Exam Teachers in Training	1,270,775	
T589	Teachers' Standards Implementation Program	3,096,508	
T590	Early Childhood Program	6,022,489	
T591	Development of Mastery Exams Grades 4, 6, and 8	19,050,559	
T592	Primary Mental Health	507,294	
T593	Leadership,Educ, Athletics-Partnership	765,000	
T594	Adult Education Action	240,687	
T595	Connecticut Pre-Engineering Program	262,500	
T596	Resource Equity Assessments	299,683	
T597	Neighborhood Youth Centers	1,338,300	
T598	Longitudinal Data Systems	1,500,000	
T599	School Accountability	2,201,405	
T600	Sheff Settlement	14,293,799	
T601	Community Plans for Early Childhood	450,000	
T602	Improving Early Literacy	150,000	
T603	Parent Trust Fund Program	500,000	
T604	Regional Vocational-Technical School System	134,841,977	
T605	Child Care Services	18,419,752	
T606	Science Program for Educational Reform Districts	455,000	
T607	Wrap Around Services	450,000	
T608	Parent Universities	250,000	
T609	School Health Coordinator Pilot	200,000	
T610	Commissioner's Network	7,500,000	
T611	Technical Assistance for Regional Cooperation	100,000	
T612	New or Replicated Schools	200,000	
T613	Bridges to Success	712,500	
T614	K-3 Reading Assessment Pilot	2,700,000	
T615	Talent Development	3,500,000	
T616	American School for the Deaf	10,264,242	
T617	Regional Education Services	1,384,613	

T618	Head Start Services	2,748,150	
T619	Head Start Enhancement	1,773,000	
T620	Family Resource Centers	7,981,488	
T621	Youth Service Bureau Enhancement	620,300	
T622	Head Start - Early Childhood Link	2,090,000	
T623	Child Nutrition State Match	2,354,000	
T624	Health Foods Initiative	3,613,997	
T625	EvenStart	500,000	
T626	Vocational Agriculture	6,485,565	
T627	Transportation of School Children	24,884,748	
T628	Adult Education	21,025,690	
T629	Health and Welfare Services Pupils Private Schools	4,297,500	
T630	Education Equalization Grants	2,007,594,057	
T631	Bilingual Education	1,916,130	
T632	Priority School Districts	121,875,581	
T633	Young Parents Program	229,330	
T634	Interdistrict Cooperation	10,131,935	
T635	School Breakfast Program	2,220,303	
T636	Excess Cost - Student Based	139,805,731	
T637	Non-Public School Transportation	3,595,500	
T638	School to Work Opportunities	213,750	
T639	Youth Service Bureaus	2,989,268	
T640	OPEN Choice Program	22,090,956	
T641	Magnet Schools	242,361,711	
T642	After School Program	4,500,000	
T643	School Readiness Quality Enhancement	4,100,678	
T644	AGENCY TOTAL	2,898,603,063	
T645			
T646	STATE LIBRARY		
T647	Personal Services	4,915,076	
T648	Other Expenses	710,355	
T649	Equipment	1	
T650	State-Wide Digital Library	2,094,590	
T651	Interlibrary Loan Delivery Service	275,751	
T652	Legal/Legislative Library Materials	827,992	
T653	Computer Access	190,000	
T654	Support Cooperating Library Service Units	350,000	

T655	Grants to Public Libraries	214,283	
T656	Connecticard Payments	1,000,000	
T657	Connecticut Humanities Council	2,157,633	
T658	AGENCY TOTAL	12,735,681	
T659			
T660	OFFICE OF HIGHER EDUCATION		
T661	Personal Services	1,128,146	
T662	Other Expenses	112,537	
T663	Equipment	1	
T664	Minority Advancement Program	2,176,817	
T665	Alternate Route to Certification	100,000	
T666	International Initiatives	66,500	
T667	Minority Teacher Incentive Program	471,374	
T668	English Language Learner Scholarship	100,000	
T669	Capitol Scholarship Program	4,722,351	
T670	Awards to Children of Deceased/ Disabled Veterans	4,000	
T671	Connecticut Independent College Student Grant	16,158,319	
T672	Connecticut Aid for Public College Students	25,500,000	
T673	Connecticut Aid to Charter Oak	59,393	
T674	AGENCY TOTAL	50,599,438	
T675			
T676	UNIVERSITY OF CONNECTICUT		
T677	Operating Expenses	192,336,268	
T678	Tuition Freeze	4,267,696	
T679	Regional Campus Enhancement	7,538,003	
T680	Veterinary Diagnostic Laboratory	90,000	
T681	Connecticut Center for Advanced Technology	500,000	
T682	CommPACT Schools	500,000	
T683	Kirklyn M Kerr Grant Program	400,000	
T684	AGENCY TOTAL	205,631,967	
T685			
T686	UNIVERSITY OF CONNECTICUT HEALTH CENTER		
T687	Operating Expenses	112,160,920	
T688	AHEC	505,707	
T689	AGENCY TOTAL	112,666,627	

T690			
T691	TEACHERS' RETIREMENT BOARD		
T692	Personal Services	1,435,749	
T693	Other Expenses	634,381	
T694	Equipment	1	
T695	Retirement Contributions	787,536,000	
T696	Retirees Health Service Cost	16,374,940	
T697	Municipal Retiree Health Insurance Costs	5,915,610	
T698	AGENCY TOTAL	811,896,681	
T699			
T700	BOARD OF REGENTS FOR HIGHER EDUCATION		
T701	National Service Act	328,365	
T702	Charter Oak State College	2,456,083	
T703	Community Technical College System	143,196,097	
T704	Connecticut State University	141,194,660	
T705	Board of Regents	1,274,581	
T706	AGENCY TOTAL	288,449,786	
T707			
T708	CORRECTIONS		
T709			
T710	DEPARTMENT OF CORRECTION		
T711	Personal Services	385,722,164	
T712	Other Expenses	72,424,386	
T713	Equipment	1	
T714	Stress Management	35,000	
T715	Workers' Compensation Claims	27,636,219	
T716	Inmate Medical Services	85,629,399	
T717	Board of Pardons and Paroles	5,778,325	
T718	Distance Learning	100,000	
T719	Aid to Paroled and Discharged Inmates	9,500	
T720	Legal Services to Prisoners	870,595	
T721	Volunteer Services	170,758	
T722	Community Support Services	40,572,949	
T723	AGENCY TOTAL	618,949,296	
T724			
T725	DEPARTMENT OF CHILDREN AND FAMILIES		

T726	Personal Services	255,094,477	
T727	Other Expenses	35,369,572	
T728	Equipment	1	
T729	Short-Term Residential Treatment	716,712	
T730	Substance Abuse Screening	1,754,417	
T731	Workers' Compensation Claims	10,322,750	
T732	Local Systems of Care	2,106,261	
T733	Family Support Services	13,521,487	
T734	Emergency Needs	1,500,000	
T735	Differential Response System	9,250,000	
T736	Health Assessment and Consultation	970,471	
T737	Grants for Psychiatric Clinics for Children	14,191,575	
T738	Day Treatment Centers for Children	5,524,198	
T739	Juvenile Justice Outreach Services	13,426,966	
T740	Child Abuse and Neglect Intervention	5,406,288	
T741	Community Based Prevention Programs	4,872,641	
T742	Family Violence Outreach and Counseling	1,754,906	
T743	Support for Recovering Families	16,842,319	
T744	No Nexus Special Education	7,421,437	
T745	Family Preservation Services	5,412,453	
T746	Substance Abuse Treatment	4,245,454	
T747	Child Welfare Support Services	3,236,915	
T748	Board and Care for Children - Adoption	89,641,649	
T749	Board and Care for Children - Foster	113,299,761	
T750	Board and Care for Children - Residential	177,009,783	
T751	Individualized Family Supports	14,870,781	
T752	Community KidCare	23,675,730	
T753	Covenant to Care	167,353	
T754	Neighborhood Center	262,272	
T755	AGENCY TOTAL	831,868,629	
T756			
T757	JUDICIAL		
T758			
T759	JUDICIAL DEPARTMENT		
T760	Personal Services	308,215,578	
T761	Other Expenses	**[**64,473,251**]**	64,348,251
T762	Equipment	25,000	

T763	Forensic Sex Evidence Exams	[1,009,060]	1,134,060
T764	Alternative Incarceration Program	55,117,917	
T765	Justice Education Center, Inc.	[444,469]	294,469
T766	Juvenile Alternative Incarceration	28,293,671	
T767	Juvenile Justice Centers	3,120,619	
T768	Probate Court	7,275,000	
T769	Youthful Offender Services	12,246,992	
T770	Victim Security Account	9,276	
T771	Children of Incarcerated Parents	322,250	
T772	Legal Aid	1,500,000	
T773	Juvenile Jurisdiction Policy and Operations Coordinating Council	22,250	
T774	Youth Violence Initiative	750,000	
T775	AGENCY TOTAL	[482,825,333]	482,675,333
T776			
T777	PUBLIC DEFENDER SERVICES COMMISSION		
T778	Personal Services	37,618,994	
T779	Other Expenses	1,471,204	
T780	Assigned Counsel - Criminal		8,522,248
T781	[Special Public Defenders - Non-Contractual	8,522,248]	
T782	Expert Witnesses	2,125,000	
T783	Training and Education	95,219	
T784	Assigned Counsel - Child Protection		9,981,524
T785	[Contracted Attorneys	9,981,524]	
T786	Contracted Attorneys Related Expenses	151,577	
T787	Family Contracted Attorneys/AMC	608,149	
T788	AGENCY TOTAL	60,573,915	
T789			
T790	NON-FUNCTIONAL		
T791			
T792	MISCELLANEOUS APPROPRIATION TO THE GOVERNOR		
T793	Governor's Contingency Account	1	
T794			
T795	DEBT SERVICE - STATE TREASURER		
T796	Debt Service	1,626,307,248	
T797	UConn 2000 - Debt Service	117,729,372	

T798	CHEFA Day Care Security	5,500,000	
T799	Pension Obligation Bonds - TRB	121,386,576	
T800	AGENCY TOTAL	1,870,923,196	
T801			
T802	STATE COMPTROLLER - MISCELLANEOUS		
T803	Adjudicated Claims	4,000,000	
T804			
T805	STATE COMPTROLLER - FRINGE BENEFITS		
T806	Unemployment Compensation	8,901,932	
T807	State Employees Retirement Contributions	721,490,818	
T808	Higher Education Alternative Retirement System	31,155,127	
T809	Pensions and Retirements - Other Statutory	1,842,652	
T810	Judges and Compensation Commissioners Retirement	16,005,904	
T811	Insurance - Group Life	8,754,807	
T812	Employers Social Security Tax	221,956,828	
T813	State Employees Health Service Cost	568,012,615	
T814	Retired State Employees Health Service Cost	614,094,650	
T815	AGENCY TOTAL	2,192,215,333	
T816			
T817	RESERVE FOR SALARY ADJUSTMENTS		
T818	Reserve for Salary Adjustments	44,121,463	
T819			
T820	WORKERS' COMPENSATION CLAIMS - DEPARTMENT OF ADMINISTRATIVE SERVICES		
T821	Workers' Compensation Claims	26,964,041	
T822			
T823	TOTAL - GENERAL FUND	[19,256,362,289]	19,256,406,290
T824			
T825			
T826	LESS:		
T827			
T828	Unallocated Lapse	-91,676,192	
T829	Unallocated Lapse - Legislative	-3,028,105	
T830	Unallocated Lapse - Judicial	-7,400,672	

T831	General Lapse - Legislative	-56,251	
T832	General Lapse - Judicial	-401,946	
T833	General Lapse - Executive	-13,785,503	
T834			
T835	NET - GENERAL FUND	[19,140,013,620]	19,140,057,621

Sec. 2. Subsection (a) of section 17b-282c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

(a) All nonemergency dental services provided under the Department of Social Services' dental programs, as described in section 17b-282b, shall be subject to prior authorization. Nonemergency services that are exempt from the prior authorization process shall include diagnostic, prevention, basic restoration procedures and nonsurgical extractions that are consistent with standard and reasonable dental practices. Dental benefit limitations shall apply to each client regardless of the number of providers serving the client. The commissioner may recoup payments for services that are determined not to be for an emergency condition or otherwise in excess of what is medically necessary. The commissioner shall periodically, but not less than quarterly, review payments for emergency dental services and basic restoration procedures for appropriateness of payment. For the purposes of this section, "emergency condition" means a dental condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate dental attention to result in placing the health of the individual, or with respect to a pregnant woman, the health of the woman or her unborn child, in serious jeopardy, cause serious impairment to body functions or cause serious dysfunction of any body organ or part.

Sec. 3. Subsection (b) of section 17b-239c of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu

30 thereof (*Effective from passage*):

31 (b) Effective July 1, 2011, interim payments made to hospitals
32 pursuant to this section for the succeeding **[**fifteen**]** twenty-seven
33 months shall be based on 2009 federal fiscal year data and may be
34 adjusted at the commissioner's discretion for accuracy. Effective
35 October 1, **[**2012**]** 2013, interim payments shall be based on the most
36 recent independent, certified disproportionate share hospital audit of
37 federal fiscal year data. **[**available.**]** For federal fiscal year 2011 and
38 succeeding federal fiscal years, final disproportionate share payment
39 amounts shall be recalculated and reallocated in accordance with
40 Section 1001(d) of Public Law 108-173, the Medicare Prescription Drug,
41 Improvement, and Modernization Act of 2003. The commissioner shall
42 prescribe uniform annual hospital data reporting forms. Payments
43 made pursuant to this section shall be in addition to inpatient hospital
44 rates determined pursuant to section 17b-239, as amended by this act.
45 The commissioner may withhold payment to a hospital to offset
46 money owed by the hospital to the state.

47 Sec. 4. Subsection (a) of section 12-263b of the 2012 supplement to
48 the general statutes is repealed and the following is substituted in lieu
49 thereof (*Effective from passage*):

50 (a) For each calendar quarter commencing on or after July 1, 2011,
51 there is hereby imposed a tax on the net patient revenue of each
52 hospital in this state to be paid each calendar quarter. The rate of such
53 tax shall be up to the maximum rate allowed under federal law. The
54 Commissioner of Social Services shall determine the base year on
55 which such tax shall be assessed. The Commissioner of Social Services
56 may, in consultation with the Secretary of the Office of Policy and
57 Management and in accordance with federal law, exempt a hospital
58 from the tax on payment earned for the provision of outpatient
59 services based on financial hardship. Effective July 1, 2012, and for the
60 succeeding fifteen months, the rates of such tax, the base year on which
61 such tax shall be assessed, and the hospitals exempt from the

62 outpatient portion of the tax based on financial hardship shall be the
63 same tax rates, base year and outpatient exemption for hardship in
64 effect on January 1, 2012.

65 Sec. 5. Subsection (a) of section 17b-244 of the 2012 supplement to
66 the general statutes is repealed and the following is substituted in lieu
67 thereof (*Effective July 1, 2012*):

68 (a) The room and board component of the rates to be paid by the
69 state to private facilities and facilities operated by regional education
70 service centers which are licensed to provide residential care pursuant
71 to section 17a-227, but not certified to participate in the Title XIX
72 Medicaid program as intermediate care facilities for persons with
73 mental retardation, shall be determined annually by the Commissioner
74 of Social Services, except that rates effective April 30, 1989, shall
75 remain in effect through October 31, 1989. Any facility with real
76 property other than land placed in service prior to July 1, 1991, shall,
77 for the fiscal year ending June 30, 1995, receive a rate of return on real
78 property equal to the average of the rates of return applied to real
79 property other than land placed in service for the five years preceding
80 July 1, 1993. For the fiscal year ending June 30, 1996, and any
81 succeeding fiscal year, the rate of return on real property for property
82 items shall be revised every five years. The commissioner shall, upon
83 submission of a request by such facility, allow actual debt service,
84 comprised of principal and interest, on the loan or loans in lieu of
85 property costs allowed pursuant to section 17-313b-5 of the regulations
86 of Connecticut state agencies, whether actual debt service is higher or
87 lower than such allowed property costs, provided such debt service
88 terms and amounts are reasonable in relation to the useful life and the
89 base value of the property. In the case of facilities financed through the
90 Connecticut Housing Finance Authority, the commissioner shall allow
91 actual debt service, comprised of principal, interest and a reasonable
92 repair and replacement reserve on the loan or loans in lieu of property
93 costs allowed pursuant to section 17-313b-5 of the regulations of
94 Connecticut state agencies, whether actual debt service is higher or

95 lower than such allowed property costs, provided such debt service
96 terms and amounts are determined by the commissioner at the time
97 the loan is entered into to be reasonable in relation to the useful life
98 and base value of the property. The commissioner may allow fees
99 associated with mortgage refinancing provided such refinancing will
100 result in state reimbursement savings, after comparing costs over the
101 terms of the existing proposed loans. For the fiscal year ending June 30,
102 1992, the inflation factor used to determine rates shall be one-half of
103 the gross national product percentage increase for the period between
104 the midpoint of the cost year through the midpoint of the rate year. For
105 fiscal year ending June 30, 1993, the inflation factor used to determine
106 rates shall be two-thirds of the gross national product percentage
107 increase from the midpoint of the cost year to the midpoint of the rate
108 year. For the fiscal years ending June 30, 1996, and June 30, 1997, no
109 inflation factor shall be applied in determining rates. The
110 Commissioner of Social Services shall prescribe uniform forms on
111 which such facilities shall report their costs. Such rates shall be
112 determined on the basis of a reasonable payment for necessary
113 services. Any increase in grants, gifts, fund-raising or endowment
114 income used for the payment of operating costs by a private facility in
115 the fiscal year ending June 30, 1992, shall be excluded by the
116 commissioner from the income of the facility in determining the rates
117 to be paid to the facility for the fiscal year ending June 30, 1993,
118 provided any operating costs funded by such increase shall not
119 obligate the state to increase expenditures in subsequent fiscal years.
120 Nothing contained in this section shall authorize a payment by the
121 state to any such facility in excess of the charges made by the facility
122 for comparable services to the general public. The service component
123 of the rates to be paid by the state to private facilities and facilities
124 operated by regional education service centers which are licensed to
125 provide residential care pursuant to section 17a-227, but not certified
126 to participate in the Title XIX Medicaid programs as intermediate care
127 facilities for persons with mental retardation, shall be determined
128 annually by the Commissioner of Developmental Services in

129 accordance with section 17b-244a. For the fiscal year ending June 30,
130 2008, no facility shall receive a rate that is more than two per cent
131 greater than the rate in effect for the facility on June 30, 2007, except
132 any facility that would have been issued a lower rate effective July 1,
133 2007, due to interim rate status or agreement with the department,
134 shall be issued such lower rate effective July 1, 2007. For the fiscal year
135 ending June 30, 2009, no facility shall receive a rate that is more than
136 two per cent greater than the rate in effect for the facility on June 30,
137 2008, except any facility that would have been issued a lower rate
138 effective July 1, 2008, due to interim rate status or agreement with the
139 department, shall be issued such lower rate effective July 1, 2008. For
140 the fiscal years ending June 30, 2010, and June 30, 2011, rates in effect
141 for the period ending June 30, 2009, shall remain in effect until June 30,
142 2011, except that (1) the rate paid to a facility may be higher than the
143 rate paid to the facility for the period ending June 30, 2009, if a capital
144 improvement required by the Commissioner of Developmental
145 Services for the health or safety of the residents was made to the
146 facility during the fiscal years ending June 30, 2010, or June 30, 2011,
147 and (2) any facility that would have been issued a lower rate for the
148 fiscal years ending June 30, 2010, or June 30, 2011, due to interim rate
149 status or agreement with the department, shall be issued such lower
150 rate. For the fiscal **[**years**]** <u>year</u> ending June 30, 2012, **[**and June 30,
151 2013,**]** rates in effect for the period ending June 30, 2011, shall remain in
152 effect until June 30, **[**2013**]** <u>2012</u>, except that **[**(1)**]** <u>(A)</u> the rate paid to a
153 facility may be higher than the rate paid to the facility for the period
154 ending June 30, 2011, if a capital improvement required by the
155 Commissioner of Developmental Services for the health or safety of the
156 residents was made to the facility during the fiscal **[**years**]** <u>year</u> ending
157 June 30, 2012, **[**or June 30, 2013,**]** and **[**(2)**]** <u>(B)</u> any facility that would
158 have been issued a lower rate for the fiscal **[**years**]** <u>year</u> ending June 30,
159 2012, **[**or June 30, 2013,**]** due to interim rate status or agreement with
160 the department, shall be issued such lower rate. <u>For the fiscal year</u>
161 <u>ending June 30, 2013, any facility that has a significant decrease in land</u>
162 <u>and building costs shall receive a reduced rate to reflect such decrease</u>

163 in land and building costs.

164 Sec. 6. Subsection (g) of section 17b-340 of the 2012 supplement to
165 the general statutes is repealed and the following is substituted in lieu
166 thereof (*Effective July 1, 2012*):

167 (g) For the fiscal year ending June 30, 1993, any intermediate care
168 facility for the mentally retarded with an operating cost component of
169 its rate in excess of one hundred forty per cent of the median of
170 operating cost components of rates in effect January 1, 1992, shall not
171 receive an operating cost component increase. For the fiscal year
172 ending June 30, 1993, any intermediate care facility for the mentally
173 retarded with an operating cost component of its rate that is less than
174 one hundred forty per cent of the median of operating cost
175 components of rates in effect January 1, 1992, shall have an allowance
176 for real wage growth equal to thirty per cent of the increase
177 determined in accordance with subsection (q) of section 17-311-52 of
178 the regulations of Connecticut state agencies, provided such operating
179 cost component shall not exceed one hundred forty per cent of the
180 median of operating cost components in effect January 1, 1992. Any
181 facility with real property other than land placed in service prior to
182 October 1, 1991, shall, for the fiscal year ending June 30, 1995, receive a
183 rate of return on real property equal to the average of the rates of
184 return applied to real property other than land placed in service for the
185 five years preceding October 1, 1993. For the fiscal year ending June 30,
186 1996, and any succeeding fiscal year, the rate of return on real property
187 for property items shall be revised every five years. The commissioner
188 shall, upon submission of a request, allow actual debt service,
189 comprised of principal and interest, in excess of property costs allowed
190 pursuant to section 17-311-52 of the regulations of Connecticut state
191 agencies, provided such debt service terms and amounts are
192 reasonable in relation to the useful life and the base value of the
193 property. For the fiscal year ending June 30, 1995, and any succeeding
194 fiscal year, the inflation adjustment made in accordance with
195 subsection (p) of section 17-311-52 of the regulations of Connecticut

196 state agencies shall not be applied to real property costs. For the fiscal
197 year ending June 30, 1996, and any succeeding fiscal year, the
198 allowance for real wage growth, as determined in accordance with
199 subsection (q) of section 17-311-52 of the regulations of Connecticut
200 state agencies, shall not be applied. For the fiscal year ending June 30,
201 1996, and any succeeding fiscal year, no rate shall exceed three
202 hundred seventy-five dollars per day unless the commissioner, in
203 consultation with the Commissioner of Developmental Services,
204 determines after a review of program and management costs, that a
205 rate in excess of this amount is necessary for care and treatment of
206 facility residents. For the fiscal year ending June 30, 2002, rate period,
207 the Commissioner of Social Services shall increase the inflation
208 adjustment for rates made in accordance with subsection (p) of section
209 17-311-52 of the regulations of Connecticut state agencies to update
210 allowable fiscal year 2000 costs to include a three and one-half per cent
211 inflation factor. For the fiscal year ending June 30, 2003, rate period, the
212 commissioner shall increase the inflation adjustment for rates made in
213 accordance with subsection (p) of section 17-311-52 of the regulations
214 of Connecticut state agencies to update allowable fiscal year 2001 costs
215 to include a one and one-half per cent inflation factor, except that such
216 increase shall be effective November 1, 2002, and such facility rate in
217 effect for the fiscal year ending June 30, 2002, shall be paid for services
218 provided until October 31, 2002, except any facility that would have
219 been issued a lower rate effective July 1, 2002, than for the fiscal year
220 ending June 30, 2002, due to interim rate status or agreement with the
221 department shall be issued such lower rate effective July 1, 2002, and
222 have such rate updated effective November 1, 2002, in accordance with
223 applicable statutes and regulations. For the fiscal year ending June 30,
224 2004, rates in effect for the period ending June 30, 2003, shall remain in
225 effect, except any facility that would have been issued a lower rate
226 effective July 1, 2003, than for the fiscal year ending June 30, 2003, due
227 to interim rate status or agreement with the department shall be issued
228 such lower rate effective July 1, 2003. For the fiscal year ending June
229 30, 2005, rates in effect for the period ending June 30, 2004, shall

230 remain in effect until September 30, 2004. Effective October 1, 2004,
231 each facility shall receive a rate that is five per cent greater than the
232 rate in effect September 30, 2004. Effective upon receipt of all the
233 necessary federal approvals to secure federal financial participation
234 matching funds associated with the rate increase provided in
235 subdivision (4) of subsection (f) of this section, but in no event earlier
236 than October 1, 2005, and provided the user fee imposed under section
237 17b-320 is required to be collected, each facility shall receive a rate that
238 is four per cent more than the rate the facility received in the prior
239 fiscal year, except any facility that would have been issued a lower rate
240 effective October 1, 2005, than for the fiscal year ending June 30, 2005,
241 due to interim rate status or agreement with the department, shall be
242 issued such lower rate effective October 1, 2005. Such rate increase
243 shall remain in effect unless: **[**(A)**]** (1) The federal financial
244 participation matching funds associated with the rate increase are no
245 longer available; or **[**(B)**]** (2) the user fee created pursuant to section
246 17b-320 is not in effect. For the fiscal year ending June 30, 2007, rates in
247 effect for the period ending June 30, 2006, shall remain in effect until
248 September 30, 2006, except any facility that would have been issued a
249 lower rate effective July 1, 2006, than for the fiscal year ending June 30,
250 2006, due to interim rate status or agreement with the department,
251 shall be issued such lower rate effective July 1, 2006. Effective October
252 1, 2006, no facility shall receive a rate that is more than three per cent
253 greater than the rate in effect for the facility on September 30, 2006,
254 except any facility that would have been issued a lower rate effective
255 October 1, 2006, due to interim rate status or agreement with the
256 department, shall be issued such lower rate effective October 1, 2006.
257 For the fiscal year ending June 30, 2008, each facility shall receive a rate
258 that is two and nine-tenths per cent greater than the rate in effect for
259 the period ending June 30, 2007, except any facility that would have
260 been issued a lower rate effective July 1, 2007, than for the rate period
261 ending June 30, 2007, due to interim rate status, or agreement with the
262 department, shall be issued such lower rate effective July 1, 2007. For
263 the fiscal year ending June 30, 2009, rates in effect for the period

264 ending June 30, 2008, shall remain in effect until June 30, 2009, except
265 any facility that would have been issued a lower rate for the fiscal year
266 ending June 30, 2009, due to interim rate status or agreement with the
267 department, shall be issued such lower rate. For the fiscal years ending
268 June 30, 2010, and June 30, 2011, rates in effect for the period ending
269 June 30, 2009, shall remain in effect until June 30, 2011, except any
270 facility that would have been issued a lower rate for the fiscal year
271 ending June 30, 2010, or the fiscal year ending June 30, 2011, due to
272 interim rate status or agreement with the department, shall be issued
273 such lower rate. For the fiscal **[**years**]** year ending June 30, 2012, **[**and
274 June 30, 2013,**]** rates in effect for the period ending June 30, 2011, shall
275 remain in effect until June 30, **[**2013**]** 2012, except any facility that
276 would have been issued a lower rate for the fiscal year ending June 30,
277 2012, **[**or the fiscal year ending June 30, 2013,**]** due to interim rate status
278 or agreement with the department, shall be issued such lower rate. For
279 the fiscal year ending June 30, 2013, any facility that has a significant
280 decrease in land and building costs shall receive a reduced rate to
281 reflect such decrease in land and building costs. For the fiscal years
282 ending June 30, 2012, and June 30, 2013, the Commissioner of Social
283 Services may provide fair rent increases to any facility that has
284 undergone a material change in circumstances related to fair rent and
285 has an approved certificate of need pursuant to section 17b-352, 17b-
286 353, 17b-354 or 17b-355. Notwithstanding the provisions of this section,
287 the Commissioner of Social Services may, within available
288 appropriations, increase rates issued to intermediate care facilities for
289 the mentally retarded.

290 Sec. 7. (*Effective July 1, 2012*) Notwithstanding any other provision of
291 the general statutes, the rates in effect for the fiscal year ending June
292 30, 2012, for residential care homes, community living arrangements
293 and community companion homes that receive the flat rate for
294 residential services, as provided under section 17-311-54 of the
295 regulations of Connecticut state agencies, shall remain in effect until
296 June 30, 2013.

297 Sec. 8. Section 17b-261 of the 2012 supplement to the general
298 statutes, as amended by section 5 of public act 12-208, is amended by
299 adding subsection (j) as follows (*Effective July 1, 2012*):

300 (NEW) (j) A veteran, as defined in section 27-103, and any member
301 of his or her family, who applies for or receives assistance under the
302 Medicaid program, shall apply for all benefits for which he or she may
303 be eligible through the Veterans' Administration or the United States
304 Department of Defense.

305 Sec. 9. Subsection (a) of section 17b-365 of the general statutes is
306 repealed and the following is substituted in lieu thereof (*Effective July*
307 *1, 2012*):

308 (a) The Commissioner of Social Services may, within available
309 appropriations, establish and operate a pilot program to allow
310 individuals to receive assisted living services, provided by an assisted
311 living services agency licensed by the Department of Public Health in
312 accordance with chapter 368v. In order to be eligible for the program,
313 an individual shall: (1) Reside in a managed residential community, as
314 defined in section 19a-693; (2) be ineligible to receive assisted living
315 services under any other assisted living pilot program established by
316 the General Assembly; and (3) be eligible for services under the
317 Medicaid waiver portion of the Connecticut home-care program for
318 the elderly established under section 17b-342. The total number of
319 individuals enrolled in said pilot program, when combined with the
320 total number of individuals enrolled in the pilot program established
321 pursuant to section 17b-366, <u>as amended by this act,</u> shall not exceed
322 **[**seventy-five**]** <u>one hundred twenty-five</u> individuals. The
323 Commissioner of Social Services shall operate said pilot program in
324 accordance with the Medicaid rules established **[**pursuant to**]** <u>under</u> 42
325 USC 1396p(c), as from time to time amended.

326 Sec. 10. Subsection (a) of section 17b-366 of the general statutes is
327 repealed and the following is substituted in lieu thereof (*Effective July*
328 *1, 2012*):

329 (a) The Commissioner of Social Services may, within available
330 appropriations, establish and operate a pilot program to allow
331 individuals to receive assisted living services, provided by an assisted
332 living services agency licensed by the Department of Public Health, in
333 accordance with chapter 368v. In order to be eligible for the pilot
334 program, an individual shall: (1) Reside in a managed residential
335 community, as defined in section 19a-693; (2) be ineligible to receive
336 assisted living services under any other assisted living pilot program
337 established by the General Assembly; and (3) be eligible for services
338 under the state-funded portion of the Connecticut home-care program
339 for the elderly established under section 17b-342. The total number of
340 individuals enrolled in said pilot program, when combined with the
341 total number of individuals enrolled in the pilot program established
342 pursuant to section 17b-365, as amended by this act, shall not exceed
343 **[**seventy-five**]** one hundred twenty-five individuals. The
344 Commissioner of Social Services shall operate said pilot program in
345 accordance with the Medicaid rules established **[**pursuant to**]** under 42
346 USC 1396p(c), as from time to time amended.

347 Sec. 11. (NEW) (*Effective July 1, 2012*) (a) For purposes of this section
348 "home health care agency" has the same meaning as provided in
349 section 19a-490 of the general statutes. Notwithstanding the provisions
350 of chapter 378 of the general statutes, a registered nurse may delegate
351 the administration of medications that are not administered by
352 injection to homemaker-home health aides who have obtained
353 certification for medication administration in accordance with
354 regulations adopted pursuant to subsection (b) of this section, unless
355 the prescribing practitioner specifies that a medication shall only be
356 administered by a licensed nurse.

357 (b) (1) The Commissioner of Public Health shall adopt regulations,
358 in accordance with the provisions of chapter 54 of the general statutes,
359 to carry out the provisions of this section. Such regulations shall
360 require each home health care agency that serves clients requiring
361 assistance with medication administration to (A) adopt practices that

362 increase and encourage client choice, dignity and independence; (B)
363 establish policies and procedures to ensure that a registered nurse may
364 delegate allowed tasks of nursing care, to include medication
365 administration, to homemaker-home health aides when the registered
366 nurse determines that it is in the best interest of the client and the
367 homemaker-home health aide has been deemed competent to perform
368 the task; (C) designate homemaker-home health aides to obtain
369 certification for the administration of medication; and (D) ensure that
370 such homemaker-home health aides receive such certification.

371 (2) The regulations shall establish certification requirements for
372 medication administration and the criteria to be used by home health
373 care agencies that provide services for clients requiring assistance with
374 medication administration in determining (A) which homemaker-
375 home health aides shall obtain such certification, and (B) education
376 and skill training requirements, including ongoing training
377 requirements for such certification. Education and skill training
378 requirements shall include, but not be limited to, initial orientation,
379 training in client rights and identification of the types of medication
380 that may be administered by unlicensed personnel, behavioral
381 management, personal care, nutrition and food safety, and health and
382 safety in general.

383 (c) Each home health care agency shall ensure that, on or before
384 January 1, 2013, delegation of nursing care tasks in the home care
385 setting is allowed within such agency and that policies are adopted to
386 employ homemaker-home health aides for the purposes of allowing
387 nurses to delegate such tasks.

388 (d) A registered nurse licensed pursuant to the provisions of chapter
389 378 of the general statutes who delegates the task of medication
390 administration to a homemaker-home health aide pursuant to this
391 section shall not be subject to disciplinary action based on the
392 performance of the homemaker-home health aide to whom tasks are
393 delegated, unless the homemaker-home health aide is acting pursuant

394 to specific instructions from the registered nurse or the registered
395 nurse fails to leave instructions when the nurse should have done so,
396 provided the registered nurse: (1) Documented in the patient's care
397 plan that the medication administration could be properly and safely
398 performed by the homemaker-home health aide to whom it is
399 delegated, (2) provided initial direction to the homemaker-home
400 health aide, and (3) provided ongoing supervision of the homemaker-
401 home health aide, including the periodic assessment and evaluation of
402 the patient's health and safety related to medication administration.

403 (e) A registered nurse who delegates the provision of nursing care
404 to another person pursuant to this section shall not be subject to an
405 action for civil damages for the performance of the person to whom
406 nursing care is delegated unless the person is acting pursuant to
407 specific instructions from the nurse or the nurse fails to leave
408 instructions when the nurse should have done so.

409 (f) No person may coerce a registered nurse into compromising
410 patient safety by requiring the nurse to delegate the administration of
411 medication if the nurse's assessment of the patient documents a need
412 for a nurse to administer medication and identifies why the need
413 cannot be safely met through utilization of assistive technology or
414 administration of medication by certified homemaker-home health
415 aides. No registered nurse who has made a reasonable determination
416 based on such assessment that delegation may compromise patient
417 safety shall be subject to any employer reprisal or disciplinary action
418 pursuant to chapter 378 of the general statutes for refusing to delegate
419 or refusing to provide the required training for such delegation.

420 (g) The Commissioner of Public Health may implement policies and
421 procedures necessary to administer the provisions of this section while
422 in the process of adopting such policies and procedures as regulations,
423 provided notice of intent to adopt regulations is published in the
424 Connecticut Law Journal not later than twenty days after the date of
425 implementation. Policies and procedures implemented pursuant to

426 this section shall be valid until the time final regulations are adopted.

427 Sec. 12. Section 20-101 of the general statutes is repealed and the
428 following is substituted in lieu thereof (*Effective July 1, 2012*):

429 No provision of this chapter shall confer any authority to practice
430 medicine or surgery nor shall this chapter prohibit any person from
431 the domestic administration of family remedies or the furnishing of
432 assistance in the case of an emergency; nor shall it be construed as
433 prohibiting persons employed in state hospitals and state sanatoriums
434 and subsidiary workers in general hospitals from assisting in the
435 nursing care of patients if adequate medical and nursing supervision is
436 provided; nor shall it be construed to prohibit the administration of
437 medications by dialysis patient care technicians in accordance with
438 section 19a-269a; <u>nor shall it be construed to prohibit a personal care</u>
439 <u>assistant employed by a homemaker-companion agency registered</u>
440 <u>pursuant to section 20-671 from administering medications to a</u>
441 <u>competent adult who directs his or her own care and makes his or her</u>
442 <u>own decisions pertaining to assessment, planning and evaluation;</u> nor
443 shall it be construed as prohibiting students who are enrolled in
444 schools of nursing approved pursuant to section 20-90, and students
445 who are enrolled in schools for licensed practical nurses approved
446 pursuant to section 20-90, from performing such work as is incidental
447 to their respective courses of study; nor shall it prohibit a registered
448 nurse who holds a master's degree in nursing or in a related field
449 recognized for certification as either a nurse practitioner, a clinical
450 nurse specialist, or a nurse anesthetist by one of the certifying bodies
451 identified in section 20-94a from practicing for a period not to exceed
452 one hundred twenty days after the date of graduation, provided such
453 graduate advanced practice registered nurse is working in a hospital
454 or other organization under the supervision of a licensed physician or
455 a licensed advanced practice registered nurse, such hospital or other
456 organization has verified that the graduate advanced practice
457 registered nurse has applied to sit for the national certification
458 examination and the graduate advanced practice registered nurse is

459 not authorized to prescribe or dispense drugs; nor shall it prohibit
460 graduates of schools of nursing or schools for licensed practical nurses
461 approved pursuant to section 20-90, from nursing the sick for a period
462 not to exceed ninety calendar days after the date of graduation,
463 provided such graduate nurses are working in hospitals or
464 organizations where adequate supervision is provided, and such
465 hospital or other organization has verified that the graduate nurse has
466 successfully completed a nursing program. Upon notification that the
467 graduate nurse has failed the licensure examination or that the
468 graduate advanced practice registered nurse has failed the certification
469 examination, all privileges under this section shall automatically cease.
470 No provision of this chapter shall prohibit any registered nurse who
471 has been issued a temporary permit by the department, pursuant to
472 subsection (b) of section 20-94, from caring for the sick pending the
473 issuance of a license without examination; nor shall it prohibit any
474 licensed practical nurse who has been issued a temporary permit by
475 the department, pursuant to subsection (b) of section 20-97, from
476 caring for the sick pending the issuance of a license without
477 examination; nor shall it prohibit any qualified registered nurse or any
478 qualified licensed practical nurse of another state from caring for a
479 patient temporarily in this state, provided such nurse has been granted
480 a temporary permit from said department and provided such nurse
481 shall not represent or hold himself or herself out as a nurse licensed to
482 practice in this state; nor shall it prohibit registered nurses or licensed
483 practical nurses from other states from doing such nursing as is
484 incident to their course of study when taking postgraduate courses in
485 this state; nor shall it prohibit nursing or care of the sick, with or
486 without compensation or personal profit, in connection with the
487 practice of the religious tenets of any church by adherents thereof,
488 provided such persons shall not otherwise engage in the practice of
489 nursing within the meaning of this chapter. This chapter shall not
490 prohibit the care of persons in their homes by domestic servants,
491 housekeepers, nursemaids, companions, attendants or household aides
492 of any type, whether employed regularly or because of an emergency

493 of illness, if such persons are not initially employed in a nursing
494 capacity. This chapter shall not prohibit unlicensed assistive personnel
495 from administering jejunostomy and gastrojejunal tube feedings to
496 persons who (1) attend day programs or respite centers under the
497 jurisdiction of the Department of Developmental Services, (2) reside in
498 residential facilities under the jurisdiction of the Department of
499 Developmental Services, or (3) receive support under the jurisdiction
500 of the Department of Developmental Services, when such feedings are
501 performed by trained, unlicensed assistive personnel pursuant to the
502 written order of a physician licensed under chapter 370, an advanced
503 practice registered nurse licensed to prescribe in accordance with
504 section 20-94a or a physician assistant licensed to prescribe in
505 accordance with section 20-12d.

506 Sec. 13. Section 17b-242a of the general statutes is repealed and the
507 following is substituted in lieu thereof (*Effective July 1, 2012*):

508 The Commissioner of Social Services shall establish prior
509 authorization procedures under the Medicaid program for home
510 health services. **[**, such that prior authorization shall be required for
511 skilled nursing visits that exceed two per week and for home health
512 aide visits that exceed fourteen hours per week, except that no
513 provider shall be required to submit a prior authorization request for a
514 home health service for the same client more than once a month.**]** The
515 Commissioner of Social Services may contract with an entity for
516 administration of any such aspect of prior authorization or may
517 expand the scope of an existing contract with an entity that performs
518 utilization review services on behalf of the department. The
519 commissioner, pursuant to section 17b-10, may implement policies and
520 procedures necessary to administer the provisions of this section while
521 in the process of adopting such policies and procedures as regulations,
522 provided the commissioner prints notice of intent to adopt regulations
523 in the Connecticut Law Journal not later than twenty days after the
524 date of implementation. Policies and procedures implemented
525 pursuant to this section shall be valid until the time final regulations

526 are adopted.

527 Sec. 14. Section 17b-605a of the general statutes is repealed and the
528 following is substituted in lieu thereof (*Effective July 1, 2012*):

529 (a) The Commissioner of Social Services shall seek a waiver from
530 federal law to establish a personal care assistance program for persons
531 eighteen years of age or older with disabilities funded under the
532 Medicaid program. Such a program shall be limited to a specified
533 number of slots available for eligible program recipients and shall be
534 operated by the Department of Social Services within available
535 appropriations. Such a waiver shall be submitted to the joint standing
536 committees of the General Assembly having cognizance of matters
537 relating to appropriations and the budgets of state agencies and
538 human services in accordance with section 17b-8 no later than January
539 1, 1996.

540 (b) The Commissioner of Social Services shall amend the waiver
541 specified in subsection (a) of this section to enable persons eligible for
542 or receiving medical assistance under section 17b-597 to receive
543 personal care assistance. Such amendment shall not be subject to the
544 provisions of section 17b-8 provided such amendment shall consist
545 only of modifications necessary to extend personal care assistance to
546 such persons.

547 <u>(c) On and after April 1, 2013, upon attaining sixty-five years of age,</u>
548 <u>any person served under such program shall be transitioned to the</u>
549 <u>Connecticut home-care program for the elderly, established under</u>
550 <u>section 17b-342.</u>

551 Sec. 15. Subdivision (1) of subsection (h) of section 17b-340 of the
552 2012 supplement to the general statutes is repealed and the following
553 is substituted in lieu thereof (*Effective July 1, 2012*):

554 (h) (1) For the fiscal year ending June 30, 1993, any residential care
555 home with an operating cost component of its rate in excess of one

556 hundred thirty per cent of the median of operating cost components of
557 rates in effect January 1, 1992, shall not receive an operating cost
558 component increase. For the fiscal year ending June 30, 1993, any
559 residential care home with an operating cost component of its rate that
560 is less than one hundred thirty per cent of the median of operating cost
561 components of rates in effect January 1, 1992, shall have an allowance
562 for real wage growth equal to sixty-five per cent of the increase
563 determined in accordance with subsection (q) of section 17-311-52 of
564 the regulations of Connecticut state agencies, provided such operating
565 cost component shall not exceed one hundred thirty per cent of the
566 median of operating cost components in effect January 1, 1992.
567 Beginning with the fiscal year ending June 30, 1993, for the purpose of
568 determining allowable fair rent, a residential care home with allowable
569 fair rent less than the twenty-fifth percentile of the state-wide
570 allowable fair rent shall be reimbursed as having allowable fair rent
571 equal to the twenty-fifth percentile of the state-wide allowable fair
572 rent. Beginning with the fiscal year ending June 30, 1997, a residential
573 care home with allowable fair rent less than three dollars and ten cents
574 per day shall be reimbursed as having allowable fair rent equal to
575 three dollars and ten cents per day. Property additions placed in
576 service during the cost year ending September 30, 1996, or any
577 succeeding cost year shall receive a fair rent allowance for such
578 additions as an addition to three dollars and ten cents per day if the
579 fair rent for the facility for property placed in service prior to
580 September 30, 1995, is less than or equal to three dollars and ten cents
581 per day. For the fiscal year ending June 30, 1996, and any succeeding
582 fiscal year, the allowance for real wage growth, as determined in
583 accordance with subsection (q) of section 17-311-52 of the regulations
584 of Connecticut state agencies, shall not be applied. For the fiscal year
585 ending June 30, 1996, and any succeeding fiscal year, the inflation
586 adjustment made in accordance with subsection (p) of section 17-311-
587 52 of the regulations of Connecticut state agencies shall not be applied
588 to real property costs. Beginning with the fiscal year ending June 30,
589 1997, minimum allowable patient days for rate computation purposes

590 for a residential care home with twenty-five beds or less shall be
591 eighty-five per cent of licensed capacity. Beginning with the fiscal year
592 ending June 30, 2002, for the purposes of determining the allowable
593 salary of an administrator of a residential care home with sixty beds or
594 less the department shall revise the allowable base salary to thirty-
595 seven thousand dollars to be annually inflated thereafter in accordance
596 with section 17-311-52 of the regulations of Connecticut state agencies.
597 The rates for the fiscal year ending June 30, 2002, shall be based upon
598 the increased allowable salary of an administrator, regardless of
599 whether such amount was expended in the 2000 cost report period
600 upon which the rates are based. Beginning with the fiscal year ending
601 June 30, 2000, <u>and until the fiscal year ending June 30, 2009, inclusive,</u>
602 the inflation adjustment for rates made in accordance with subsection
603 (p) of section 17-311-52 of the regulations of Connecticut state agencies
604 shall be increased by two per cent, and beginning with the fiscal year
605 ending June 30, 2002, the inflation adjustment for rates made in
606 accordance with subsection (c) of said section shall be increased by one
607 per cent. Beginning with the fiscal year ending June 30, 1999, for the
608 purpose of determining the allowable salary of a related party, the
609 department shall revise the maximum salary to twenty-seven
610 thousand eight hundred fifty-six dollars to be annually inflated
611 thereafter in accordance with section 17-311-52 of the regulations of
612 Connecticut state agencies and beginning with the fiscal year ending
613 June 30, 2001, such allowable salary shall be computed on an hourly
614 basis and the maximum number of hours allowed for a related party
615 other than the proprietor shall be increased from forty hours to forty-
616 eight hours per work week. For the fiscal year ending June 30, 2005,
617 each facility shall receive a rate that is two and one-quarter per cent
618 more than the rate the facility received in the prior fiscal year, except
619 any facility that would have been issued a lower rate effective July 1,
620 2004, than for the fiscal year ending June 30, 2004, due to interim rate
621 status or agreement with the department shall be issued such lower
622 rate effective July 1, 2004. Effective upon receipt of all the necessary
623 federal approvals to secure federal financial participation matching

624 funds associated with the rate increase provided in subdivision (4) of
625 subsection (f) of this section, but in no event earlier than October 1,
626 2005, and provided the user fee imposed under section 17b-320 is
627 required to be collected, each facility shall receive a rate that is
628 determined in accordance with applicable law and subject to
629 appropriations, except any facility that would have been issued a
630 lower rate effective October 1, 2005, than for the fiscal year ending June
631 30, 2005, due to interim rate status or agreement with the department,
632 shall be issued such lower rate effective October 1, 2005. Such rate
633 increase shall remain in effect unless: (A) The federal financial
634 participation matching funds associated with the rate increase are no
635 longer available; or (B) the user fee created pursuant to section 17b-320
636 is not in effect. For the fiscal year ending June 30, 2007, rates in effect
637 for the period ending June 30, 2006, shall remain in effect until
638 September 30, 2006, except any facility that would have been issued a
639 lower rate effective July 1, 2006, than for the fiscal year ending June 30,
640 2006, due to interim rate status or agreement with the department,
641 shall be issued such lower rate effective July 1, 2006. Effective October
642 1, 2006, no facility shall receive a rate that is more than four per cent
643 greater than the rate in effect for the facility on September 30, 2006,
644 except for any facility that would have been issued a lower rate
645 effective October 1, 2006, due to interim rate status or agreement with
646 the department, shall be issued such lower rate effective October 1,
647 2006. For the fiscal years ending June 30, 2010, and June 30, 2011, rates
648 in effect for the period ending June 30, 2009, shall remain in effect until
649 June 30, 2011, except any facility that would have been issued a lower
650 rate for the fiscal year ending June 30, 2010, or the fiscal year ending
651 June 30, 2011, due to interim rate status or agreement with the
652 department, shall be issued such lower rate, except (i) any facility that
653 would have been issued a lower rate for the fiscal year ending June 30,
654 2010, or the fiscal year ending June 30, 2011, due to interim rate status
655 or agreement with the Commissioner of Social Services shall be issued
656 such lower rate; and (ii) the commissioner may increase a facility's rate
657 for reasonable costs associated with such facility's compliance with the

658 provisions of section 19a-495a concerning the administration of
659 medication by unlicensed personnel. For the fiscal [years] year ending
660 June 30, 2012, [and June 30, 2013,] rates in effect for the period ending
661 June 30, 2011, shall remain in effect until June 30, [2013] 2012, except
662 that (I) any facility that would have been issued a lower rate for the
663 fiscal year ending June 30, 2012, [or the fiscal year ending June 30,
664 2013,] due to interim rate status or agreement with the Commissioner
665 of Social Services shall be issued such lower rate; and (II) the
666 commissioner may increase a facility's rate for reasonable costs
667 associated with such facility's compliance with the provisions of
668 section 19a-495a concerning the administration of medication by
669 unlicensed personnel. For the fiscal year ending June 30, 2013, the
670 Commissioner of Social Services may, within available appropriations,
671 provide a rate increase to a residential care home. Any facility that
672 would have been issued a lower rate for the fiscal year ending June 30,
673 2013, due to interim rate status or agreement with the Commissioner of
674 Social Services shall be issued such lower rate. For the fiscal years
675 ending June 30, 2012, and June 30, 2013, the Commissioner of Social
676 Services may provide fair rent increases to any facility that has
677 undergone a material change in circumstances related to fair rent and
678 has an approved certificate of need pursuant to section 17b-352, 17b-
679 353, 17b-354 or 17b-355.

680 Sec. 16. Subdivision (4) of subsection (f) of section 17b-340 of the
681 2012 supplement to the general statutes is repealed and the following
682 is substituted in lieu thereof (*Effective January 1, 2013*):

683 (4) For the fiscal year ending June 30, 1992, (A) no facility shall
684 receive a rate that is less than the rate it received for the rate year
685 ending June 30, 1991; (B) no facility whose rate, if determined pursuant
686 to this subsection, would exceed one hundred twenty per cent of the
687 state-wide median rate, as determined pursuant to this subsection,
688 shall receive a rate which is five and one-half per cent more than the
689 rate it received for the rate year ending June 30, 1991; and (C) no
690 facility whose rate, if determined pursuant to this subsection, would be

691 less than one hundred twenty per cent of the state-wide median rate,
692 as determined pursuant to this subsection, shall receive a rate which is
693 six and one-half per cent more than the rate it received for the rate year
694 ending June 30, 1991. For the fiscal year ending June 30, 1993, no
695 facility shall receive a rate that is less than the rate it received for the
696 rate year ending June 30, 1992, or six per cent more than the rate it
697 received for the rate year ending June 30, 1992. For the fiscal year
698 ending June 30, 1994, no facility shall receive a rate that is less than the
699 rate it received for the rate year ending June 30, 1993, or six per cent
700 more than the rate it received for the rate year ending June 30, 1993.
701 For the fiscal year ending June 30, 1995, no facility shall receive a rate
702 that is more than five per cent less than the rate it received for the rate
703 year ending June 30, 1994, or six per cent more than the rate it received
704 for the rate year ending June 30, 1994. For the fiscal years ending June
705 30, 1996, and June 30, 1997, no facility shall receive a rate that is more
706 than three per cent more than the rate it received for the prior rate
707 year. For the fiscal year ending June 30, 1998, a facility shall receive a
708 rate increase that is not more than two per cent more than the rate that
709 the facility received in the prior year. For the fiscal year ending June
710 30, 1999, a facility shall receive a rate increase that is not more than
711 three per cent more than the rate that the facility received in the prior
712 year and that is not less than one per cent more than the rate that the
713 facility received in the prior year, exclusive of rate increases associated
714 with a wage, benefit and staffing enhancement rate adjustment added
715 for the period from April 1, 1999, to June 30, 1999, inclusive. For the
716 fiscal year ending June 30, 2000, each facility, except a facility with an
717 interim rate or replaced interim rate for the fiscal year ending June 30,
718 1999, and a facility having a certificate of need or other agreement
719 specifying rate adjustments for the fiscal year ending June 30, 2000,
720 shall receive a rate increase equal to one per cent applied to the rate the
721 facility received for the fiscal year ending June 30, 1999, exclusive of
722 the facility's wage, benefit and staffing enhancement rate adjustment.
723 For the fiscal year ending June 30, 2000, no facility with an interim rate,
724 replaced interim rate or scheduled rate adjustment specified in a

725 certificate of need or other agreement for the fiscal year ending June
726 30, 2000, shall receive a rate increase that is more than one per cent
727 more than the rate the facility received in the fiscal year ending June
728 30, 1999. For the fiscal year ending June 30, 2001, each facility, except a
729 facility with an interim rate or replaced interim rate for the fiscal year
730 ending June 30, 2000, and a facility having a certificate of need or other
731 agreement specifying rate adjustments for the fiscal year ending June
732 30, 2001, shall receive a rate increase equal to two per cent applied to
733 the rate the facility received for the fiscal year ending June 30, 2000,
734 subject to verification of wage enhancement adjustments pursuant to
735 subdivision (14) of this subsection. For the fiscal year ending June 30,
736 2001, no facility with an interim rate, replaced interim rate or
737 scheduled rate adjustment specified in a certificate of need or other
738 agreement for the fiscal year ending June 30, 2001, shall receive a rate
739 increase that is more than two per cent more than the rate the facility
740 received for the fiscal year ending June 30, 2000. For the fiscal year
741 ending June 30, 2002, each facility shall receive a rate that is two and
742 one-half per cent more than the rate the facility received in the prior
743 fiscal year. For the fiscal year ending June 30, 2003, each facility shall
744 receive a rate that is two per cent more than the rate the facility
745 received in the prior fiscal year, except that such increase shall be
746 effective January 1, 2003, and such facility rate in effect for the fiscal
747 year ending June 30, 2002, shall be paid for services provided until
748 December 31, 2002, except any facility that would have been issued a
749 lower rate effective July 1, 2002, than for the fiscal year ending June 30,
750 2002, due to interim rate status or agreement with the department shall
751 be issued such lower rate effective July 1, 2002, and have such rate
752 increased two per cent effective June 1, 2003. For the fiscal year ending
753 June 30, 2004, rates in effect for the period ending June 30, 2003, shall
754 remain in effect, except any facility that would have been issued a
755 lower rate effective July 1, 2003, than for the fiscal year ending June 30,
756 2003, due to interim rate status or agreement with the department shall
757 be issued such lower rate effective July 1, 2003. For the fiscal year
758 ending June 30, 2005, rates in effect for the period ending June 30, 2004,

759 shall remain in effect until December 31, 2004, except any facility that
760 would have been issued a lower rate effective July 1, 2004, than for the
761 fiscal year ending June 30, 2004, due to interim rate status or
762 agreement with the department shall be issued such lower rate
763 effective July 1, 2004. Effective January 1, 2005, each facility shall
764 receive a rate that is one per cent greater than the rate in effect
765 December 31, 2004. Effective upon receipt of all the necessary federal
766 approvals to secure federal financial participation matching funds
767 associated with the rate increase provided in this subdivision, but in
768 no event earlier than July 1, 2005, and provided the user fee imposed
769 under section 17b-320 is required to be collected, for the fiscal year
770 ending June 30, 2006, the department shall compute the rate for each
771 facility based upon its 2003 cost report filing or a subsequent cost year
772 filing for facilities having an interim rate for the period ending June 30,
773 2005, as provided under section 17-311-55 of the regulations of
774 Connecticut state agencies. For each facility not having an interim rate
775 for the period ending June 30, 2005, the rate for the period ending June
776 30, 2006, shall be determined beginning with the higher of the
777 computed rate based upon its 2003 cost report filing or the rate in
778 effect for the period ending June 30, 2005. Such rate shall then be
779 increased by eleven dollars and eighty cents per day except that in no
780 event shall the rate for the period ending June 30, 2006, be thirty-two
781 dollars more than the rate in effect for the period ending June 30, 2005,
782 and for any facility with a rate below one hundred ninety-five dollars
783 per day for the period ending June 30, 2005, such rate for the period
784 ending June 30, 2006, shall not be greater than two hundred seventeen
785 dollars and forty-three cents per day and for any facility with a rate
786 equal to or greater than one hundred ninety-five dollars per day for
787 the period ending June 30, 2005, such rate for the period ending June
788 30, 2006, shall not exceed the rate in effect for the period ending June
789 30, 2005, increased by eleven and one-half per cent. For each facility
790 with an interim rate for the period ending June 30, 2005, the interim
791 replacement rate for the period ending June 30, 2006, shall not exceed
792 the rate in effect for the period ending June 30, 2005, increased by

793 eleven dollars and eighty cents per day plus the per day cost of the
794 user fee payments made pursuant to section 17b-320 divided by
795 annual resident service days, except for any facility with an interim
796 rate below one hundred ninety-five dollars per day for the period
797 ending June 30, 2005, the interim replacement rate for the period
798 ending June 30, 2006, shall not be greater than two hundred seventeen
799 dollars and forty-three cents per day and for any facility with an
800 interim rate equal to or greater than one hundred ninety-five dollars
801 per day for the period ending June 30, 2005, the interim replacement
802 rate for the period ending June 30, 2006, shall not exceed the rate in
803 effect for the period ending June 30, 2005, increased by eleven and one-
804 half per cent. Such July 1, 2005, rate adjustments shall remain in effect
805 unless (i) the federal financial participation matching funds associated
806 with the rate increase are no longer available; or (ii) the user fee
807 created pursuant to section 17b-320 is not in effect. For the fiscal year
808 ending June 30, 2007, each facility shall receive a rate that is three per
809 cent greater than the rate in effect for the period ending June 30, 2006,
810 except any facility that would have been issued a lower rate effective
811 July 1, 2006, than for the rate period ending June 30, 2006, due to
812 interim rate status or agreement with the department, shall be issued
813 such lower rate effective July 1, 2006. For the fiscal year ending June
814 30, 2008, each facility shall receive a rate that is two and nine-tenths
815 per cent greater than the rate in effect for the period ending June 30,
816 2007, except any facility that would have been issued a lower rate
817 effective July 1, 2007, than for the rate period ending June 30, 2007, due
818 to interim rate status or agreement with the department, shall be
819 issued such lower rate effective July 1, 2007. For the fiscal year ending
820 June 30, 2009, rates in effect for the period ending June 30, 2008, shall
821 remain in effect until June 30, 2009, except any facility that would have
822 been issued a lower rate for the fiscal year ending June 30, 2009, due to
823 interim rate status or agreement with the department shall be issued
824 such lower rate. For the fiscal years ending June 30, 2010, and June 30,
825 2011, rates in effect for the period ending June 30, 2009, shall remain in
826 effect until June 30, 2011, except any facility that would have been

827 issued a lower rate for the fiscal year ending June 30, 2010, or the fiscal
828 year ending June 30, 2011, due to interim rate status or agreement with
829 the department, shall be issued such lower rate. For the fiscal years
830 ending June 30, 2012, and June 30, 2013, rates in effect for the period
831 ending June 30, 2011, shall remain in effect until June 30, 2013, except
832 any facility that would have been issued a lower rate for the fiscal year
833 ending June 30, 2012, or the fiscal year ending June 30, 2013, due to
834 interim rate status or agreement with the department, shall be issued
835 such lower rate. The Commissioner of Social Services shall add fair
836 rent increases to any other rate increases established pursuant to this
837 subdivision for a facility which has undergone a material change in
838 circumstances related to fair rent, except for the fiscal years ending
839 June 30, 2010, June 30, 2011, and June 30, 2012, **[**and June 30, 2013,**]**
840 such fair rent increases shall only be provided to facilities with an
841 approved certificate of need pursuant to section 17b-352, 17b-353, 17b-
842 354 or 17b-355. For the fiscal year ending June 30, 2013, the
843 commissioner may, within available appropriations, provide pro rata
844 fair rent increases for facilities which have undergone a material
845 change in circumstances related to fair rent additions placed in service
846 in cost report years ending September 30, 2008, to September 30, 2011,
847 inclusive, and not otherwise included in rates issued. For the fiscal
848 year ending June 30, 2013, the commissioner shall add fair rent
849 increases associated with an approved certificate of need pursuant to
850 section 17b-352, 17b-353, 17b-354 or 17b-355. Interim rates may take
851 into account reasonable costs incurred by a facility, including wages
852 and benefits. Notwithstanding the provisions of this section, the
853 Commissioner of Social Services may, within available appropriations,
854 increase rates issued to licensed chronic and convalescent nursing
855 homes and licensed rest homes with nursing supervision.

856 Sec. 17. (NEW) (*Effective October 1, 2012*) Notwithstanding any
857 provisions of the general statutes, chiropractic services may be covered
858 for recipients of Medicaid, provided the Department of Social Services
859 shall expend no more than two hundred fifty thousand dollars
860 annually for this coverage. Such services may be coordinated with

861 other initiatives under the Medicaid program. The Commissioner of
862 Social Services shall implement policies and procedures to carry out
863 the provisions of this section while in the process of adopting such
864 policies and procedures in regulation form, provided notice of intent to
865 adopt the regulations is published in the Connecticut Law Journal not
866 later than twenty days after implementation. Such policies and
867 procedures shall be valid until the time the final regulations are
868 adopted.

869 Sec. 18. Section 17b-280 of the 2012 supplement to the general
870 statutes is repealed and the following is substituted in lieu thereof
871 (*Effective October 1, 2012*):

872 (a) The state shall reimburse for all legend drugs provided under
873 medical assistance programs administered by the Department of Social
874 Services at the lower of (1) the rate established by the Centers for
875 Medicare and Medicaid Services as the federal acquisition cost, (2) the
876 average wholesale price minus sixteen per cent, or (3) an equivalent
877 percentage as established under the Medicaid state plan.
878 <u>Notwithstanding the provisions of this section, contingent upon</u>
879 <u>federal approval, on and after October 1, 2012, for independent</u>
880 <u>pharmacies, the state shall reimburse for such legend drugs at the</u>
881 <u>lower of (A) the rate established by the Centers for Medicare and</u>
882 <u>Medicaid Services as the federal acquisition cost, (B) the average</u>
883 <u>wholesale price minus fourteen per cent, or (C) an equivalent</u>
884 <u>percentage as established under the Medicaid state plan.</u> The state
885 shall pay a professional fee of two dollars to licensed pharmacies for
886 each prescription dispensed to a recipient of benefits under a medical
887 assistance program administered by the Department of Social Services
888 in accordance with federal regulations. On and after September 4, 1991,
889 payment for legend and nonlegend drugs provided to Medicaid
890 recipients shall be based upon the actual package size dispensed.
891 Effective October 1, 1991, reimbursement for over-the-counter drugs
892 for such recipients shall be limited to those over-the-counter drugs and
893 products published in the Connecticut Formulary, or the cross

894 reference list, issued by the commissioner. The cost of all over-the-
895 counter drugs and products provided to residents of nursing facilities,
896 chronic disease hospitals, and intermediate care facilities for the
897 mentally retarded shall be included in the facilities' per diem rate.
898 Notwithstanding the provisions of this subsection, no dispensing fee
899 shall be issued for a prescription drug dispensed to a ConnPACE or
900 Medicaid recipient who is a Medicare Part D beneficiary when the
901 prescription drug is a Medicare Part D drug, as defined in Public Law
902 108-173, the Medicare Prescription Drug, Improvement, and
903 Modernization Act of 2003.

904 (b) The Department of Social Services may provide an enhanced
905 dispensing fee to a pharmacy enrolled in the federal Office of
906 Pharmacy Affairs Section 340B drug discount program established
907 pursuant to 42 USC 256b or a pharmacy under contract to provide
908 services under said program.

909 (c) For purposes of this section, (1) "independent pharmacy" means
910 a privately-owned community pharmacy that has five or fewer stores
911 located in the state; (2) "community pharmacy" has the same meaning
912 as in section 20-631a; and (3) "legend drug" has the same meaning as in
913 section 20-571.

914 (d) The commissioner shall submit a Medicaid state plan
915 amendment not later than October 1, 2012, to establish the
916 independent pharmacy rate pursuant to subsection (a) of this section.

917 Sec. 19. Section 17a-317 of the 2012 supplement to the general
918 statutes is repealed and the following is substituted in lieu thereof
919 (*Effective July 1, 2012*):

920 (a) Effective **[**July**]** January 1, 2013, there shall be established a
921 Department on Aging that shall be under the direction and
922 supervision of the Commissioner on Aging who shall be appointed by
923 the Governor in accordance with the provisions of sections 4-5 to 4-8,
924 inclusive, with the powers and duties prescribed in said sections. The

925 commissioner shall be knowledgeable and experienced with respect to
926 the conditions and needs of elderly persons and shall serve on a full-
927 time basis.

928 (b) The Commissioner on Aging shall administer all laws under the
929 jurisdiction of the Department on Aging and shall employ the most
930 efficient and practical means for the provision of care and protection of
931 elderly persons. The commissioner shall have the power and duty to
932 do the following: (1) Administer, coordinate and direct the operation
933 of the department; (2) adopt and enforce regulations, in accordance
934 with chapter 54, as necessary to implement the purposes of the
935 department as established by statute; (3) establish rules for the internal
936 operation and administration of the department; (4) establish and
937 develop programs and administer services to achieve the purposes of
938 the department; (5) contract for facilities, services and programs to
939 implement the purposes of the department; (6) act as advocate for
940 necessary additional comprehensive and coordinated programs for
941 elderly persons; (7) assist and advise all appropriate state, federal, local
942 and area planning agencies for elderly persons in the performance of
943 their functions and duties pursuant to federal law and regulation; (8)
944 plan services and programs for elderly persons; (9) coordinate
945 outreach activities by public and private agencies serving elderly
946 persons; and (10) consult and cooperate with area and private
947 planning agencies.

948 (c) The functions, powers, duties and personnel of the Division of
949 Aging Services of the Department of Social Services, or any subsequent
950 division or portion of a division with similar functions, powers,
951 personnel and duties, shall be transferred to the Department on Aging
952 pursuant to the provisions of sections 4-38d, 4-38e and 4-39.

953 (d) The Department of Social Services shall administer programs
954 under the jurisdiction of the Department on Aging until the
955 Commissioner on Aging is appointed and administrative staff are
956 hired.

957 (e) The Governor may, with the approval of the Finance Advisory
958 Committee, transfer funds between the Department of Social Services
959 and the Department on Aging pursuant to subsection (b) of section 4-
960 87 during the fiscal year ending June 30, **[**2014**]** 2013.

961 (f) Any order or regulation of the Department of Social Services or
962 the Commission on Aging that is in force on **[**July**]** January 1, 2013,
963 shall continue in force and effect as an order or regulation until
964 amended, repealed or superseded pursuant to law.

965 Sec. 20. Subsection (a) of section 17b-93 of the 2012 supplement to
966 the general statutes is repealed and the following is substituted in lieu
967 thereof (*Effective from passage and applicable to any claim of the state arising*
968 *on or after July 1, 2011*):

969 (a) If a beneficiary of aid under the state supplement program,
970 medical assistance program, aid to families with dependent children
971 program, temporary family assistance program or state-administered
972 general assistance program has or acquires property of any kind or
973 interest in any property, estate or claim of any kind, except moneys
974 received for the replacement of real or personal property, the state of
975 Connecticut shall have a claim subject to subsections (b) and (c) of this
976 section, which shall have priority over all other unsecured claims and
977 unrecorded encumbrances, against such beneficiary for the full
978 amount paid, subject to the provisions of section 17b-94, to the
979 beneficiary or on the beneficiary's behalf under said programs; and, in
980 addition thereto, the parents of an aid to dependent children
981 beneficiary, a state-administered general assistance beneficiary or a
982 temporary family assistance beneficiary shall be liable to repay, subject
983 to the provisions of section 17b-94, to the state the full amount of any
984 such aid paid to or on behalf of either parent, **[**the beneficiary's**]** his or
985 her spouse, and **[**the beneficiary's**]** his or her dependent child or
986 children, as defined in section 17b-75. The state of Connecticut shall
987 have a lien against property of any kind or interest in any property,
988 estate or claim of any kind of the parents of an aid to dependent

989 children, temporary family assistance or state administered general
990 assistance beneficiary, in addition and not in substitution of its claim,
991 for amounts owing under any order for support of any court or any
992 family support magistrate, including any arrearage under such order,
993 provided household goods and other personal property identified in
994 section 52-352b, real property pursuant to section 17b-79, as long as
995 such property is used as a home for the beneficiary and money
996 received for the replacement of real or personal property, shall be
997 exempt from such lien.

998 Sec. 21. (*Effective July 1, 2012*) On or before October 1, 2013, and
999 annually thereafter, the Chief State's Attorney shall report, in
1000 accordance with the provisions of section 11-4a of the general statutes,
1001 to the joint standing committee of the General Assembly having
1002 cognizance of matters relating to appropriations and the budgets of
1003 state agencies concerning monetary recoveries in the preceding fiscal
1004 year by the Division of Criminal Justice as a result of fraud
1005 investigations relating to Medicaid and other medical assistance
1006 programs administered by the Department of Social Services.

1007 Sec. 22. (*Effective from passage*) The Commissioner of Mental Health
1008 and Addiction Services shall maintain authority to operate and to
1009 audit the behavioral health managed care program for recipients of
1010 medical services under the state-administered general assistance
1011 program for claims for services provided before June 30, 2012. Sections
1012 17a-453a-1 to 17a-453a-19, inclusive, of the Regulations of Connecticut
1013 State Agencies, as said regulations existed on June 30, 2011, shall
1014 remain in effect as necessary for the department to conduct audits of
1015 all aspects of the program, including, but not limited to, services
1016 provided, prior authorizations, payments for services, and medical
1017 records. The commissioner shall analyze the results of such audits to
1018 identify discrepancies and errors with regard to services and payments
1019 and areas that involve program implementation and operation
1020 problems. The commissioner may recover reimbursements made to
1021 providers based on audit findings and may impose progressive

1022 sanctions as the commissioner deems appropriate for any provider the
1023 commissioner finds, as a result of an audit, not to be in compliance
1024 with the standards established pursuant to said sections of the
1025 Regulations of Connecticut State Agencies. A provider may appeal a
1026 decision of the commissioner to withhold reimbursements or to
1027 impose a sanction in accordance with the provisions of chapter 54 of
1028 the general statutes.

1029 Sec. 23. Section 17b-802 of the 2012 supplement to the general
1030 statutes is repealed and the following is substituted in lieu thereof
1031 (*Effective July 1, 2012*):

1032 (a) The Commissioner of Social Services shall establish, within
1033 available appropriations, and administer a security deposit guarantee
1034 program for persons who (1) (A) are recipients of temporary family
1035 assistance, aid under the state supplement program, or state-
1036 administered general assistance, or (B) have a documented showing of
1037 financial need, and (2) (A) are residing in emergency shelters or other
1038 emergency housing, cannot remain in permanent housing due to any
1039 reason specified in subsection (a) of section 17b-808, or are served a
1040 writ, summons and complaint in a summary process action instituted
1041 pursuant to chapter 832, or (B) have a rental assistance program or
1042 federal Section 8 certificate or voucher. Under such program, the
1043 Commissioner of Social Services may provide security deposit
1044 guarantees for use by such persons in lieu of a security deposit on a
1045 rental dwelling unit. Eligible persons may receive a security deposit
1046 guarantee in an amount not to exceed the equivalent of two months'
1047 rent on such rental unit. No person may apply for and receive a
1048 security deposit guarantee more than once in any eighteen-month
1049 period without the express authorization of the Commissioner of
1050 Social Services, except as provided in subsection (b) of this section. The
1051 Commissioner of Social Services may deny eligibility for the security
1052 deposit guarantee program to an applicant for whom the
1053 commissioner has paid two claims by landlords. The Commissioner of
1054 Social Services may establish priorities for providing security deposit

1055 guarantees to eligible persons described in subparagraphs (A) and (B)
1056 of subdivision (2) of this subsection in order to administer the program
1057 within available appropriations.

1058 (b) In the case of any person who qualifies for a guarantee, the
1059 Commissioner of Social Services, or any **[**emergency shelter**]** local or
1060 regional nonprofit corporation or social service organization under
1061 contract with the Department of Social Services to assist in the
1062 administration of the security deposit guarantee program established
1063 pursuant to subsection (a) of this section, may execute a written
1064 agreement to pay the landlord for any damages suffered by the
1065 landlord due to the tenant's failure to comply with such tenant's
1066 obligations as defined in section 47a-21, provided the amount of any
1067 such payment shall not exceed the amount of the requested security
1068 deposit. Notwithstanding the provisions of subsection (a) of this
1069 section, if a person who has previously received a grant for a security
1070 deposit or a security deposit guarantee becomes eligible for a
1071 subsequent security deposit guarantee within eighteen months after a
1072 claim has been paid on a prior security deposit guarantee, such person
1073 may receive a security deposit guarantee. The amount of the
1074 subsequent security deposit guarantee for which such person would
1075 otherwise have been eligible shall be reduced by (1) any amount of a
1076 previous grant which has not been returned to the department
1077 pursuant to section 47a-21, or (2) the amount of any payment made to
1078 the landlord for damages pursuant to this subsection.

1079 (c) Any payment made pursuant to this section to any person
1080 receiving temporary family assistance, aid under the state supplement
1081 program or state-administered general assistance shall not be deducted
1082 from the amount of assistance to which the recipient would otherwise
1083 be entitled.

1084 (d) On and after July 1, 2000, no special need or special benefit
1085 payments shall be made by the commissioner for security deposits
1086 from the temporary family assistance, state supplement, or state-

1087 administered general assistance programs.

1088 (e) The Commissioner of Social Services may, within available
1089 appropriations, on a case-by-case basis, provide a security deposit
1090 grant to a person eligible for the security deposit guarantee program
1091 established under subsection (a) of this section, in an amount not to
1092 exceed the equivalent of one month's rent on such rental unit,
1093 provided the commissioner determines that emergency circumstances
1094 exist which threaten the health, safety or welfare of a child who resides
1095 with such person. Such person shall not be eligible for more than one
1096 such grant without the authorization of said commissioner. Nothing in
1097 this section shall preclude the approval of such one-month security
1098 deposit grant in conjunction with a one-month security deposit
1099 guarantee.

1100 (f) The Commissioner of Social Services may provide a security
1101 deposit grant to a person receiving such grant through any **[**emergency
1102 shelter**]** local or regional nonprofit corporation or social service
1103 organization under an existing contract with the Department of Social
1104 Services to assist in the administration of the security deposit program,
1105 but in no event shall a payment be authorized after October 1, 2000.
1106 Nothing in this section shall preclude the commissioner from entering
1107 into a contract with one or more **[**emergency shelters**]** local or regional
1108 nonprofit corporations or social service organizations for the purpose
1109 of issuing security deposit guarantees.

1110 (g) A landlord may submit a claim for damages not later than forty-
1111 five days after the date of termination of the tenancy. Payment shall be
1112 made only for a claim that includes receipts for repairs made. No claim
1113 shall be paid for an apartment from which a tenant vacated because
1114 substandard conditions made the apartment uninhabitable, as
1115 determined by a local, state or federal regulatory agency.

1116 (h) Any person with income exceeding one hundred fifty per cent of
1117 the federal poverty level, who is found eligible to receive a security
1118 deposit guarantee under this section and for whom the commissioner

1119 has paid a claim by a landlord, shall contribute five per cent of one
1120 month's rent to the payment of the security deposit. The commissioner
1121 may waive such payment for good cause.

1122 (i) The Commissioner of Social Services shall adopt regulations, in
1123 accordance with the provisions of chapter 54, to administer the
1124 program established pursuant to this section and to set eligibility
1125 criteria for the program, but may implement the program while in the
1126 process of adopting such regulations provided notice of intent to adopt
1127 the regulations is published in the Connecticut Law Journal within
1128 twenty days after implementation.

1129 Sec. 24. Subsection (b) of section 14-21p of the general statutes is
1130 repealed and the following is substituted in lieu thereof (*Effective July*
1131 *1, 2012*):

1132 (b) **[**Fifty per cent of the**]** <u>The</u> moneys in said account shall be
1133 **[**distributed quarterly to the United States Department of State
1134 Rewards for Justice Fund and used solely to apprehend terrorists and
1135 bring them to justice and fifty per cent shall be**]** transferred to the
1136 Secretary of the Office of Policy and Management for the purposes of
1137 (1) reimbursing boards of trustees <u>or regents</u> for the waiver of tuition
1138 and fees pursuant to subsection (e) of section 10a-105, subsection (d) of
1139 section 10a-99 and subsection (d) of section 10a-77, and (2) establishing
1140 a nonlapsing account within the General Fund to provide financial
1141 support for civil preparedness and related training activities, and for
1142 the purchase of supplies and equipment in support of emergency
1143 personnel.

1144 Sec. 25. Section 17b-112k of the 2012 supplement to the general
1145 statutes is repealed and the following is substituted in lieu thereof
1146 (*Effective from passage*):

1147 (a) The Commissioner of Social Services and the Labor
1148 Commissioner shall, within available appropriations, implement a
1149 pilot program that serves not more than one hundred persons who are

1150 receiving benefits under the temporary family assistance program and
1151 participating in the Jobs First employment services program. The pilot
1152 program shall provide to participants: (1) Intensive case management
1153 services to identify participants' (A) employment goals, (B) support
1154 service needs, and (C) training, education and work experience needs;
1155 (2) assistance in accessing needed support services, training, education
1156 and work experience; [and] or (3) funding to facilitate participation in
1157 necessary adult basic education, skills training, postsecondary
1158 education or subsidized employment.

1159 (b) Notwithstanding the provisions of subsections (a) and (c) of
1160 section 17b-112, the Commissioner of Social Services shall, within
1161 available appropriations, grant a six-month extension of time-limited
1162 cash assistance benefits to any person who (1) has made a good-faith
1163 effort to comply with the requirements of the pilot program, (2) has not
1164 exceeded the sixty-month limit, described in subsection (c) of section
1165 17b-112, and (3) has not been granted more than two extensions.

1166 (c) [Not later than October 1, 2012, the] The Commissioner of Social
1167 Services and the Labor Commissioner shall jointly submit [a] annual
1168 [report] reports, in accordance with the provisions of section 11-4a, not
1169 later than October 1, 2012, and October 1, 2013, to the joint standing
1170 committees of the General Assembly having cognizance of matters
1171 relating to human services and appropriations and the budgets of state
1172 agencies concerning the pilot program. Such [report] reports shall
1173 include, but shall not be limited to: (1) The number of persons
1174 participating in the pilot program for the preceding fiscal year; (2) the
1175 education, training and work experience activities of the participants;
1176 (3) the support services identified as needed by program participants
1177 through the provision of case management services by the Department
1178 of Social Services and the Labor Department and the support services
1179 actually received by each program participant; (4) the educational
1180 degrees and certificates obtained by participants; and (5) descriptions
1181 of the employment obtained by participants as a result of the pilot
1182 program.

1183 Sec. 26. Section 17b-261n of the 2012 supplement to the general
1184 statutes, as amended by section 6 of public act 12-208, is repealed and
1185 the following is substituted in lieu thereof (*Effective July 1, 2012*):

1186 (a) The Commissioner of Social Services shall, subject to federal
1187 approval, administer coverage under the Medicaid program for low-
1188 income adults in accordance with Section 1902(a)(10)(A)(i)(VIII) of the
1189 Social Security Act. To the extent permitted under federal law,
1190 eligibility for individuals covered pursuant to this section shall be
1191 based on the rules used to determine eligibility for the state-
1192 administered general assistance medical assistance program,
1193 including, but not limited to, the use of medically needy income limits,
1194 a one-hundred-fifty-dollars-per-month employment deduction and a
1195 three-month extension of assistance for individuals who become
1196 ineligible solely due to an increase in earnings. The commissioner may
1197 amend the Medicaid state plan to establish an alternative benefit
1198 package for individuals eligible for Medicaid in accordance with the
1199 provisions of this section and as permitted by federal law. For
1200 purposes of this section, "alternative benefit package" may include, but
1201 is not limited to, limits on any of the following: (1) Health care
1202 provider office visits; (2) independent therapy services; (3) hospital
1203 emergency department services; (4) inpatient hospital services; (5)
1204 outpatient hospital services; (6) medical equipment, devices and
1205 supplies; (7) ambulatory surgery center services; (8) pharmacy
1206 services; (9) nonemergency medical transportation; and (10) licensed
1207 home care agency services.

1208 (b) The commissioner shall apply for a Medicaid waiver, pursuant
1209 to Section 1115 of the Social Security Act, to modify eligibility and
1210 coverage for such low-income adults by establishing that (1) an
1211 individual with assets exceeding ten thousand dollars is ineligible for
1212 the program; (2) the income and assets of the parents of an individual
1213 who is under twenty-six years of age will be counted when
1214 determining the individual's eligibility for the program, provided the
1215 individual lives with a parent or is declared as a dependent by a parent

1216 for income tax purposes; and (3) each eligible individual shall be
1217 limited to ninety days of nursing facility care.

1218 [(b)] (c) The commissioner may implement policies and procedures
1219 necessary to administer the provisions of this section while in the
1220 process of adopting such policies and procedures in regulation form,
1221 provided the commissioner prints notice of intent to adopt regulations
1222 in the Connecticut Law Journal not later than twenty days after the
1223 date of implementation. Such policies and procedures shall remain
1224 valid for three years following the date of publication in the
1225 Connecticut Law Journal unless otherwise provided for by the General
1226 Assembly. Notwithstanding the time frames established in subsection
1227 (c) of section 17b-10, the commissioner shall submit such policies and
1228 procedures in proposed regulation form to the legislative regulation
1229 review committee not later than three years following the date of
1230 publication of its intent to adopt regulations as provided for in this
1231 subsection. In the event that the commissioner is unable to submit
1232 proposed regulations prior to the expiration of the three-year time
1233 period as provided for in this subsection, the commissioner shall
1234 submit written notice, not later than thirty-five days prior to the date
1235 of expiration of such time period, to the legislative regulation review
1236 committee and the joint standing committees of the General Assembly
1237 having cognizance of matters relating to human services and
1238 appropriations and the budgets of state agencies indicating that the
1239 department will not be able to submit the proposed regulations on or
1240 before such date and shall include in such notice (1) the reasons why
1241 the department will not submit the proposed regulations by such date,
1242 and (2) the date by which the department will submit the proposed
1243 regulations. The legislative regulation review committee may require
1244 the department to appear before the committee at a time prescribed by
1245 the committee to further explain such reasons and to respond to any
1246 questions by the committee about the policy. The legislative regulation
1247 review committee may request the joint standing committee of the
1248 General Assembly having cognizance of matters relating to human
1249 services to review the department's policy, the department's reasons

1250 for not submitting the proposed regulations by the date specified in
1251 this section and the date by which the department will submit the
1252 proposed regulations. Said joint standing committee may review the
1253 policy, such reasons and such date, may schedule a hearing thereon
1254 and may make a recommendation to the legislative regulation review
1255 committee.

1256 **[**(c)**]** (d) Effective July 1, 2011, no payment shall be made to a
1257 provider of medical services for services provided prior to April 1,
1258 2010, to a recipient of benefits under this section.

1259 Sec. 27. Section 17b-491a of the general statutes is repealed and the
1260 following is substituted in lieu thereof (*Effective July 1, 2012*):

1261 (a) The Commissioner of Social Services may require prior
1262 authorization of any prescription for a drug covered under a medical
1263 assistance program administered by the Department of Social Services,
1264 including an over-the-counter drug. The authorization for a brand
1265 name drug product shall be valid for one year from the date the
1266 prescription is first filled. The Commissioner of Social Services shall
1267 establish a procedure by which prior authorization under this
1268 subsection shall be obtained from an independent pharmacy
1269 consultant acting on behalf of the Department of Social Services, under
1270 an administrative services only contract.

1271 (b) When prior authorization is required for coverage of a
1272 prescription drug under a medical assistance program administered by
1273 the Department of Social Services and a pharmacist is unable to obtain
1274 the prescribing physician's authorization at the time the prescription is
1275 presented to be filled, the pharmacist shall dispense a one-time
1276 fourteen-day supply. The commissioner shall process a prior
1277 authorization request from a physician or pharmacist not later than
1278 two hours after the commissioner's receipt of the request. If prior
1279 authorization is not granted or denied within two hours of receipt by
1280 the commissioner of the request for prior authorization, it shall be
1281 deemed granted.

1282 (c) The Commissioner of Social Services, not later than October 1,
1283 2012, shall issue a flier to pharmacies for distribution to Medicaid
1284 recipients who receive such one-time prescription supplies in the
1285 absence of prior prescription authorization. The flier shall notify
1286 recipients that (1) prior authorization is required for the prescription to
1287 be fully filled, (2) the fourteen-day supply is a one-time supply, and (3)
1288 recipients must contact the prescriber to arrange for prior
1289 authorization of a full prescription. The commissioner shall require
1290 pharmacists who receive Medicaid reimbursements for prescriptions
1291 to provide said flier to such Medicaid recipients.

1292 **[**(c)**]** (d) Notwithstanding the provisions of section 17b-262 and any
1293 regulation adopted thereunder, on or after July 1, 2000, the
1294 Commissioner of Social Services may establish a schedule of maximum
1295 quantities of oral dosage units permitted to be dispensed at one time
1296 for prescriptions covered under a medical assistance program
1297 administered by the Department of Social Services, including
1298 prescriptions for over-the-counter drugs, based on a review of
1299 utilization patterns.

1300 **[**(d)**]** (e) A schedule established pursuant to subsection **[**(c)**]** (d) of
1301 this section and on and after July 1, 2005, any revisions thereto shall be
1302 submitted to the joint standing committees of the General Assembly
1303 having cognizance of matters relating to public health, human services
1304 and appropriations and the budgets of state agencies. Within sixty
1305 days of receipt of such a schedule or revisions thereto, said joint
1306 standing committees of the General Assembly shall approve or deny
1307 the schedule or any revisions thereto and advise the commissioner of
1308 their approval or denial of the schedule or any revisions thereto. The
1309 schedule or any revisions thereto shall be deemed approved unless all
1310 committees vote to reject such schedule or revisions thereto within
1311 sixty days of receipt of such schedule or revisions thereto.

1312 Sec. 28. Section 17b-650a of the 2012 supplement to the general
1313 statutes is repealed and the following is substituted in lieu thereof

1314 (*Effective July 1, 2012*):

1315 (a) There is created a **[**Bureau of Rehabilitative**]** Department of
1316 Rehabilitation Services. **[**, which shall be within the Department of
1317 Social Services for administrative purposes only. Said bureau**]** The
1318 Department of Social Services shall provide administrative support
1319 services to the Department of Rehabilitation Services until the
1320 Department of Rehabilitation Services requests cessation of such
1321 services, or until June 30, 2013, whichever is earlier. The Department of
1322 Rehabilitation Services shall be responsible for: (1) Providing services
1323 to the deaf and hearing impaired; (2) providing services for the blind
1324 and visually impaired; and (3) providing rehabilitation services in
1325 accordance with the provisions of the general statutes concerning **[**said
1326 bureau**]** the Department of Rehabilitation Services. The Department of
1327 Rehabilitation Services shall constitute a successor authority to the
1328 Bureau of Rehabilitative Services in accordance with the provisions of
1329 sections 4-38d, 4-38e and 4-39.

1330 (b) The department head shall be the **[**director of the Bureau of
1331 Rehabilitative**]** Commissioner of Rehabilitation Services, who shall be
1332 appointed by the Governor in accordance with the provisions of
1333 sections 4-5 to 4-8, inclusive, as amended by this act, and shall have the
1334 powers and duties described in said sections. The **[**director**]**
1335 Commissioner of Rehabilitation Services shall appoint such persons as
1336 may be necessary to administer the provisions of public act 11-44 and
1337 the Commissioner of Administrative Services shall fix the
1338 compensation of such persons in accordance with the provisions of
1339 section 4-40. The **[**director**]** commissioner may create such sections
1340 within said **[**bureau**]** department as will facilitate such administration,
1341 including a disability determinations section for which one hundred
1342 per cent federal funds may be accepted for the operation of such
1343 section in conformity with applicable state and federal regulations.

1344 Sec. 29. Section 4-5 of the 2012 supplement to the general statutes is
1345 repealed and the following is substituted in lieu thereof (*Effective July*

1346 *1, 2012*):

1347 As used in sections 4-6, 4-7 and 4-8, the term "department head"
1348 means Secretary of the Office of Policy and Management,
1349 Commissioner of Administrative Services, Commissioner of Revenue
1350 Services, Banking Commissioner, Commissioner of Children and
1351 Families, Commissioner of Construction Services, Commissioner of
1352 Consumer Protection, Commissioner of Correction, Commissioner of
1353 Economic and Community Development, State Board of Education,
1354 Commissioner of Emergency Services and Public Protection,
1355 Commissioner of Energy and Environmental Protection,
1356 Commissioner of Agriculture, Commissioner of Public Health,
1357 Insurance Commissioner, Labor Commissioner, Liquor Control
1358 Commission, Commissioner of Mental Health and Addiction Services,
1359 Commissioner of Social Services, Commissioner of Developmental
1360 Services, Commissioner of Motor Vehicles, Commissioner of
1361 Transportation, Commissioner of Veterans' Affairs, **[**the director of the
1362 Bureau of Rehabilitative**]** Commissioner of Rehabilitation Services and
1363 the executive director of the Office of Military Affairs. As used in
1364 sections 4-6 and 4-7, "department head" also means the Commissioner
1365 of Education and the president of the Board of Regents for Higher
1366 Education.

1367 Sec. 30. Subdivision (3) of subsection (a) of section 4-61aa of the
1368 general statutes is repealed and the following is substituted in lieu
1369 thereof (*Effective July 1, 2012*):

1370 (3) The **[**Bureau of Rehabilitative**]** Department of Rehabilitation
1371 Services;

1372 Sec. 31. Subsection (g) of section 4-89 of the 2012 supplement to the
1373 general statutes is repealed and the following is substituted in lieu
1374 thereof (*Effective July 1, 2012*):

1375 (g) The provisions of this section shall not apply to appropriations
1376 to the **[**Bureau of Rehabilitative**]** Department of Rehabilitation Services

1377 in an amount not greater than the amount of reimbursements of prior
1378 year expenditures for the services of interpreters received by the
1379 **[**bureau**]** department during the fiscal year pursuant to section
1380 46a-33b, as amended by this act, and such appropriations shall not
1381 lapse until the end of the fiscal year succeeding the fiscal year of the
1382 appropriation.

1383 Sec. 32. Section 4a-82 of the 2012 supplement to the general statutes,
1384 as amended by section 6 of public act 12-119, is repealed and the
1385 following is substituted in lieu thereof (*Effective July 1, 2012*):

1386 (a) For the purposes of this section:

1387 (1) "Person with a disability" means any individual with a disability,
1388 excluding blindness, as such term is applied by the Department of
1389 Mental Health and Addiction Services, the Department of
1390 Developmental Services, the **[**Bureau of Rehabilitative**]** Department of
1391 Rehabilitation Services or the Veterans' Administration and who is
1392 certified by the **[**Bureau of Rehabilitative**]** Department of Rehabilitation
1393 Services as qualified to participate in a qualified partnership, as
1394 described in subsections (f) to (m), inclusive, of this section;

1395 (2) "Vocational rehabilitation service" means any goods and services
1396 necessary to render a person with a disability employable, in
1397 accordance with Title I of the Rehabilitation Act of 1973, 29 USC 701 et
1398 seq., as amended from time to time;

1399 (3) "Community rehabilitation program" means any entity or
1400 individual that provides directly for or facilitates the provision of
1401 vocational rehabilitation services to, or provides services in connection
1402 with, the recruiting, hiring or managing of the employment of persons
1403 with disabilities based on an individualized plan and budget for each
1404 worker with a disability;

1405 (4) "Commercial janitorial contractor" means any for-profit
1406 proprietorship, partnership, joint venture, corporation, limited liability

1407 company, trust, association or other privately owned entity that
1408 employs persons to perform janitorial work, and that enters into
1409 contracts to provide janitorial services;

1410 (5) "Janitorial work" means work performed in connection with the
1411 care or maintenance of buildings, including, but not limited to, work
1412 customarily performed by cleaners, porters, janitors and
1413 handypersons;

1414 (6) "Janitorial contract" means a contract or subcontract to perform
1415 janitorial work for a department or agency of the state; and

1416 (7) "Person with a disadvantage" means any individual who is
1417 determined by the Labor Department, or its designee, to be eligible for
1418 employment services in accordance with the Workforce Investment
1419 Act or whose verified individual gross annual income during the
1420 previous calendar year was not greater than two hundred per cent of
1421 the federal poverty level for a family of four.

1422 (b) The Commissioner of Administrative Services shall establish a
1423 pilot program, for a term of seven years, to create and expand janitorial
1424 work job opportunities for persons with a disability and persons with a
1425 disadvantage. Such pilot program shall consist of four identified
1426 projects for janitorial work. The program shall create a minimum of
1427 sixty full-time jobs or sixty full-time equivalents at standard wages for
1428 persons with disabilities and persons with disadvantages and have a
1429 total market value for all janitorial contracts awarded under the
1430 program of at least three million dollars. In establishing such pilot
1431 program, the Commissioner of Administrative Services may consult
1432 with the Commissioner of Social Services, the **[**director of the Bureau of
1433 Rehabilitative**]** <u>Commissioner of Rehabilitation</u> Services and the Labor
1434 Commissioner.

1435 (c) Notwithstanding any other provision of the general statutes,
1436 under such pilot program, the Commissioner of Administrative
1437 Services shall award four janitorial contracts, one for each identified

1438 project, pursuant to the following procedures: (1) Upon receipt of a
1439 request for janitorial services by an agency or department of the state,
1440 the Commissioner of Administrative Services shall notify each
1441 qualified partnership, as described in subsections (f) to (m), inclusive,
1442 of this section, of such request and invite each qualified partnership in
1443 good standing to submit a bid proposal for such janitorial contract to
1444 the commissioner in a manner and form as prescribed by the
1445 commissioner; (2) in the event that only one such qualified partnership
1446 submits a bid for such janitorial contract, the commissioner shall
1447 award such contract to the bidding qualified partnership, provided
1448 such bid does not exceed the fair market value for such contract, as
1449 determined by the commissioner; (3) if more than one qualified
1450 partnership submits a bid, the commissioner shall award the contract
1451 to the lowest responsible qualified bidder, as defined in section 4a-59;
1452 and (4) in the event that a qualified partnership does not submit a bid
1453 or is not awarded such contract, the commissioner shall award such
1454 contract in accordance with the provisions of sections 4a-59 and 17b-
1455 656, as amended by this act.

1456 (d) Notwithstanding any other provision of the general statutes, the
1457 responsibilities of the Commissioner of Administrative Services, as
1458 established in subsections (b) and (c) of this section, may not be
1459 delegated to an outside vendor.

1460 (e) The Commissioner of Administrative Services may adopt
1461 regulations, in accordance with the provisions of chapter 54, to
1462 undertake the requirements established in subsections (b) to (e),
1463 inclusive, of this section.

1464 (f) The Connecticut Community Providers Association shall
1465 designate a commercial janitorial contractor and a community
1466 rehabilitation program as a "qualified partnership" whenever the
1467 following criteria have been established: (1) Such commercial janitorial
1468 contractor has entered into a binding agreement with such community
1469 rehabilitation program in which such contractor agrees to fill not less

1470 than one-third of the jobs from a successful bid for a janitorial contract
1471 under the pilot program established in subsections (b) to (e), inclusive,
1472 of this section with persons with disabilities and not less than one-
1473 third of such jobs with persons with a disadvantage; (2) such
1474 contractor employs not less than two hundred persons who perform
1475 janitorial work in the state; and (3) such contractor certifies, in writing,
1476 that it will pay the standard wage to employees, including persons
1477 with disabilities, under such janitorial contract. Any partnership
1478 between a commercial janitorial contractor and a community
1479 rehabilitation program that has been denied designation as a qualified
1480 partnership may appeal such denial, in writing, to the Commissioner
1481 of Administrative Services and said commissioner may, after review of
1482 such appeal, designate such program as a qualified partnership.

1483 (g) The requirement established in subsection (f) of this section to fill
1484 not less than one-third of the jobs from a successful bid for a janitorial
1485 contract with persons with disabilities and one-third with persons with
1486 a disadvantage shall be met whenever such janitorial contractor
1487 employs the requisite number of persons with disabilities and persons
1488 with a disadvantage throughout the entirety of its operations in the
1489 state provided any persons with disabilities employed by such
1490 janitorial contractor prior to the commencement date of any such
1491 contract shall not be counted for the purpose of determining the
1492 number of persons with disabilities employed by such janitorial
1493 contractor.

1494 (h) The number of persons with disabilities and the number of
1495 persons with a disadvantage that such janitorial contractor is required
1496 to employ pursuant to the provisions of subsection (f) of this section
1497 shall be employed not later than six months after the commencement
1498 of janitorial work under the terms of any contract awarded pursuant to
1499 the provisions of subsections (b) to (e), inclusive, of this section,
1500 provided such contractor shall fill any vacancy for janitorial work that
1501 arises during the first six months of any such contract with persons
1502 with disabilities and persons with disadvantages.

1503 (i) The Connecticut Community Providers Association shall develop
1504 an application process and submit a list of employees who have
1505 applied to participate in a partnership to the **[**Bureau of Rehabilitative**]**
1506 Department of Rehabilitation Services for certification. Such
1507 association shall maintain a list of certified employees who are persons
1508 with disabilities and community rehabilitation programs.

1509 (j) Any qualified partnership awarded a janitorial contract pursuant
1510 to the provisions of subsections (b) to (e), inclusive, of this section shall
1511 provide to the Connecticut Community Providers Association, not
1512 later than six months after the commencement date of such contract, a
1513 list of the persons with disabilities and persons with a disadvantage
1514 employed by such contractor that includes the date of hire and
1515 employment location for each such person. Such association shall
1516 certify to the Department of Administrative Services, in such manner
1517 and form as prescribed by the Commissioner of Administrative
1518 Services, that the requisite number of persons with disabilities for such
1519 contract continue to be employed by such contractor in positions
1520 equivalent to those created under such janitorial contract and have
1521 been integrated into the general workforce of such contractor.

1522 (k) Notwithstanding any other provision of the general statutes, the
1523 responsibilities of the **[**Bureau of Rehabilitative**]** Department of
1524 Rehabilitation Services, as established in subsections (f) to (m),
1525 inclusive, of this section, may not be delegated to an outside vendor.

1526 (l) The **[**director of the Bureau of Rehabilitative**]** Commissioner of
1527 Rehabilitation Services may adopt regulations, in accordance with the
1528 provisions of chapter 54, to undertake the certification requirements
1529 established pursuant to subsections (f) to (m), inclusive, of this section.

1530 (m) Notwithstanding the provisions of subsection (f) of this section,
1531 the Commissioner of Administrative Services shall authorize certified
1532 small and minority businesses to participate in such pilot program.

1533 (n) During the term of the pilot program described in subsections

1534 (b) to (e), inclusive, of this section, the joint standing committee of the
1535 General Assembly having cognizance of matters relating to
1536 government administration shall study the effectiveness of such pilot
1537 program, including, but not limited to, the effectiveness of such
1538 program to create integrated work settings for persons with
1539 disabilities. Additionally, said committee shall study the need to make
1540 such pilot program permanent and ways to provide incentives for
1541 municipalities and businesses to utilize such pilot program if such
1542 program is determined by the committee to be effective.

1543 (o) During the term of the pilot program described in subsections
1544 (b) to (e), inclusive, of this section, any exclusive contract awarded
1545 pursuant to section 17b-656, as amended by this act, shall remain in
1546 effect with no changes in the formula for fair market value.
1547 Additionally, any new janitorial contract awarded pursuant to section
1548 17b-656, as amended by this act, shall be limited to not more than four
1549 full-time employees per contract.

1550 (p) Any person employed under a janitorial contract let: (1) On or
1551 before October 1, 2006, or thereafter if such contract constitutes a
1552 successor contract to such janitorial contract let on or before October 1,
1553 2006, and (2) pursuant to section 4a-57 or 10a-151b or by the judicial or
1554 legislative departments or pursuant to subsections (b) to (e), inclusive,
1555 of this section shall have the same rights conferred upon an employee
1556 by section 31-57g for the duration of the pilot program described in
1557 subsections (b) to (e), inclusive, of this section. The provisions of this
1558 subsection shall not apply to any new janitorial contract with not more
1559 than four full-time employees per contract, as described in subsection
1560 (o) of this section.

1561 Sec. 33. Subsection (a) of section 5-175a of the 2012 supplement to
1562 the general statutes is repealed and the following is substituted in lieu
1563 thereof (*Effective July 1, 2012*):

1564 (a) Vending stand operators, operating stands under permits held
1565 by the **[**Bureau of Rehabilitative**]** Department of Rehabilitation Services

1566 pursuant to section 10-303, as amended by this act, shall be members of
1567 the state employees retirement system, part A, exclusive of the Social
1568 Security option and benefits in the state employees' retirement system
1569 dependent thereon. Each such person shall annually, on or before June
1570 thirtieth, pay five per cent of his adjusted gross income, arising out of
1571 the operation of such stand, as determined under the Internal Revenue
1572 Code, during the calendar year preceding to the [Bureau of
1573 Rehabilitative] Department of Rehabilitation Services which shall, as
1574 the state administering agency for such persons, certify such payment
1575 and pay it over to the State Retirement Commission, provided
1576 membership of such persons in said system shall be exclusive of
1577 disability retirement upon the grounds of defects of vision.

1578 Sec. 34. Subdivision (22) of section 5-198 of the 2012 supplement to
1579 the general statutes, as amended by section 17 of public act 12-205, is
1580 repealed and the following is substituted in lieu thereof (*Effective July*
1581 *1, 2012*):

1582 (22) Professional employees in the education professions bargaining
1583 unit of the [Bureau of Rehabilitative] Department of Rehabilitation
1584 Services;

1585 Sec. 35. Subsection (e) of section 5-259 of the 2012 supplement to the
1586 general statutes, as amended by section 49 of public act 12-197, is
1587 repealed and the following is substituted in lieu thereof (*Effective July*
1588 *1, 2012*):

1589 (e) Notwithstanding the provisions of subsection (a) of this section,
1590 (1) vending stand operators eligible for membership in the state
1591 employees' retirement system pursuant to section 5-175a, as amended
1592 by this act, shall be eligible for coverage under the group
1593 hospitalization and medical and surgical insurance plans procured
1594 under this section, provided the cost for such operators' insurance
1595 coverage shall be paid by the [Bureau of Rehabilitative] Department of
1596 Rehabilitation Services from vending machine income pursuant to
1597 section 10-303, as amended by this act, and (2) blind persons employed

1598 in workshops, established pursuant to section 10-298a, as amended by
1599 this act, on December 31, 2002, shall be eligible for coverage under the
1600 group hospitalization and medical and surgical insurance plans
1601 procured under this section, provided the cost for such persons'
1602 insurance coverage shall be paid by the **[**Bureau of Rehabilitative**]**
1603 Department of Rehabilitation Services.

1604 Sec. 36. Subsection (c) of section 9-20 of the 2012 supplement to the
1605 general statutes is repealed and the following is substituted in lieu
1606 thereof (*Effective July 1, 2012*):

1607 (c) The application for admission as an elector shall include a
1608 statement that (1) specifies each eligibility requirement, (2) contains an
1609 attestation that the applicant meets each such requirement, and (3)
1610 requires the signature of the applicant under penalty of perjury. Each
1611 registrar of voters and town clerk shall maintain a copy of such
1612 statement in braille, large print and audio form. The **[**Bureau of
1613 Rehabilitative**]** Department of Rehabilitation Services shall produce a
1614 videotape presenting such statement in voice and sign language and
1615 provide the videotape to the Secretary of the State who shall make
1616 copies of the videotape and provide a copy to the registrars of voters of
1617 any municipality, upon request and at a cost equal to the cost of
1618 making the copy. If a person applies for admission as an elector in
1619 person to an admitting official, such admitting official shall, upon the
1620 request of the applicant, administer the elector's oath.

1621 Sec. 37. Subsection (a) of section 10-76i of the 2012 supplement to the
1622 general statutes, as amended by section 9 of public act 12-120, is
1623 repealed and the following is substituted in lieu thereof (*Effective July*
1624 *1, 2012*):

1625 (a) There shall be an Advisory Council for Special Education which
1626 shall advise the General Assembly, State Board of Education and the
1627 Commissioner of Education, and which shall engage in such other
1628 activities as described in this section. On and after July 1, 2012, the
1629 advisory council shall consist of the following members: (1) Nine

1630 appointed by the Commissioner of Education, (A) six of whom shall be
1631 (i) the parents of children with disabilities, provided such children are
1632 under the age of twenty-seven, or (ii) individuals with disabilities, (B)
1633 one of whom shall be an official of the Department of Education, (C)
1634 one of whom shall be a state or local official responsible for carrying
1635 out activities under Subtitle B of Title VII of the McKinney-Vento
1636 Homeless Assistance Act, 42 USC 11431 et seq., as amended from time
1637 to time, and (D) one of whom shall be a representative of an institution
1638 of higher education in the state that prepares teacher and related
1639 services personnel; (2) one appointed by the Commissioner of
1640 Developmental Services who shall be an official of the department; (3)
1641 one appointed by the Commissioner of Children and Families who
1642 shall be an official of the department; (4) one appointed by the
1643 Commissioner of Correction who shall be an official of the department;
1644 (5) the director of the Office of Protection and Advocacy for Persons
1645 with Disabilities, or the director's designee; (6) one appointed by the
1646 director of the Parent Leadership Training Institute within the
1647 Commission on Children who shall be (A) the parent of a child with a
1648 disability, provided such child is under the age of twenty-seven, or (B)
1649 an individual with a disability; (7) a representative from the parent
1650 training and information center for Connecticut established pursuant
1651 to the Individuals With Disabilities Education Act, 20 USC 1400 et seq.,
1652 as amended from time to time; (8) the **[**director of the Bureau of
1653 Rehabilitative Services, or the director's designee**]** Commissioner of
1654 Rehabilitation Services, or the commissioner's designee; (9) five who
1655 are members of the General Assembly who shall serve as nonvoting
1656 members of the advisory council, one appointed by the speaker of the
1657 House of Representatives, one appointed by the majority leader of the
1658 House of Representatives, one appointed by the minority leader of the
1659 House of Representatives, one appointed by the president pro tempore
1660 of the Senate and one appointed by the minority leader of the Senate;
1661 (10) one appointed by the president pro tempore of the Senate who
1662 shall be a member of the Connecticut Speech-Language-Hearing
1663 Association; (11) one appointed by the majority leader of the Senate

1664 who shall be a public school teacher; (12) one appointed by the
1665 minority leader of the Senate who shall be a representative of a
1666 vocational, community or business organization concerned with the
1667 provision of transitional services to children with disabilities; (13) one
1668 appointed by the speaker of the House of Representatives who shall be
1669 a member of the Connecticut Council of Special Education
1670 Administrators and who is a local education official; (14) one
1671 appointed by the majority leader of the House of Representatives who
1672 shall be a representative of charter schools; (15) one appointed by the
1673 minority leader of the House of Representatives who shall be a
1674 member of the Connecticut Association of Private Special Education
1675 Facilities; (16) one appointed by the Chief Court Administrator of the
1676 Judicial Department who shall be an official of such department
1677 responsible for the provision of services to adjudicated children and
1678 youth; (17) seven appointed by the Governor, all of whom shall be (A)
1679 the parents of children with disabilities, provided such children are
1680 under the age of twenty-seven, or (B) individuals with disabilities; and
1681 (18) such other members as required by the Individuals with
1682 Disabilities Education Act, 20 USC 1400 et seq., as amended from time
1683 to time, appointed by the Commissioner of Education. Appointments
1684 made pursuant to the provisions of this section shall be representative
1685 of the ethnic and racial diversity of, and the types of disabilities found
1686 in, the state population. The terms of the members of the council
1687 serving on June 8, 2010, shall expire on June 30, 2010. Appointments
1688 shall be made to the council by July 1, 2010. Members shall serve two-
1689 year terms, except that members appointed pursuant to subdivisions
1690 (1) to (3), inclusive, of this subsection whose terms commenced July 1,
1691 2010, shall serve three-year terms and the successors to such members
1692 appointed pursuant to subdivisions (1) to (3), inclusive, of this
1693 subsection shall serve two-year terms.

1694 Sec. 38. Subsection (a) of section 10-76y of the 2012 supplement to
1695 the general statutes is repealed and the following is substituted in lieu
1696 thereof (*Effective July 1, 2012*):

1697 (a) Notwithstanding any provision of the general statutes, school
1698 districts, regional educational service centers, the [Bureau of
1699 Rehabilitative] Department of Rehabilitation Services, and all other
1700 state and local governmental agencies concerned with education may
1701 loan, lease or transfer an assistive device for the use and benefit of a
1702 student with a disability to such student or the parent or guardian of
1703 such student or to any other public or private nonprofit agency
1704 providing services to or on behalf of individuals with disabilities
1705 including, but not limited to, an agency providing educational, health
1706 or rehabilitative services. Such device may be sold or transferred
1707 pursuant to this section regardless of whether the device was declared
1708 surplus. The sale or transfer shall be recorded in an agreement
1709 between the parties and based upon the depreciated value of the
1710 device. For the purposes of this section, "assistive device" means any
1711 item, piece of equipment or product system, whether acquired
1712 commercially off-the-shelf, modified or customized, that is used to
1713 increase, maintain or improve the functional capabilities of individuals
1714 with disabilities.

1715 Sec. 39. Subsection (a) of section 10-293 of the 2012 supplement to
1716 the general statutes is repealed and the following is substituted in lieu
1717 thereof (*Effective July 1, 2012*):

1718 (a) There is established a Board of Education and Services for the
1719 Blind that shall serve as an advisor to the [Bureau of Rehabilitative]
1720 Department of Rehabilitation Services in fulfilling its responsibilities in
1721 providing services to the blind and visually impaired in the state.

1722 Sec. 40. Section 10-295 of the 2012 supplement to the general statutes
1723 is repealed and the following is substituted in lieu thereof (*Effective July*
1724 *1, 2012*):

1725 (a) All residents of this state, regardless of age, who, because of
1726 blindness or impaired vision, require specialized vision-related
1727 educational programs, goods and services, on the signed
1728 recommendation of the [director of the Bureau of Rehabilitative]

1729 Commissioner of Rehabilitation Services, shall be entitled to receive
1730 such instruction, programs, goods and services for such length of time
1731 as is deemed expedient by said [director] commissioner. Upon the
1732 petition of any parent or guardian of a blind child or a child with
1733 impaired vision, a local board of education may provide such
1734 instruction within the town or it may provide for such instruction by
1735 agreement with other towns as provided in subsection (d) of section
1736 10-76d. All educational privileges prescribed in part V of chapter 164,
1737 not inconsistent with the provisions of this chapter, shall apply to the
1738 pupils covered by this subsection.

1739 (b) The [director of the Bureau of Rehabilitative] Commissioner of
1740 Rehabilitation Services shall expend funds for the services made
1741 available pursuant to subsection (a) of this section from the
1742 educational aid for blind and visually handicapped children account in
1743 accordance with the provisions of this subsection. The expense of such
1744 services shall be paid by the state in an amount not to exceed six
1745 thousand four hundred dollars in any one fiscal year for each child
1746 who is blind or visually impaired. The [director of the Bureau of
1747 Rehabilitative] Commissioner of Rehabilitation Services may adopt
1748 such regulations as the [director] commissioner deems necessary to
1749 carry out the purpose and intent of this subsection.

1750 (1) The [director of the Bureau of Rehabilitative] Commissioner of
1751 Rehabilitation Services shall provide, upon written request from any
1752 interested school district, the services of teachers of the visually
1753 impaired, based on the levels established in the individualized
1754 education or service plan. The [director of the Bureau of Rehabilitative]
1755 Commissioner of Rehabilitation Services shall also make available
1756 resources, including, but not limited to, the Braille and large print
1757 library, to all teachers of public and nonpublic school children. The
1758 [director] commissioner may also provide vision-related professional
1759 development and training to all school districts and cover the actual
1760 cost for paraprofessionals from school districts to participate in
1761 agency-sponsored Braille training programs. The [director]

1762 commissioner shall utilize education consultant positions, funded by
1763 moneys appropriated from the General Fund, to supplement new
1764 staffing that will be made available through the educational aid for the
1765 blind and visually handicapped children account, which shall be
1766 governed by formal written policies established by the [director]
1767 commissioner.

1768 (2) The [director of the Bureau of Rehabilitative] Commissioner of
1769 Rehabilitation Services shall use funds appropriated to said account,
1770 first to provide specialized books, materials, equipment, supplies,
1771 adaptive technology services and devices, specialist examinations and
1772 aids, preschool programs and vision-related independent living
1773 services, excluding primary educational placement, for eligible
1774 children without regard to a per child statutory maximum.

1775 (3) The [director of the Bureau of Rehabilitative] Commissioner of
1776 Rehabilitation Services may, within available appropriations, employ
1777 certified teachers of the visually impaired in sufficient numbers to
1778 meet the requests for services received from school districts. In
1779 responding to such requests, the [director] commissioner shall utilize a
1780 formula for determining the number of teachers needed to serve the
1781 school districts, crediting six points for each Braille-learning child and
1782 one point for each other child, with one full-time certified teacher of
1783 the visually impaired assigned for every twenty-five points credited.
1784 The [director] commissioner shall exercise due diligence to employ the
1785 needed number of certified teachers of the visually impaired, but shall
1786 not be liable for lack of resources. Funds appropriated to said account
1787 may also be utilized to employ rehabilitation teachers, rehabilitation
1788 technologists and orientation and mobility teachers in numbers
1789 sufficient to provide compensatory skills evaluations and training to
1790 blind and visually impaired children. In addition, up to five per cent of
1791 such appropriation may also be utilized to employ special assistants to
1792 the blind and other support staff necessary to ensure the efficient
1793 operation of service delivery. Not later than October first of each year,
1794 the [director of the Bureau of Rehabilitative] Commissioner of

1795 Rehabilitation Services shall determine the number of teachers needed
1796 based on the formula provided in this subdivision. Based on such
1797 determination, the [director of the Bureau of Rehabilitative]
1798 Commissioner of Rehabilitation Services shall estimate the funding
1799 needed to pay such teachers' salaries, benefits and related expenses.

1800 (4) In any fiscal year, when funds appropriated to cover the
1801 combined costs associated with providing the services set forth in
1802 subdivisions (2) and (3) of this subsection are projected to be
1803 insufficient, the [director of the Bureau of Rehabilitative]
1804 Commissioner of Rehabilitation Services shall be authorized to collect
1805 revenue from all school districts that have requested such services on a
1806 per student pro rata basis, in the sums necessary to cover the projected
1807 portion of these services for which there are insufficient
1808 appropriations.

1809 (5) Remaining funds in said account, not expended to fund the
1810 services set forth in subdivisions (2) and (3) of this subsection, shall be
1811 used to cover on a pro rata basis, the actual cost with benefits of
1812 retaining a teacher of the visually impaired, directly hired or
1813 contracted by the school districts which opt to not seek such services
1814 from the [director of the Bureau of Rehabilitative] Commissioner of
1815 Rehabilitation Services, provided such teacher has participated in not
1816 less than five hours of professional development training on vision
1817 impairment or blindness during the school year. Reimbursement shall
1818 occur at the completion of the school year, using the caseload formula
1819 denoted in subdivision (3) of this section, with twenty-five points
1820 allowed for the maximum reimbursable amount as established by the
1821 [director] commissioner annually.

1822 (6) Remaining funds in such account, not expended to fund the
1823 services set forth in subdivisions (2), (3) and (5) of this subsection, shall
1824 be distributed to the school districts on a pro rata formula basis with a
1825 two-to-one credit ratio for Braille-learning students to non-Braille-
1826 learning students in the school district based upon the annual child

1827 count data provided pursuant to subdivision (1) of this subsection,
1828 provided the school district submits an annual progress report in a
1829 format prescribed by the [director] commissioner for each eligible
1830 child.

1831 (c) The [director of the Bureau of Rehabilitative] Commissioner of
1832 Rehabilitation Services may provide for the instruction of the adult
1833 blind in their homes, expending annually for this purpose such sums
1834 as the General Assembly may appropriate.

1835 (d) The [director of the Bureau of Rehabilitative] Commissioner of
1836 Rehabilitation Services may expend up to ten thousand dollars per
1837 fiscal year per person twenty-one years of age or over who is both
1838 blind or visually impaired and deaf for the purpose of providing
1839 services through specialized public and private entities from which
1840 such person can benefit. The [director] commissioner may determine
1841 the criteria by which a person is eligible to receive specialized services
1842 and may adopt regulations necessary to carry out the provisions of this
1843 subsection.

1844 (e) The [director of the Bureau of Rehabilitative] Commissioner of
1845 Rehabilitation Services may, within available appropriations, purchase
1846 adaptive equipment for persons receiving services pursuant to this
1847 chapter.

1848 Sec. 41. Section 10-296 of the 2012 supplement to the general statutes
1849 is repealed and the following is substituted in lieu thereof (*Effective July*
1850 *1, 2012*):

1851 The [director of the Bureau of Rehabilitative] Commissioner of
1852 Rehabilitation Services may, within available appropriations, contract
1853 with public or private entities, individuals or private enterprises for
1854 the instruction of the blind.

1855 Sec. 42. Section 10-297 of the 2012 supplement to the general statutes
1856 is repealed and the following is substituted in lieu thereof (*Effective July*

1857 *1, 2012*):

1858 The [director of the Bureau of Rehabilitative] Commissioner of
1859 Rehabilitation Services is authorized to aid in securing employment for
1860 capable blind or partially blind persons in industrial and mercantile
1861 establishments and in other positions which offer financial returns.
1862 Said [director] commissioner may aid needy blind persons in such way
1863 as said [director] commissioner deems expedient, expending for such
1864 purpose such sum as the General Assembly appropriates, provided the
1865 maximum expenditure for any one person shall not exceed the sum of
1866 nine hundred and sixty dollars in a fiscal year, but, if said maximum
1867 amount is insufficient to furnish necessary medical or hospital
1868 treatment to a beneficiary, said [director] commissioner may authorize
1869 payment of such additional costs as the [director] commissioner deems
1870 necessary and reasonable.

1871 Sec. 43. Section 10-297a of the 2012 supplement to the general
1872 statutes is repealed and the following is substituted in lieu thereof
1873 (*Effective July 1, 2012*):

1874 The [director of the Bureau of Rehabilitative] Commissioner of
1875 Rehabilitation Services may make grants, within available
1876 appropriations, to the Connecticut Radio Information Service, Inc., for
1877 the purchase of receivers and for costs related to the operation of said
1878 service.

1879 Sec. 44. Section 10-298 of the 2012 supplement to the general statutes
1880 is repealed and the following is substituted in lieu thereof (*Effective July*
1881 *1, 2012*):

1882 (a) The [director of the Bureau of Rehabilitative] Commissioner of
1883 Rehabilitation Services shall, annually, as provided in section 4-60,
1884 submit to the Governor a report, containing a statement of the
1885 activities of the [Bureau of Rehabilitative] Department of
1886 Rehabilitation Services relating to services provided by the [bureau]
1887 department to individuals in the state who are legally blind or visually

1888 impaired during the preceding year. The [director] commissioner shall
1889 prepare and maintain a register of the blind in this state which shall
1890 describe their condition, cause of blindness and capacity for education
1891 and rehabilitative training. The [director] commissioner may register
1892 cases of persons whose eyesight is seriously defective and who are
1893 liable to become visually disabled or blind, and may take such
1894 measures in cooperation with other authorities as the [director]
1895 commissioner deems advisable for the prevention of blindness or
1896 conservation of eyesight and, in appropriate cases, for the education of
1897 children and for the vocational guidance of adults having seriously
1898 defective sight but who are not blind. The [director] commissioner
1899 shall establish criteria for low vision care and maintain a list of
1900 ophthalmologists and optometrists that are exclusively authorized to
1901 receive agency funds through established and existing state fee
1902 schedules for the delivery of specifically defined low vision services
1903 that increase the capacity of eligible recipients of such services to
1904 maximize the use of their remaining vision.

1905 (b) The [director of the Bureau of Rehabilitative] Commissioner of
1906 Rehabilitation Services may accept and receive any bequest or gift of
1907 personal property and, subject to the consent of the Governor and
1908 Attorney General as provided in section 4b-22, any devise or gift of
1909 real property made to the [Bureau of Rehabilitative] Commissioner of
1910 Rehabilitation Services, and may hold and use such property for the
1911 purposes, if any, specified in connection with such bequest, devise or
1912 gift.

1913 (c) The [director of the Bureau of Rehabilitative] Commissioner of
1914 Rehabilitation Services shall provide the Department of Motor Vehicles
1915 with the names of all individuals sixteen years of age or older who, on
1916 or after October 1, 2005, have been determined to be blind by a
1917 physician or optometrist, as provided in section 10-305, as amended by
1918 this act. The [director of the Bureau of Rehabilitative] Commissioner of
1919 Rehabilitation Services shall provide simultaneous written notification
1920 to any individual whose name is being transmitted by the [director]

1921 Commissioner of Rehabilitation Services to the Department of Motor
1922 Vehicles. The [director of the Bureau of Rehabilitative] Commissioner
1923 of Rehabilitation Services shall update the list of names provided to the
1924 Department of Motor Vehicles on a quarterly basis. The list shall also
1925 contain the address and date of birth for each individual reported, as
1926 shown on the records of the [Bureau of Rehabilitative] Department of
1927 Rehabilitation Services. The Department of Motor Vehicles shall
1928 maintain such list on a confidential basis, in accordance with the
1929 provisions of section 14-46d. The [Bureau of Rehabilitative]
1930 Department of Rehabilitation Services shall enter into a memorandum
1931 of understanding with the Department of Motor Vehicles to effectuate
1932 the purposes of this subsection.

1933 Sec. 45. Section 10-298a of the 2012 supplement to the general
1934 statutes is repealed and the following is substituted in lieu thereof
1935 (*Effective July 1, 2012*):

1936 (a) The [Bureau of Rehabilitative] Department of Rehabilitation
1937 Services may, within available appropriations, (1) maintain and
1938 develop workshops for training and employing blind persons in trades
1939 and occupations suited to their abilities, for the purpose of producing
1940 suitable products and services used by departments, agencies and
1941 institutions of the state and its political subdivisions, including, but not
1942 limited to towns, cities, boroughs and school districts; (2) aid blind
1943 persons in securing employment, in developing home industries and
1944 in marketing their products and services; (3) develop and implement
1945 rules and guidelines to guarantee that the dignity and rights of citizens
1946 involved in such workshops and work training programs shall be
1947 maintained; and (4) fund employment and vocational training at
1948 community rehabilitation facilities.

1949 (b) For any fiscal year that the [Bureau of Rehabilitative]
1950 Department of Rehabilitation Services operates a workshop pursuant
1951 to subsection (a) of this section, the [director of the Bureau of
1952 Rehabilitative] Commissioner of Rehabilitation Services shall file with

1953 the Comptroller a balance sheet as of June thirtieth and a statement of
1954 operations for the fiscal year ending on that date. A copy of such
1955 statement shall be filed with the Auditors of Public Accounts.

1956 Sec. 46. Section 10-298b of the 2012 supplement to the general
1957 statutes is repealed and the following is substituted in lieu thereof
1958 (*Effective July 1, 2012*):

1959 Whenever any of the products made or manufactured or services
1960 provided by blind persons under the direction or supervision of the
1961 **[**Bureau of Rehabilitative**]** Department of Rehabilitation Services meet
1962 the requirements of any department, institution or agency supported
1963 in whole or in part by the state as to quantity, quality and price such
1964 products shall have preference, except over articles produced or
1965 manufactured by Department of Correction industries as provided in
1966 section 18-88, and except for emergency purchases made under section
1967 4-98. All departments, institutions and agencies supported in whole or
1968 in part by the state shall purchase such articles and services from the
1969 **[**Bureau of Rehabilitative**]** Department of Rehabilitation Services. Any
1970 political subdivision of the state may purchase such articles made or
1971 manufactured and services provided by the blind through the **[**Bureau
1972 of Rehabilitative**]** Department of Rehabilitation Services. The **[**bureau**]**
1973 department shall issue at sufficiently frequent intervals for distribution
1974 to the Commissioner of Administrative Services, the Comptroller and
1975 the political subdivisions of the state, a catalog showing styles, designs,
1976 sizes and varieties of all products made by blind persons pursuant to
1977 this section or disabled persons pursuant to section 17b-656, as
1978 amended by this act, and describing all available services provided by
1979 the blind or disabled.

1980 Sec. 47. Section 10-298c of the 2012 supplement to the general
1981 statutes is repealed and the following is substituted in lieu thereof
1982 (*Effective July 1, 2012*):

1983 The Commissioner of Administrative Services shall (1) fix a fair
1984 market price, based on the cost of materials, labor and overhead, for all

1985 articles and services offered for sale and described in the most recent
1986 catalog issued by the [Bureau of Rehabilitative] Department of
1987 Rehabilitation Services pursuant to section 10-298b, as amended by
1988 this act, provided the cost of labor on which such fair market price is
1989 based shall conform to federal minimum wage regulations for
1990 handicapped workers; (2) determine whether or not products
1991 produced or services provided by blind persons or handicapped
1992 persons meet the reasonable requirements of state departments,
1993 agencies and institutions; and (3) authorize state departments, agencies
1994 and institutions to purchase articles and services elsewhere when
1995 requisitions cannot be complied with through the products and
1996 services listed in the most current catalog issued by the [Bureau of
1997 Rehabilitative] Department of Rehabilitation Services pursuant to
1998 section 10-298b, as amended by this act.

1999 Sec. 48. Section 10-300 of the 2012 supplement to the general statutes
2000 is repealed and the following is substituted in lieu thereof (*Effective July*
2001 *1, 2012*):

2002 Any goods, wares or merchandise, manufactured or produced in
2003 whole or in part by the [Bureau of Rehabilitative] Department of
2004 Rehabilitation Services or The Connecticut Institute for the Blind in
2005 furtherance of its purpose to instruct or employ the blind, may be sold
2006 or exchanged in any town, city or borough in this state and the
2007 [bureau] department or institute, its agents or its employees shall not
2008 be required to procure a license therefor, and no law providing for the
2009 payment of a license fee for such privilege shall apply to the [bureau]
2010 department or institute, its agents or employees, unless it or they are
2011 particularly referred to in its provisions.

2012 Sec. 49. Section 10-300a of the 2012 supplement to the general
2013 statutes is repealed and the following is substituted in lieu thereof
2014 (*Effective July 1, 2012*):

2015 (a) No goods, wares or merchandise shall be labeled, designated or
2016 represented as having been manufactured or produced in whole or in

2017 part by any blind person or by any public or private institute, agency
2018 or corporation serving the blind unless at least seventy-five per cent of
2019 the total hours of labor performed on such goods, wares or
2020 merchandise shall have been rendered by a blind person, as defined in
2021 section 10-294a. Any person, institute, agency or nonprofit corporation
2022 which so manufactures or produces such goods shall register annually,
2023 on July first, with the **[**Bureau of Rehabilitative**]** Department of
2024 Rehabilitation Services and may affix or cause to be affixed to such
2025 goods a stamp or label which identifies such goods as the products of
2026 blind persons.

2027 (b) The **[**Bureau of Rehabilitative**]** Department of Rehabilitation
2028 Services may adopt regulations pursuant to the provisions of chapter
2029 54 to carry out the provisions of this section.

2030 (c) Any person, institute, agency or nonprofit corporation which
2031 violates any of the provisions of this section shall be fined not more
2032 than one hundred dollars for each violation.

2033 Sec. 50. Section 10-303 of the 2012 supplement to the general statutes
2034 is repealed and the following is substituted in lieu thereof (*Effective July*
2035 *1, 2012*):

2036 (a) The authority in charge of any building or property owned,
2037 operated or leased by the state or any municipality therein shall grant
2038 to the **[**Bureau of Rehabilitative**]** Department of Rehabilitation Services
2039 a permit to operate in such building or on such property a food service
2040 facility, a vending machine or a stand for the vending of newspapers,
2041 periodicals, confections, tobacco products, food and such other articles
2042 as such authority approves when, in the opinion of such authority,
2043 such facility, machine or stand is desirable in such location. Any
2044 person operating such a stand in any such location on October 1, 1945,
2045 shall be permitted to continue such operation, but upon such person's
2046 ceasing such operation such authority shall grant a permit for
2047 continued operation to the **[**Bureau of Rehabilitative**]** Department of
2048 Rehabilitation Services. The **[**bureau**]** department may establish a

2049 training facility at any such location.

2050 (b) Pursuant to the Randolph-Sheppard Vending Stand Act, 49 Stat.
2051 1559 (1936), 20 USC 107, as amended from time to time, the **[**Bureau of
2052 Rehabilitative**]** Department of Rehabilitation Services is authorized to
2053 maintain a nonlapsing account and to accrue interest thereon for
2054 federal vending machine income which, in accordance with federal
2055 regulations, shall be used for the payment of fringe benefits to the
2056 vending facility operators by the **[**Bureau of Rehabilitative**]**
2057 Department of Rehabilitation Services.

2058 (c) The **[**Bureau of Rehabilitative**]** Department of Rehabilitation
2059 Services may maintain a nonlapsing account and accrue interest
2060 thereon for state and local vending machine income which shall be
2061 used for the payment of fringe benefits, training and support to
2062 vending facilities operators, to provide entrepreneurial and
2063 independent-living training and equipment to children who are blind
2064 or visually impaired and adults who are blind and for other vocational
2065 rehabilitation programs and services for adults who are blind.

2066 (d) The **[**Bureau of Rehabilitative**]** Department of Rehabilitation
2067 Services may disburse state and local vending machine income to
2068 student or client activity funds, as defined in section 4-52.

2069 Sec. 51. Section 10-304 of the 2012 supplement to the general statutes
2070 is repealed and the following is substituted in lieu thereof (*Effective July*
2071 *1, 2012*):

2072 The sales and service account for the **[**Bureau of Rehabilitative**]**
2073 Department of Rehabilitation Services shall be established as a
2074 separate account within the General Fund for the purpose of aiding the
2075 blind by providing sales and service opportunities. Any money
2076 received by the **[**bureau**]** department from refunds for materials
2077 advanced for manufacture by the blind, and from the sales of articles
2078 or goods manufactured by the blind, and from the sale of other articles
2079 or goods, or from sales held to assist the blind, shall be deposited in

2080 the General Fund and credited to the account. Payments shall be made
2081 from the account for labor or services rendered in connection with the
2082 manufacture of articles for resale, for the purchase of materials used in
2083 such manufacture, for the purchase of merchandise for resale and for
2084 labor, supplies and other operating expenses connected with the
2085 operation of vending stands and sales and service opportunities. Bills
2086 contracted by the **[**Bureau of Rehabilitative**]** Department of
2087 Rehabilitation Services for the purposes specified in this section shall
2088 be paid by order of the Comptroller against the account in the manner
2089 provided by law for the payment of all claims against the state. At the
2090 end of each fiscal year, any surplus as of June thirtieth determined by
2091 including cash, accounts receivable and inventories less accounts
2092 payable over the sum of three hundred thousand dollars derived from
2093 sales of manufactured goods or articles or other sales, in excess of such
2094 cost of labor or services, materials, merchandise, supplies and other
2095 such operating expenses, shall revert to the General Fund of the state.

2096 Sec. 52. Section 10-305 of the 2012 supplement to the general statutes
2097 is repealed and the following is substituted in lieu thereof (*Effective July*
2098 *1, 2012*):

2099 Each physician and optometrist shall report in writing to the
2100 **[**Bureau of Rehabilitative**]** Department of Rehabilitation Services
2101 within thirty days each blind person coming under his or her private
2102 or institutional care within this state. The report of such blind person
2103 shall include the name, address, Social Security number, date of birth,
2104 date of diagnosis of blindness and degree of vision. Such reports shall
2105 not be open to public inspection.

2106 Sec. 53. Section 10-306 of the 2012 supplement to the general statutes
2107 is repealed and the following is substituted in lieu thereof (*Effective July*
2108 *1, 2012*):

2109 The **[**Bureau of Rehabilitative**]** Department of Rehabilitation
2110 Services may maintain a vocational rehabilitation program as
2111 authorized under the Federal Rehabilitation Act of 1973, 29 USC 791 et

2112 seq., for the purpose of providing and coordinating the full scope of
2113 necessary services to assist legally blind recipients of services from the
2114 **[**bureau**]** department to prepare for, enter into and maintain
2115 employment consistent with the purposes of said act.

2116 Sec. 54. Section 10-307 of the 2012 supplement to the general statutes
2117 is repealed and the following is substituted in lieu thereof (*Effective July*
2118 *1, 2012*):

2119 The **[**Bureau of Rehabilitative**]** Department of Rehabilitation
2120 Services is empowered to receive any federal funds made available to
2121 this state under which vocational rehabilitation is provided for a
2122 person whose visual acuity has been impaired and to expend such
2123 funds for the purpose or purposes for which they are made available.
2124 The State Treasurer shall be the custodian of such funds.

2125 Sec. 55. Section 10-308 of the 2012 supplement to the general statutes
2126 is repealed and the following is substituted in lieu thereof (*Effective July*
2127 *1, 2012*):

2128 The **[**Bureau of Rehabilitative**]** Department of Rehabilitation
2129 Services may cooperate, pursuant to agreements, with the federal
2130 government in carrying out the purposes of any federal statutes
2131 pertaining to vocational rehabilitation, and is authorized to adopt such
2132 methods of administration as are found by the federal government to
2133 be necessary for the proper and efficient operation of such agreements
2134 or plans for vocational rehabilitation and to comply with such
2135 conditions as may be necessary to secure the full benefits of such
2136 federal statutes.

2137 Sec. 56. Section 10-308a of the 2012 supplement to the general
2138 statutes is repealed and the following is substituted in lieu thereof
2139 (*Effective July 1, 2012*):

2140 The **[**Bureau of Rehabilitative**]** Department of Rehabilitation
2141 Services shall adopt regulations, in accordance with chapter 54, to

2142 determine the order to be followed in selecting those eligible persons
2143 to whom vocational rehabilitation services will be provided, in
2144 accordance with federal regulations.

2145 Sec. 57. Section 10-309 of the 2012 supplement to the general statutes
2146 is repealed and the following is substituted in lieu thereof (*Effective July*
2147 *1, 2012*):

2148 The **[**Bureau of Rehabilitative**]** Department of Rehabilitation
2149 Services may place in remunerative occupations persons whose
2150 capacity to earn a living has been lost or impaired by lessened visual
2151 acuity and who, in the opinion of the **[**director of the Bureau of
2152 Rehabilitative**]** Commissioner of Rehabilitation Services, are
2153 susceptible of placement, and may make such regulations as are
2154 necessary for the administration of the provisions of sections 10-306 to
2155 10-310, inclusive, as amended by this act.

2156 Sec. 58. Section 10-310 of the 2012 supplement to the general statutes
2157 is repealed and the following is substituted in lieu thereof (*Effective July*
2158 *1, 2012*):

2159 The limitations on expenditures for a blind person provided in this
2160 chapter shall not apply to the expenditures for vocational
2161 rehabilitation of a person of lessened visual acuity as set forth in
2162 sections 10-306 to 10-309, inclusive, as amended by this act, provided
2163 the combined biennial expenditures under this chapter and under said
2164 sections shall not exceed the biennial appropriation to the **[**Bureau of
2165 Rehabilitative**]** Department of Rehabilitation Services by the General
2166 Assembly for the purpose of providing services to persons who are
2167 legally blind or visually impaired.

2168 Sec. 59. Section 10-311a of the 2012 supplement to the general
2169 statutes is repealed and the following is substituted in lieu thereof
2170 (*Effective July 1, 2012*):

2171 The case records of the **[**Bureau of Rehabilitative**]** Department of

2172 Rehabilitation Services maintained for the purposes of this chapter
2173 shall be confidential and the names and addresses of recipients of
2174 assistance under this chapter shall not be published or used for
2175 purposes not directly connected with the administration of this
2176 chapter, except as necessary to carry out the provisions of sections 10-
2177 298, as amended by this act, and 17b-6.

2178 Sec. 60. Subdivision (4) of subsection (a) of section 12-217oo of the
2179 2012 supplement to the general statutes is repealed and the following
2180 is substituted in lieu thereof (*Effective July 1, 2012*):

2181 (4) "New qualifying employee" means a person who (A) is receiving
2182 vocational rehabilitation services from the **[**Bureau of Rehabilitative**]**
2183 Department of Rehabilitation Services, and (B) is hired by the
2184 employer to fill a new job after May 6, 2010, during the employer's
2185 income years commencing on or after January 1, 2010, and prior to
2186 January 1, 2012. A new qualifying employee does not include a person
2187 receiving vocational rehabilitation services pursuant to subparagraph
2188 (A) of this subdivision and who was employed in this state by a related
2189 person with respect to the employer during the prior twelve months;

2190 Sec. 61. Subdivision (7) of subsection (a) of section 12-217pp of the
2191 2012 supplement to the general statutes is repealed and the following
2192 is substituted in lieu thereof (*Effective July 1, 2012*):

2193 (7) "Qualifying employee" means a new employee who, at the time
2194 of hiring by the taxpayer:

2195 (A) (i) Is receiving unemployment compensation, or (ii) has
2196 exhausted unemployment compensation benefits and has not had an
2197 intervening full-time job; or

2198 (B) Is receiving vocational rehabilitation services from the **[**Bureau
2199 of Rehabilitative**]** Department of Rehabilitation Services;

2200 Sec. 62. Subdivision (1) of subsection (e) of section 12-217pp of the
2201 2012 supplement to the general statutes is repealed and the following

2202 is substituted in lieu thereof (*Effective July 1, 2012*):

2203 (e) (1) To be eligible to claim the credit, a taxpayer shall apply to the
2204 commissioner in accordance with the provisions of this section. The
2205 application shall be on a form provided by the commissioner and shall
2206 contain sufficient information as required by the commissioner,
2207 including, but not limited to, the activities that the taxpayer primarily
2208 engages in, the North American Industrial Classification System code
2209 of the taxpayer, the current number of employees employed by the
2210 taxpayer as of the application date, and if applicable, the name and
2211 position or job title of the new, qualifying or veteran employee. The
2212 commissioner shall consult with the Labor Commissioner, the **[**director
2213 of the Bureau of Rehabilitative**]** Commissioner of Rehabilitation
2214 Services or the Commissioner of Veterans' Affairs, as applicable, for
2215 any verification the commissioner deems necessary of unemployment
2216 compensation or vocational rehabilitation services received by a
2217 qualifying employee, or of service in the armed forces of the United
2218 States by a veteran employee. The commissioner may impose a fee for
2219 such application as the commissioner deems appropriate.

2220 Sec. 63. Section 14-11b of the 2012 supplement to the general
2221 statutes, as amended by section 33 of public act 12-81, is repealed and
2222 the following is substituted in lieu thereof (*Effective July 1, 2012*):

2223 (a) There shall be within the **[**Bureau of Rehabilitative**]** Department
2224 of Rehabilitation Services a unit for the purpose of evaluating and
2225 training persons with disabilities in the operation of motor vehicles.
2226 There shall be assigned to the driver training unit for persons with
2227 disabilities such staff as is necessary for the orderly administration of
2228 the driver training program for persons with disabilities. The
2229 personnel assigned to the driver training unit for persons with
2230 disabilities shall, while engaged in the evaluation or instruction of a
2231 person with disabilities, have the authority and immunities with
2232 respect to such activities as are granted under the general statutes to
2233 motor vehicle inspectors. When a person with disabilities has

2234 successfully completed the driver training program for persons with
2235 disabilities, the **[**bureau**]** department shall certify such completion in
2236 writing to the Commissioner of Motor Vehicles and shall recommend
2237 any license restrictions or limitations to be placed on the license of
2238 such person. The Commissioner of Motor Vehicles may accept such
2239 certification in lieu of the driving skills portion of the examination
2240 prescribed under subsection (e) of section 14-36. If such person with
2241 disabilities has met all other requirements for obtaining a license, the
2242 Commissioner of Motor Vehicles shall issue a license with such
2243 restrictions recommended by the **[**bureau**]** department.

2244 (b) Any resident of this state who has a serious physical or mental
2245 disability which does not render the resident incapable of operating a
2246 motor vehicle and who must utilize special equipment in order to
2247 operate a motor vehicle and who cannot obtain instruction in the
2248 operation of a motor vehicle through any alternate program, including,
2249 but not limited to, other state, federal or privately operated drivers'
2250 schools shall be eligible for instruction under the **[**Bureau of
2251 Rehabilitative**]** Department of Rehabilitation Services driver training
2252 program for persons with disabilities.

2253 Sec. 64. Subsection (b) of section 14-253a of the 2012 supplement to
2254 the general statutes is repealed and the following is substituted in lieu
2255 thereof (*Effective July 1, 2012*):

2256 (b) The Commissioner of Motor Vehicles shall accept applications
2257 and renewal applications for removable windshield placards from (1)
2258 any person who is blind, as defined in section 1-1f; (2) any person with
2259 disabilities; (3) any parent or guardian of any person who is blind or
2260 any person with disabilities, if such person is under eighteen years of
2261 age at the time of application; (4) any parent or guardian of any person
2262 who is blind or any person with disabilities, if such person is unable to
2263 request or complete an application; and (5) any organization which
2264 meets criteria established by the commissioner and which certifies to
2265 the commissioner's satisfaction that the vehicle for which a placard is

2266 requested is primarily used to transport persons who are blind or
2267 persons with disabilities. Except as provided in subsection (c) of this
2268 section, on and after October 1, 2011, the commissioner shall not accept
2269 applications for special license plates, but shall accept renewal
2270 applications for such plates that were issued prior to October 1, 2011.
2271 No person shall be issued a placard in accordance with this section
2272 unless such person is the holder of a valid motor vehicle operator's
2273 license, or identification card issued in accordance with the provisions
2274 of section 1-1h. The commissioner is authorized to adopt regulations
2275 for the issuance of placards to persons who, by reason of hardship, do
2276 not hold or cannot obtain an operator's license or identification card.
2277 The commissioner shall maintain a record of each placard issued to
2278 any such person. Such applications and renewal applications shall be
2279 on a form prescribed by the commissioner. In the case of persons with
2280 disabilities, the application and renewal application shall include: (A)
2281 Certification by a licensed physician, a physician assistant, or an
2282 advanced practice registered nurse licensed in accordance with the
2283 provisions of chapter 378, that the applicant is disabled; (B)
2284 certification by a licensed physician, a physician assistant, an advanced
2285 practice registered nurse licensed in accordance with the provisions of
2286 chapter 378, or a member of the driver training unit for persons with
2287 disabilities established pursuant to section 14-11b, as amended by this
2288 act, that the applicant meets the definition of a person with a disability
2289 which limits or impairs the ability to walk, as defined in 23 CFR
2290 Section 1235.2. In the case of persons who are blind, the application or
2291 renewal application shall include certification of legal blindness made
2292 by the [Bureau of Rehabilitative] Department of Rehabilitation
2293 Services, an ophthalmologist or an optometrist. Any person who
2294 makes a certification required by this subsection shall sign the
2295 application or renewal application under penalty of false statement
2296 pursuant to section 53a-157b. The commissioner, in said
2297 commissioner's discretion, may accept the discharge papers of a
2298 disabled veteran, as defined in section 14-254, in lieu of such
2299 certification. The Commissioner of Motor Vehicles may require

2300 additional certification at the time of the original application or at any
2301 time thereafter. If a person who has been requested to submit
2302 additional certification fails to do so within thirty days of the request,
2303 or if such additional certification is deemed by the Commissioner of
2304 Motor Vehicles to be unfavorable to the applicant, the commissioner
2305 may refuse to issue or, if already issued, suspend or revoke such
2306 special license plate or placard. The commissioner shall not issue more
2307 than one placard per applicant. The fee for the issuance of a temporary
2308 removable windshield placard shall be five dollars. Any person whose
2309 application has been denied or whose special license plate or placard
2310 has been suspended or revoked shall be afforded an opportunity for a
2311 hearing in accordance with the provisions of chapter 54.

2312 Sec. 65. Subdivision (9) of section 17a-248 of the 2012 supplement to
2313 the general statutes is repealed and the following is substituted in lieu
2314 thereof (*Effective July 1, 2012*):

2315 (9) "Participating agencies" includes, but is not limited to, the
2316 Departments of Education, Social Services, Public Health, Children
2317 and Families and Developmental Services, the Insurance Department,
2318 the **[**Bureau of Rehabilitative**]** Department of Rehabilitation Services
2319 and the Office of Protection and Advocacy for Persons with
2320 Disabilities.

2321 Sec. 66. Section 17b-612 of the 2012 supplement to the general
2322 statutes is repealed and the following is substituted in lieu thereof
2323 (*Effective July 1, 2012*):

2324 The **[**Bureau of Rehabilitative**]** Department of Rehabilitation
2325 Services shall establish a program to assist disabled public school
2326 students in preparing for and obtaining competitive employment and
2327 to strengthen the linkage between vocational rehabilitation services
2328 and public schools. Under the program, the **[**Bureau of Rehabilitative**]**
2329 Department of Rehabilitation Services shall provide, within the limits
2330 of available appropriations, vocational evaluations and other
2331 appropriate transitional services and shall place vocational

2332 rehabilitation counselors in the following school districts: Hartford,
2333 West Hartford, Norwich, Bloomfield, Wethersfield and other school
2334 districts selected by the [Bureau of Rehabilitative] Department of
2335 Rehabilitation Services. The counselors shall, if requested, assist those
2336 persons planning in-school skill development programs. The
2337 counselors shall, with planning and placement team members, develop
2338 transition plans and individual education and work rehabilitation
2339 plans for disabled students who will no longer be eligible for
2340 continued public school services. Students whose termination date for
2341 receipt of public school services is most immediate shall be given
2342 priority.

2343 Sec. 67. Section 17b-614 of the 2012 supplement to the general
2344 statutes is repealed and the following is substituted in lieu thereof
2345 (*Effective July 1, 2012*):

2346 (a) The [Bureau of Rehabilitative] Department of Rehabilitation
2347 Services shall establish and maintain a state-wide network of centers
2348 for independent living.

2349 (b) Not more than five per cent of the amount appropriated in any
2350 fiscal year for the purposes of this section may be used by the [Bureau
2351 of Rehabilitative] Department of Rehabilitation Services to provide
2352 state-wide administration, evaluation and technical assistance relating
2353 to the implementation of this section.

2354 Sec. 68. Subsection (b) of section 17b-615 of the 2012 supplement to
2355 the general statutes is repealed and the following is substituted in lieu
2356 thereof (*Effective July 1, 2012*):

2357 (b) The council shall meet regularly with the [director of the Bureau
2358 of Rehabilitative] Commissioner of Rehabilitation Services and shall
2359 perform the following duties: (1) Issue an annual report by January
2360 first, with recommendations regarding independent living services
2361 and centers, to the Governor and the chairpersons of the joint standing
2362 committee of the General Assembly having cognizance of matters

2363 relating to human services, and (2) consult with, advise and make
2364 recommendations to the [Bureau of Rehabilitative] Department of
2365 Rehabilitation Services concerning independent living and related
2366 policy, management and budgetary issues.

2367 Sec. 69. Section 17b-650e of the 2012 supplement to the general
2368 statutes is repealed and the following is substituted in lieu thereof
2369 (*Effective July 1, 2012*):

2370 The [Bureau of Rehabilitative] Department of Rehabilitation
2371 Services may provide necessary services to deaf and hearing impaired
2372 persons, including, but not limited to, nonreimbursable interpreter
2373 services and message relay services for persons using
2374 telecommunication devices for the deaf.

2375 Sec. 70. Section 17b-651a of the 2012 supplement to the general
2376 statutes is repealed and the following is substituted in lieu thereof
2377 (*Effective July 1, 2012*):

2378 The [director of the Bureau of Rehabilitative] Commissioner of
2379 Rehabilitation Services shall inquire into the criminal history of any
2380 applicant, who is not at the time of application employed by the
2381 [Bureau of Rehabilitative] Department of Rehabilitation Services, for a
2382 position of employment with the [bureau's] department's disability
2383 determination services unit. Such inquiry shall be conducted in
2384 accordance with the provisions of section 31-51i. The [director]
2385 commissioner shall require each such applicant to state whether the
2386 applicant has ever been convicted of a crime, whether criminal charges
2387 are pending against the applicant at the time of application, and, if so,
2388 to identify the charges and court in which such charges are pending.
2389 Each such applicant offered a position of employment with the
2390 [bureau's] department's disability determination services unit shall be
2391 required to submit to fingerprinting and state and national criminal
2392 history records checks, as provided in section 29-17a.

2393 Sec. 71. Section 17b-653 of the 2012 supplement to the general

2394 statutes is repealed and the following is substituted in lieu thereof
2395 (*Effective July 1, 2012*):

2396 (a) Vocational rehabilitation services shall be provided, with or
2397 without public cost, directly or through public or private
2398 instrumentalities, as part of an individual plan for employment for a
2399 person with disabilities determined to be eligible by the **[**Bureau of
2400 Rehabilitative**]** Department of Rehabilitation Services, in accordance
2401 with Title I of the Rehabilitation Act, 29 USC 701 et seq., as amended
2402 from time to time. Nothing in this section shall be construed to mean
2403 that an individual's ability or inability to share in the cost of vocational
2404 **[**rehabilitative**]** rehabilitation services may be taken into account
2405 during the determination of eligibility for such services.

2406 (b) If vocational rehabilitation services cannot be provided for all
2407 eligible persons with disabilities who apply for such services, the
2408 **[**Bureau of Rehabilitative**]** Department of Rehabilitation Services shall
2409 determine, in accordance with Title I of the Rehabilitation Act of 1973,
2410 29 USC 701 et seq., and federal regulations, as amended from time to
2411 time, the order to be followed in selecting those to whom such services
2412 will be provided.

2413 (c) Nothing in section 17b-650 or subsection (a) of this section shall
2414 be construed to preclude provision of vocational rehabilitation
2415 services, with or without public cost, to a person with a disability
2416 under an extended evaluation for a total period not in excess of
2417 eighteen months, in accordance with Title I of the Rehabilitation Act of
2418 1973, 29 USC 701 et seq., as amended from time to time.

2419 (d) The **[**director of the Bureau of Rehabilitative**]** Commissioner of
2420 Rehabilitation Services may adopt regulations in accordance with the
2421 provisions of chapter 54 to establish standards and procedures
2422 governing the provision of vocational rehabilitation services and,
2423 where appropriate, a means test to determine, based upon the financial
2424 need of each eligible person with disabilities, the extent to which such
2425 services will be provided at public cost. Any funds received by the

2426 [bureau] Department of Rehabilitation Services from individuals or
2427 third parties for the provision of vocational rehabilitation services shall
2428 be used by the [bureau] department to provide such services. The
2429 regulations may also prescribe the procedures to be used when
2430 payment is made by individuals required to contribute to the cost of
2431 vocational rehabilitation services. Regulations developed to implement
2432 a means test shall include, but not be limited to: (1) An exemption for
2433 any individual with an income of less than one hundred per cent of the
2434 state median income and assets which are less than five thousand
2435 dollars; (2) an exemption for services covered in an individual plan for
2436 employment in effect at the time of implementation of the means test;
2437 (3) an exclusion from an individual's income of the costs of necessary
2438 and reasonable disability-related expenses including, but not limited
2439 to, personal attendant services and medications for which payment is
2440 unavailable to the individual through other benefits or resources; (4)
2441 an exclusion from the individual's assets of the value of the
2442 individual's primary residence and motor vehicle; (5) a method by
2443 which the [director of the Bureau of Rehabilitative] Commissioner of
2444 Rehabilitation Services may reduce the level of required contributions
2445 by an individual in the case of undue hardship; and (6) a requirement
2446 that [such bureau] the Department of Rehabilitation Services notify an
2447 individual of the results of the means test analysis within thirty days of
2448 receipt of necessary financial information from the individual. Such
2449 means test shall not apply to services covered under a determination of
2450 financial need made by an institution of higher education. The [Bureau
2451 of Rehabilitative] Department of Rehabilitation Services shall develop
2452 the regulations in consultation with representatives of providers of
2453 vocational rehabilitation services and recipients of such services or
2454 their representatives.

2455 Sec. 72. Section 17b-654 of the 2012 supplement to the general
2456 statutes is repealed and the following is substituted in lieu thereof
2457 (*Effective July 1, 2012*):

2458 (a) Any applicant for or recipient of vocational rehabilitation

2459 services may request an informal review of any decision made by the
2460 [bureau] Department of Rehabilitation Services pursuant to section
2461 17b-653, as amended by this act.

2462 (b) Regardless of whether a person requests an informal review
2463 under subsection (a) of this section, any applicant for or recipient of
2464 vocational rehabilitation services who is aggrieved by a decision made
2465 by the [Bureau of Rehabilitative] Department of Rehabilitation Services
2466 pursuant to section 17b-653, as amended by this act, may request an
2467 administrative hearing, by making written request to the [director of
2468 the Bureau of Rehabilitative] Commissioner of Rehabilitation Services.

2469 (c) An individual who is aggrieved by a final agency decision made
2470 pursuant to subsection (b) of this section may appeal therefrom in
2471 accordance with section 4-183. Such appeals shall be privileged cases
2472 to be heard by the court as soon after the return day as shall be
2473 practicable.

2474 Sec. 73. Section 17b-655 of the 2012 supplement to the general
2475 statutes is repealed and the following is substituted in lieu thereof
2476 (*Effective July 1, 2012*):

2477 (a) In carrying out sections 17b-650 to 17b-665, inclusive, as
2478 amended by this act, the [Bureau of Rehabilitative] Department of
2479 Rehabilitation Services shall cooperate with other departments,
2480 agencies and institutions, both public and private, in providing for the
2481 vocational rehabilitation of persons with disabilities, in studying the
2482 problems involved therein and in establishing, developing and
2483 providing such programs, facilities and services as it deems necessary
2484 or desirable. Notwithstanding any other [provisions] provision of the
2485 general statutes, [to the contrary, the Bureau of Rehabilitative] the
2486 Department of Rehabilitation Services shall not be required to pay that
2487 portion of the cost of a program of postsecondary education or training
2488 which is properly designated as expected parental or family
2489 contribution in accordance with state and federal law regarding
2490 eligibility for student financial aid.

2491 (b) Subject to the approval of all real estate acquisitions by the
2492 Commissioner of Administrative Services and the State Properties
2493 Review Board, in carrying out said sections, the [Bureau of
2494 Rehabilitative] Department of Rehabilitation Services may (1)
2495 establish, operate, foster and promote the establishment of
2496 rehabilitation facilities and make grants to public and other nonprofit
2497 and nonsectarian organizations for such purposes; (2) assist persons
2498 with severe disabilities to establish and operate small businesses; and
2499 (3) make studies, investigations, demonstrations and reports, and
2500 provide training and instruction, including the establishment and
2501 maintenance of such research fellowships and traineeships with such
2502 stipends and allowances as may be deemed necessary, in matters
2503 relating to vocational rehabilitation.

2504 (c) The [director of the Bureau of Rehabilitative] Commissioner of
2505 Rehabilitation Services shall develop and maintain a program of public
2506 education and information. The program shall include, but not be
2507 limited to, education of the public concerning services available from
2508 the [Bureau of Rehabilitative] Department of Rehabilitation Services,
2509 its policies and goals, an outreach effort to discover persons with
2510 disabilities, including such persons who are minorities as defined in
2511 subsection (a) of section 32-9n, who may benefit from the services it
2512 offers and the dissemination of printed materials to persons at their
2513 initial meeting with staff of the [bureau] department, including a
2514 statement of such person's rights. Each state agency providing services
2515 to persons with disabilities shall furnish to each person applying for
2516 such services, at the time of initial application, a written summary of
2517 all state programs for persons with disabilities. Such summary shall be
2518 developed by the Department of Social Services as the lead agency for
2519 services to persons with disabilities pursuant to section 17b-606. The
2520 Department of Social Services shall distribute sufficient copies of the
2521 summary to all state agencies providing services to persons with
2522 disabilities in order that such copies may be furnished in accordance
2523 with this subsection.

2524 Sec. 74. Section 17b-656 of the 2012 supplement to the general
2525 statutes is repealed and the following is substituted in lieu thereof
2526 (*Effective July 1, 2012*):

2527 Whenever any products made or manufactured by or services
2528 provided by persons with disabilities through community
2529 rehabilitation programs described in subsection (b) of section 17b-655,
2530 as amended by this act, or in any workshop established, operated or
2531 funded by nonprofit and nonsectarian organizations for the purpose of
2532 providing persons with disabilities training and employment suited to
2533 their abilities meet the requirements of any department, institution or
2534 agency supported in whole or in part by the state as to quantity,
2535 quality and price such products shall have preference over products or
2536 services from other providers, except (1) articles produced or
2537 manufactured by Department of Correction industries as provided in
2538 section 18-88, (2) emergency purchases made under section 4-98, and
2539 (3) janitorial services provided by a qualified partnership, pursuant to
2540 the provisions of subsections (b) to (e), inclusive, of section 4a-82, as
2541 amended by this act. All departments, institutions and agencies
2542 supported in whole or in part by the state shall purchase such articles
2543 made or manufactured and services provided by persons with
2544 disabilities from the [Bureau of Rehabilitative] Department of
2545 Rehabilitation Services. Any political subdivision of the state may
2546 purchase such articles and services through the [Bureau of
2547 Rehabilitative] Department of Rehabilitation Services. A list describing
2548 styles, designs, sizes and varieties of all such articles made by persons
2549 with disabilities and describing all available services provided by such
2550 persons shall be prepared by the Connecticut Community Providers
2551 Association.

2552 Sec. 75. Section 17b-657 of the 2012 supplement to the general
2553 statutes is repealed and the following is substituted in lieu thereof
2554 (*Effective July 1, 2012*):

2555 The [Bureau of Rehabilitative] Department of Rehabilitation

2556 Services is authorized to provide such medical, diagnostic, physical
2557 restoration, training and other rehabilitation services as may be needed
2558 to enable persons with disabilities to attain the maximum degree of
2559 self care. The powers herein delegated and authorized to the [Bureau
2560 of Rehabilitative] Department of Rehabilitation Services shall be in
2561 addition to those authorized by any other law and shall become
2562 effective upon authorization of federal grant-in-aid funds for
2563 participation in the cost of independent living rehabilitation services
2564 for persons with disabilities. The [Bureau of Rehabilitative]
2565 Department of Rehabilitation Services shall be authorized to cooperate
2566 with whatever federal agency is directed to administer the federal
2567 aspects of such program and to comply with such requirements and
2568 conditions as may be established for the receipt and disbursement of
2569 federal grant-in-aid funds which may be made available to the state of
2570 Connecticut in carrying out such program.

2571 Sec. 76. Section 17b-658 of the 2012 supplement to the general
2572 statutes is repealed and the following is substituted in lieu thereof
2573 (*Effective July 1, 2012*):

2574 The [Bureau of Rehabilitative] Department of Rehabilitation
2575 Services is authorized to cooperate with the federal government in
2576 carrying out the purposes of any federal statutes pertaining to
2577 vocational rehabilitation, to adopt such methods of administration as it
2578 finds necessary for the proper and efficient operation of agreements or
2579 plans for vocational rehabilitation and to comply with such conditions
2580 as may be necessary to secure the full benefits of such federal statutes
2581 to this state.

2582 Sec. 77. Section 17b-659 of the 2012 supplement to the general
2583 statutes is repealed and the following is substituted in lieu thereof
2584 (*Effective July 1, 2012*):

2585 The State Treasurer is designated as the custodian of all funds
2586 received from the federal government for the purpose of carrying out
2587 any federal statutes pertaining to vocational rehabilitation or any

2588 agreements authorized by sections 17b-650 to 17b-663, inclusive, and
2589 shall make disbursements from such funds and from all state funds
2590 available for vocational rehabilitation purposes upon certification by
2591 the [director of the Bureau of Rehabilitative] Commissioner of
2592 Rehabilitation Services.

2593 Sec. 78. Section 17b-660 of the 2012 supplement to the general
2594 statutes is repealed and the following is substituted in lieu thereof
2595 (*Effective July 1, 2012*):

2596 The [director of the Bureau of Rehabilitative] Commissioner of
2597 Rehabilitation Services is authorized to accept and use gifts made
2598 unconditionally by will or otherwise for carrying out the purposes of
2599 the general statutes concerning the [Bureau of Rehabilitative]
2600 Department of Rehabilitation Services. Gifts made under such
2601 conditions as in the judgment of the [director of the Bureau of
2602 Rehabilitative] Commissioner of Rehabilitation Services are proper and
2603 consistent with the provisions of said sections may be so accepted and
2604 shall be held, invested, reinvested and used in accordance with the
2605 conditions of the gift.

2606 Sec. 79. Section 17b-661 of the 2012 supplement to the general
2607 statutes is repealed and the following is substituted in lieu thereof
2608 (*Effective July 1, 2012*):

2609 Notwithstanding any other provision of the general statutes, the
2610 [Bureau of Rehabilitative] Department of Rehabilitation Services may,
2611 within the limits of appropriations, purchase (1) wheelchairs and
2612 placement equipment directly and without the issuance of a purchase
2613 order, provided such purchases shall not be in excess of three
2614 thousand five hundred dollars per unit purchased, and (2) adaptive
2615 equipment and modified vehicles for persons with disabilities directly
2616 and without the issuance of a purchase order, provided such
2617 purchases of adaptive equipment shall not be in excess of ten thousand
2618 dollars per unit purchased and such purchases of modified vehicles
2619 shall not be in excess of twenty-five thousand dollars per vehicle. All

2620 such purchases shall be made in the open market, but shall, when
2621 possible, be based on at least three competitive bids. Such bids shall be
2622 solicited by sending notice to prospective suppliers and by posting
2623 notice on [a public bulletin board within the Bureau of Rehabilitative]
2624 the Internet web site of the Department of Rehabilitation Services. Each
2625 bid shall be opened publicly at the time stated in the notice soliciting
2626 such bid. Acceptance of a bid by the [Bureau of Rehabilitative]
2627 Department of Rehabilitation Services shall be based on standard
2628 specifications as may be adopted by said [bureau] department.

2629 Sec. 80. Section 17b-665 of the 2012 supplement to the general
2630 statutes is repealed and the following is substituted in lieu thereof
2631 (*Effective July 1, 2012*):

2632 On July 1, 2011, and annually thereafter, the [Bureau of
2633 Rehabilitative] Department of Rehabilitation Services shall submit, in
2634 accordance with the provisions of section 11-4a, to the joint standing
2635 committees of the General Assembly having cognizance of matters
2636 relating to human services and appropriations and the budgets of state
2637 agencies the data the [bureau] department provides to the federal
2638 government that relates to the evaluation standards and performance
2639 indicators for the vocational rehabilitation services program.

2640 Sec. 81. Section 17b-666 of the 2012 supplement to the general
2641 statutes is repealed and the following is substituted in lieu thereof
2642 (*Effective July 1, 2012*):

2643 (a) The [Bureau of Rehabilitative] Department of Rehabilitation
2644 Services may receive state and federal funds to administer, within
2645 available appropriations, an employment opportunities program to
2646 serve individuals with the most significant disabilities who do not
2647 meet the eligibility requirements of supported employment programs
2648 administered by the Departments of Developmental Services and
2649 Mental Health and Addiction Services. For the purposes of this section,
2650 "individuals with the most significant disabilities" means those
2651 individuals who (1) have serious employment limitations in a total of

2652 three or more functional areas including, but not limited to, mobility,
2653 communication, self-care, interpersonal skills, work tolerance or work
2654 skills, or (2) will require significant ongoing disability-related services
2655 on the job in order to maintain employment.

2656 (b) The employment opportunities program shall provide extended
2657 services, as defined in 34 CFR 361.5(b)(19), that are necessary for
2658 individuals with the most significant disabilities to maintain supported
2659 employment. Such services shall include coaching and other related
2660 services that allow participants to obtain and maintain employment
2661 and maximize economic self-sufficiency.

2662 (c) The **[**Bureau of Rehabilitative**]** Department of Rehabilitation
2663 Services shall adopt regulations, in accordance with chapter 54, to
2664 implement the provisions of this section.

2665 Sec. 82. Section 26-29 of the 2012 supplement to the general statutes
2666 is repealed and the following is substituted in lieu thereof (*Effective July*
2667 *1, 2012*):

2668 No fee shall be charged for any sport fishing license issued under
2669 this chapter to any blind person, and such license shall be a lifetime
2670 license not subject to the expiration provisions of section 26-35. Proof
2671 of such blindness shall be furnished, in the case of a veteran, by the
2672 United States Veterans' Administration and, in the case of any other
2673 person, by the **[**Bureau of Rehabilitative**]** Department of Rehabilitation
2674 Services. For the purpose of this section, a person shall be blind only if
2675 his central visual acuity does not exceed 20/200 in the better eye with
2676 correcting lenses, or if his visual acuity is greater than 20/200 but is
2677 accompanied by a limitation in the fields of vision such that the widest
2678 diameter of the visual field subtends an angle no greater than twenty
2679 degrees.

2680 Sec. 83. Subsection (d) of section 31-280 of the 2012 supplement to
2681 the general statutes is repealed and the following is substituted in lieu
2682 thereof (*Effective July 1, 2012*):

2683 (d) The chairman and the Comptroller, as soon as practicable after
2684 August first in each year, shall ascertain the total amount of expenses
2685 incurred by the commission, including, in addition to the direct cost of
2686 personnel services, the cost of maintenance and operation, rentals for
2687 space occupied in state leased offices and all other direct and indirect
2688 costs, incurred by the commission and the expenses incurred by the
2689 [Bureau of Rehabilitative] Department of Rehabilitation Services in
2690 providing rehabilitation services for employees suffering compensable
2691 injuries in accordance with the provisions of section 31-283a, as
2692 amended by this act, during the preceding fiscal year in connection
2693 with the administration of the Workers' Compensation Act and the
2694 total noncontributory payments required to be made to the Treasurer
2695 towards commissioners' retirement salaries as provided in sections 51-
2696 49, 51-50, 51-50a and 51-50b. An itemized statement of the expenses as
2697 so ascertained shall be available for public inspection in the office of
2698 the chairman of the Workers' Compensation Commission for thirty
2699 days after notice to all insurance carriers, and to all employers
2700 permitted to pay compensation directly affected thereby.

2701 Sec. 84. Section 31-283a of the 2012 supplement to the general
2702 statutes is repealed and the following is substituted in lieu thereof
2703 (*Effective July 1, 2012*):

2704 (a) The [Bureau of Rehabilitative] Department of Rehabilitation
2705 Services shall provide rehabilitation programs for employees suffering
2706 compensable injuries within the provisions of this chapter, which
2707 injuries disabled them from performing their customary or most recent
2708 work. The [director of the Bureau of Rehabilitative] Commissioner of
2709 Rehabilitation Services shall establish rehabilitation programs which
2710 shall best suit the needs of injured employees and shall make the
2711 programs available in convenient locations throughout the state. After
2712 consultation with the Labor Commissioner, the [director]
2713 Commissioner of Rehabilitation Services may establish fees for the
2714 programs, so as to provide the most effective rehabilitation programs
2715 at a minimum rate. In order to carry out the provisions of this section,

2716 the [director] Commissioner of Rehabilitation Services shall adopt
2717 regulations, in accordance with the provisions of chapter 54, and,
2718 subject to the provisions of chapter 67, provide for the employment of
2719 necessary assistants.

2720 (b) The [director of the Bureau of Rehabilitative] Commissioner of
2721 Rehabilitation Services shall be authorized to (1) enter into agreements
2722 with other state or federal agencies to carry out the purposes of this
2723 section and expend money for that purpose, and (2) on behalf of the
2724 state of Connecticut, develop matching programs or activities to secure
2725 federal grants or funds for the purposes of this section and may pledge
2726 or use funds supplied from the administrative costs fund, as provided
2727 in section 31-345, as amended by this act, to finance the state's share of
2728 the programs or activities.

2729 Sec. 85. Subsection (a) of section 31-296 of the 2012 supplement to
2730 the general statutes is repealed and the following is substituted in lieu
2731 thereof (*Effective July 1, 2012*):

2732 (a) If an employer and an injured employee, or in case of fatal injury
2733 the employee's legal representative or dependent, at a date not earlier
2734 than the expiration of the waiting period, reach an agreement in regard
2735 to compensation, such agreement shall be submitted in writing to the
2736 commissioner by the employer with a statement of the time, place and
2737 nature of the injury upon which it is based; and, if such commissioner
2738 finds such agreement to conform to the provisions of this chapter in
2739 every regard, the commissioner shall so approve it. A copy of the
2740 agreement, with a statement of the commissioner's approval, shall be
2741 delivered to each of the parties and thereafter it shall be as binding
2742 upon both parties as an award by the commissioner. The
2743 commissioner's statement of approval shall also inform the employee
2744 or the employee's dependent, as the case may be, of any rights the
2745 individual may have to an annual cost-of-living adjustment or to
2746 participate in a rehabilitation program administered by the [Bureau of
2747 Rehabilitative] Department of Rehabilitation Services under the

2748 provisions of this chapter. The commissioner shall retain the original
2749 agreement, with the commissioner's approval thereof, in the
2750 commissioner's office and, if an application is made to the superior
2751 court for an execution, the commissioner shall, upon the request of
2752 said court, file in the court a certified copy of the agreement and
2753 statement of approval.

2754 Sec. 86. Section 31-300 of the 2012 supplement to the general statutes
2755 is repealed and the following is substituted in lieu thereof (*Effective July*
2756 *1, 2012*):

2757 As soon as may be after the conclusion of any hearing, but no later
2758 than one hundred twenty days after such conclusion, the
2759 commissioner shall send to each party a written copy of the
2760 commissioner's findings and award. The commissioner shall, as part of
2761 the written award, inform the employee or the employee's dependent,
2762 as the case may be, of any rights the individual may have to an annual
2763 cost-of-living adjustment or to participate in a rehabilitation program
2764 administered by the **[**Bureau of Rehabilitative**]** Department of
2765 Rehabilitation Services under the provisions of this chapter. The
2766 commissioner shall retain the original findings and award in said
2767 commissioner's office. If no appeal from the decision is taken by either
2768 party within twenty days thereafter, such award shall be final and may
2769 be enforced in the same manner as a judgment of the Superior Court.
2770 The court may issue execution upon any uncontested or final award of
2771 a commissioner in the same manner as in cases of judgments rendered
2772 in the Superior Court; and, upon the filing of an application to the
2773 court for an execution, the commissioner in whose office the award is
2774 on file shall, upon the request of the clerk of said court, send to the
2775 clerk a certified copy of such findings and award. In cases where,
2776 through the fault or neglect of the employer or insurer, adjustments of
2777 compensation have been unduly delayed, or where through such fault
2778 or neglect, payments have been unduly delayed, the commissioner
2779 may include in the award interest at the rate prescribed in section 37-
2780 3a and a reasonable attorney's fee in the case of undue delay in

2781 adjustments of compensation and may include in the award in the case
2782 of undue delay in payments of compensation, interest at twelve per
2783 cent per annum and a reasonable attorney's fee. Payments not
2784 commenced within thirty-five days after the filing of a written notice of
2785 claim shall be presumed to be unduly delayed unless a notice to
2786 contest the claim is filed in accordance with section 31-297. In cases
2787 where there has been delay in either adjustment or payment, which
2788 delay has not been due to the fault or neglect of the employer or
2789 insurer, whether such delay was caused by appeals or otherwise, the
2790 commissioner may allow interest at such rate, not to exceed the rate
2791 prescribed in section 37-3a, as may be fair and reasonable, taking into
2792 account whatever advantage the employer or insurer, as the case may
2793 be, may have had from the use of the money, the burden of showing
2794 that the rate in such case should be less than the rate prescribed in
2795 section 37-3a to be upon the employer or insurer. In cases where the
2796 claimant prevails and the commissioner finds that the employer or
2797 insurer has unreasonably contested liability, the commissioner may
2798 allow to the claimant a reasonable attorney's fee. No employer or
2799 insurer shall discontinue or reduce payment on account of total or
2800 partial incapacity under any such award, if it is claimed by or on
2801 behalf of the injured person that such person's incapacity still
2802 continues, unless such employer or insurer notifies the commissioner
2803 and the employee of such proposed discontinuance or reduction in the
2804 manner prescribed in section 31-296, as amended by this act, and the
2805 commissioner specifically approves such discontinuance or reduction
2806 in writing. The commissioner shall render the decision within fourteen
2807 days of receipt of such notice and shall forward to all parties to the
2808 claim a copy of the decision not later than seven days after the decision
2809 has been rendered. If the decision of the commissioner finds for the
2810 employer or insurer, the injured person shall return any wrongful
2811 payments received from the day designated by the commissioner as
2812 the effective date for the discontinuance or reduction of benefits. Any
2813 employee whose benefits for total incapacity are discontinued under
2814 the provisions of this section and who is entitled to receive benefits for

2815 partial incapacity as a result of an award, shall receive those benefits
2816 commencing the day following the designated effective date for the
2817 discontinuance of benefits for total incapacity. In any case where the
2818 commissioner finds that the employer or insurer has discontinued or
2819 reduced any such payment without having given such notice and
2820 without the commissioner having approved such discontinuance or
2821 reduction in writing, the commissioner shall allow the claimant a
2822 reasonable attorney's fee together with interest at the rate prescribed in
2823 section 37-3a on the discontinued or reduced payments.

2824 Sec. 87. Subdivision (2) of subsection (b) of section 31-345 of the 2012
2825 supplement to the general statutes is repealed and the following is
2826 substituted in lieu thereof (*Effective July 1, 2012*):

2827 (2) The chairman of the Workers' Compensation Commission shall
2828 annually, on or after July first of each fiscal year, determine an amount
2829 sufficient in the chairman's judgment to meet the expenses incurred by
2830 the Workers' Compensation Commission and the **[**Bureau of
2831 Rehabilitative**]** Department of Rehabilitation Services in providing
2832 rehabilitation services for employees suffering compensable injuries in
2833 accordance with section 31-283a, as amended by this act. Such
2834 expenses shall include (A) the costs of the Division of Workers'
2835 Rehabilitation and the programs established by its director, for fiscal
2836 years prior to the fiscal year beginning July 1, 2011, (B) the costs of the
2837 Division of Worker Education and the programs established by its
2838 director, and (C) funding for the occupational health clinic program
2839 created pursuant to sections 31-396 to 31-402, inclusive. The Treasurer
2840 shall thereupon assess upon and collect from each employer, other
2841 than the state and any municipality participating for purposes of its
2842 liability under this chapter as a member in an interlocal risk
2843 management agency pursuant to chapter 113a, the proportion of such
2844 expenses, based on the immediately preceding fiscal year, that the total
2845 compensation and payment for hospital, medical and nursing care
2846 made by such self-insured employer or private insurance carrier acting
2847 on behalf of any such employer bore to the total compensation and

2848 payments for the immediately preceding fiscal year for hospital,
2849 medical and nursing care made by such insurance carriers and
2850 self-insurers. For the fiscal years ending June 30, 2000, and June 30,
2851 2001, such assessments shall not exceed five per cent of such total
2852 compensation and payments made by such insurance carriers and self-
2853 insurers. For the fiscal years ending June 30, 2002, and June 30, 2003,
2854 such assessments shall not exceed four and one-half per cent of such
2855 total compensation and payments made by such insurance carriers and
2856 self-insurers. For any fiscal year ending on or after June 30, 2004, such
2857 assessment shall not exceed four per cent of such total compensation
2858 and payments made by such insurance carriers and self-insurers. Such
2859 assessments and expenses shall not exceed the budget estimates
2860 submitted in accordance with subsection (c) of section 31-280. For each
2861 fiscal year, such assessment shall be reduced pro rata by the amount of
2862 any surplus from the assessments of prior fiscal years. Said surplus
2863 shall be determined in accordance with subdivision (3) of this
2864 subsection. Such assessments shall be made in one annual assessment
2865 upon receipt of the chairman's expense determination by the
2866 Treasurer. All assessments shall be paid not later than sixty days
2867 following the date of the assessment by the Treasurer. Any employer
2868 who fails to pay such assessment to the Treasurer within the time
2869 prescribed by this subdivision shall pay interest to the Treasurer on the
2870 assessment at the rate of eight per cent per annum from the date the
2871 assessment is due until the date of payment. All assessments received
2872 by the Treasurer pursuant to this subdivision to meet the expenses of
2873 the Workers' Compensation Commission shall be deposited in the
2874 Workers' Compensation Administration Fund established under
2875 section 31-344a. All assessments received by the Treasurer pursuant to
2876 this subdivision to meet the expenses incurred by the **[**Bureau of
2877 Rehabilitative**]** Department of Rehabilitation Services in providing
2878 rehabilitation services for employees suffering compensable injuries in
2879 accordance with section 31-283a, as amended by this act, shall be
2880 deposited in the Workers' Compensation Administration Fund. The
2881 Treasurer is hereby authorized to make credits or rebates for

2882 overpayments made under this subsection by any employer for any
2883 fiscal year.

2884 Sec. 88. Subsection (a) of section 31-349b of the 2012 supplement to
2885 the general statutes is repealed and the following is substituted in lieu
2886 thereof (*Effective July 1, 2012*):

2887 (a) Any employee who has suffered a compensable injury under the
2888 provisions of this chapter, and who is receiving benefits for such injury
2889 from the Second Injury Fund pursuant to the provisions of section 31-
2890 349, may file a written request with the commissioner in the district
2891 where the original claim was filed for a hearing to determine whether
2892 the employee's injury constitutes a permanent vocational disability.
2893 The hearing shall be held within sixty days of the date the request was
2894 filed. Upon the request of the commissioner and prior to the
2895 conclusion of such hearing, the **[**director of the Bureau of
2896 Rehabilitative**]** Commissioner of Rehabilitation Services shall, after
2897 receiving such information on the case which the commissioner deems
2898 necessary, submit written recommendations concerning the case to the
2899 commissioner for his consideration. The commissioner shall issue his
2900 decision, in writing, within ten days after the conclusion of the
2901 hearing. If the commissioner determines that the employee's injury is a
2902 permanent vocational disability, the employee shall be issued a
2903 certificate of disability by the commissioner. Such certificate shall be
2904 effective for a stated period of time of from one to five years, as
2905 determined by the commissioner. The decision of the commissioner
2906 may be appealed in accordance with the provisions of section 31-301.

2907 Sec. 89. Section 46a-27 of the 2012 supplement to the general statutes
2908 is repealed and the following is substituted in lieu thereof (*Effective July*
2909 *1, 2012*):

2910 The Commission on the Deaf and Hearing Impaired is hereby
2911 created to advocate, strengthen and advise the **[**Bureau of
2912 Rehabilitative**]** Department of Rehabilitation Services concerning state
2913 policies affecting deaf and hearing impaired individuals and their

2914 relationship to the public, industry, health care and educational
2915 opportunity.

2916 Sec. 90. Subsection (a) of section 46a-29 of the 2012 supplement to
2917 the general statutes is repealed and the following is substituted in lieu
2918 thereof (*Effective July 1, 2012*):

2919 (a) The **[**director of the Bureau of Rehabilitative**]** Commissioner of
2920 Rehabilitation Services may request and shall receive from any
2921 department, division, board, bureau, commission or agency of the state
2922 or of any political subdivision thereof such assistance and data as will
2923 enable the **[**Bureau of Rehabilitative**]** Department of Rehabilitation
2924 Services to properly carry out its activities under sections 17b-650e, as
2925 amended by this act, and 46a-30 to 46a-33b, inclusive, as amended by
2926 this act, and to effectuate the purposes therein set forth.

2927 Sec. 91. Section 46a-30 of the 2012 supplement to the general statutes
2928 is repealed and the following is substituted in lieu thereof (*Effective July*
2929 *1, 2012*):

2930 (a) The **[**director of the Bureau of Rehabilitative**]** Commissioner of
2931 Rehabilitation Services may receive moneys from any source,
2932 including gifts, grants, bequests and reimbursements which moneys
2933 may be expended for the purposes designated by the donor or to
2934 effectuate the provisions of sections 17b-650e, as amended by this act,
2935 and 46a-29 to 46a-33b, inclusive, as amended by this act.

2936 (b) The **[**director of the Bureau of Rehabilitative**]** Commissioner of
2937 Rehabilitation Services is empowered to expend its appropriation and
2938 receipts to initiate and support the provisions of said sections by
2939 contract or other arrangement and to contract for and engage
2940 consultants.

2941 Sec. 92. Section 46a-32 of the 2012 supplement to the general statutes
2942 is repealed and the following is substituted in lieu thereof (*Effective July*
2943 *1, 2012*):

2944 The [director of the Bureau of Rehabilitative] Commissioner of
2945 Rehabilitation Services shall make an annual report to the Governor
2946 and General Assembly which shall include recommendations for
2947 needed programs to effectuate the provisions of sections 17b-650e, as
2948 amended by this act, and 46a-29 to 46a-33b, inclusive, as amended by
2949 this act. When advisable, the [director] commissioner may make an
2950 interim report to the Governor and the General Assembly with
2951 recommendations, in order to afford opportunity for immediate action
2952 to be taken thereon.

2953 Sec. 93. Section 46a-33a of the 2012 supplement to the general
2954 statutes is repealed and the following is substituted in lieu thereof
2955 (*Effective July 1, 2012*):

2956 (a) For the purposes of this section:

2957 (1) "Interpreting" means the translating or transliterating of English
2958 concepts to a language concept used by a person who is deaf or hard of
2959 hearing or means the translating of a deaf or hard of hearing person's
2960 language concept to English concepts. Language concepts include, but
2961 are not limited to, the use of American Sign Language, English-based
2962 sign language, cued speech, oral transliterating and information
2963 received tactually;

2964 (2) "Legal setting" means any criminal or civil action involving a
2965 court of competent jurisdiction, any investigation conducted by a duly
2966 authorized law enforcement agency, employment related hearings and
2967 appointments requiring the presence of an attorney;

2968 (3) "Medical setting" means medical related situations including
2969 mental health treatment, psychological evaluations, substance abuse
2970 treatment, crisis intervention and appointments or treatment requiring
2971 the presence of a doctor, nurse or other health care professional; and

2972 (4) "Educational setting" means a school or other educational
2973 institution, including elementary, high school and post-graduation

2974 schools where interpretive services are provided to a student.

2975 (b) All persons providing interpreting services shall register,
2976 annually, with the [Bureau of Rehabilitative] Department of
2977 Rehabilitation Services. Such registration shall be on a form prescribed
2978 or furnished by the [director of the Bureau of Rehabilitative]
2979 Commissioner of Rehabilitation Services and shall include the
2980 registrant's name, address, phone number, place of employment as
2981 interpreter and interpreter certification or credentials. The [bureau]
2982 department shall issue identification cards for those who register in
2983 accordance with this section.

2984 (c) No person shall provide interpreting services unless such person
2985 is registered with the [Bureau of Rehabilitative] Department of
2986 Rehabilitation Services according to the provisions of this section and
2987 (1) has passed the National Registry of Interpreters for the Deaf written
2988 generalist test or the National Association of the Deaf-National
2989 Registry of Interpreters for the Deaf certification knowledge
2990 examination, holds a level three certification provided by the National
2991 Association of the Deaf, documents the achievement of two continuing
2992 education units per year for a maximum of five years of training
2993 approved by the [director of the Bureau of Rehabilitative]
2994 Commissioner of Rehabilitation Services, and on or before the fifth
2995 anniversary of having passed the National Registry of Interpreters for
2996 the Deaf written generalist test or the National Association of the Deaf-
2997 National Registry of Interpreters for the Deaf certification knowledge
2998 examination, has passed the National Registry of Interpreters for the
2999 Deaf performance examination or the National Association of the
3000 Deaf-National Registry of Interpreters for the Deaf national interpreter
3001 certification examination, (2) has passed the National Registry of
3002 Interpreters for the Deaf written generalist test or the National
3003 Association of the Deaf-National Registry of Interpreters for the Deaf
3004 certification knowledge examination and is a graduate of an accredited
3005 interpreter training program and documents the achievement of two
3006 continuing education units per year for a maximum of five years of

3007 training approved by the [director] commissioner, and on or before the
3008 fifth anniversary of having passed the National Registry of Interpreters
3009 for the Deaf written generalist test or the National Association of the
3010 Deaf-National Registry of Interpreters for the Deaf certification
3011 knowledge examination, has passed the National Registry of
3012 Interpreters for the Deaf performance examination or the National
3013 Association of the Deaf-National Registry of Interpreters for the Deaf
3014 national interpreter certification examination, (3) holds a level four or
3015 higher certification from the National Association of the Deaf, (4) holds
3016 certification by the National Registry of Interpreters for the Deaf, (5)
3017 for situations requiring an oral interpreter only, holds oral certification
3018 from the National Registry of Interpreters for the Deaf, (6) for
3019 situations requiring a cued speech transliterator only, holds
3020 certification from the National Training, Evaluation and Certification
3021 Unit and has passed the National Registry of Interpreters for the Deaf
3022 written generalist test, (7) holds a reverse skills certificate or is a
3023 certified deaf interpreter under the National Registry of Interpreters
3024 for the Deaf, or (8) holds a National Association of the Deaf-National
3025 Registry of Interpreters for the Deaf national interpreting certificate.

3026 (d) No person shall provide interpreting services in a medical
3027 setting unless such person is registered with the [Bureau of
3028 Rehabilitative] Department of Rehabilitation Services according to the
3029 provisions of this section and (1) holds a comprehensive skills
3030 certificate from the National Registry of Interpreters for the Deaf, (2)
3031 holds a certificate of interpretation or a certificate of transliteration
3032 from the National Registry of Interpreters for the Deaf, (3) holds a level
3033 four or higher certification from the National Association of the Deaf,
3034 (4) holds a reverse skills certificate or is a certified deaf interpreter
3035 under the National Registry of Interpreters for the Deaf, (5) for
3036 situations requiring an oral interpreter only, holds oral certification
3037 from the National Registry of Interpreters for the Deaf, (6) for
3038 situations requiring a cued speech transliterator only, holds
3039 certification from the National Training, Evaluation and Certification
3040 Unit and has passed the National Registry of Interpreters for the Deaf

3041 written generalist test, or (7) holds a National Association of the Deaf-
3042 National Registry of Interpreters for the Deaf national interpreting
3043 certificate.

3044 (e) No person shall provide interpreting services in a legal setting
3045 unless such person is registered with the **[**Bureau of Rehabilitative**]**
3046 Department of Rehabilitation Services according to the provisions of
3047 this section and (1) holds a comprehensive skills certificate from the
3048 National Registry of Interpreters for the Deaf, (2) holds a certificate of
3049 interpretation and a certificate of transliteration from the National
3050 Registry of Interpreters for the Deaf, (3) holds a level five certification
3051 from the National Association of the Deaf, (4) holds a reverse skills
3052 certificate or is a certified deaf interpreter under the National Registry
3053 of Interpreters for the Deaf, (5) for situations requiring an oral
3054 interpreter only, holds oral certification from the National Registry of
3055 Interpreters for the Deaf, (6) for situations requiring a cued speech
3056 transliterator only, holds certification from the National Training,
3057 Evaluation and Certification Unit and has passed the National Registry
3058 of Interpreters for the Deaf written generalist test, or (7) holds a
3059 National Association of the Deaf-National Registry of Interpreters for
3060 the Deaf national interpreting certificate.

3061 (f) The requirements of this section shall apply to persons who
3062 receive compensation for the provision of interpreting services and
3063 include those who provide interpreting services as part of their job
3064 duties.

3065 Sec. 94. Section 46a-33b of the 2012 supplement to the general
3066 statutes is repealed and the following is substituted in lieu thereof
3067 (*Effective July 1, 2012*):

3068 Upon the request of any person or any public or private entity, the
3069 **[**Bureau of Rehabilitative**]** Department of Rehabilitation Services shall
3070 provide interpreting services to assist such person or entity to the
3071 extent such persons who provide interpreting services are available.
3072 Any person or entity receiving interpreting services through the

3073 [bureau] department shall reimburse the [bureau] department for such
3074 services at a rate set by the [director of the Bureau of Rehabilitative]
3075 Commissioner of Rehabilitation Services. The [director] commissioner
3076 shall adopt regulations in accordance with the provisions of chapter 54
3077 to establish the manner of rate setting.

3078 Sec. 95. Subsection (d) of section 51-245 of the 2012 supplement to
3079 the general statutes is repealed and the following is substituted in lieu
3080 thereof (*Effective July 1, 2012*):

3081 (d) Notwithstanding the provisions of subsections (a) and (b) of this
3082 section, if any juror is deaf or hearing impaired, such juror shall have
3083 the assistance of a qualified interpreter who shall be present
3084 throughout the proceeding and when the jury assembles for
3085 deliberation. Such interpreter shall be provided by the [Bureau of
3086 Rehabilitative] Department of Rehabilitation Services at the request of
3087 the juror or the court. Such interpreter shall be subject to rules adopted
3088 pursuant to section 51-245a.

3089 Sec. 96. (*Effective from passage*) On or before July 1, 2013, each school-
3090 based health center that receives operational funding from the
3091 Department of Public Health shall enter into an agreement with the
3092 school's governing local or regional board of education concerning the
3093 establishment of minimum standards for the frequency and content of
3094 communications between the school-based health center and school
3095 nurses or nurse practitioners, appointed by the local or regional board
3096 of education in accordance with section 10-212 of the general statutes.
3097 The provisions of such agreement shall be in accordance with chapter
3098 113 of the general statutes. The person or entity who operates the
3099 school-based health center shall submit a copy of such agreement to
3100 the Commissioner of Public Health.

3101 Sec. 97. Section 2-53*l* of the general statutes is repealed and the
3102 following is substituted in lieu thereof (*Effective from passage*):

3103 (a) On or before July 1, 2011, the legislative Office of Fiscal Analysis

3104 shall establish and maintain searchable electronic databases on the
3105 Internet and located on said office's Internet web site for purposes of
3106 posting state expenditures, including state contracts and grants.

3107 (b) Each budgeted agency, as defined in section 4-69, shall submit,
3108 in a timely manner, any information requested by the legislative Office
3109 of Fiscal Analysis for the purpose of establishing and maintaining the
3110 electronic databases.

3111 (c) On or before **[**November 1, 2010, and quarterly**]** January 15, 2013,
3112 and annually thereafter, the legislative Office of Fiscal Analysis shall
3113 report, in accordance with section 11-4a, to the joint standing
3114 committee of the General Assembly having cognizance of matters
3115 relating to appropriations and the budgets of state agencies on the
3116 establishment and maintenance of the electronic databases, with any
3117 recommendations for improving or expanding the operation or
3118 capacity of such databases.

3119 (d) Following the establishment of the electronic databases, the
3120 Auditors of Public Accounts shall review the procedures and security
3121 used to develop the electronic databases and report, in accordance
3122 with section 11-4a, any findings or recommendations based on such
3123 review to the joint standing committee of the General Assembly
3124 having cognizance of matters relating to appropriations and the
3125 budgets of state agencies.

3126 (e) Nothing in this section shall be construed to require a state
3127 agency to: (1) Create unavailable financial or management data or an
3128 information technology system that does not exist, or (2) disclose
3129 consumer, client, patient or student information otherwise protected
3130 by law from disclosure.

3131 Sec. 98. Section 12-19a of the general statutes is repealed and the
3132 following is substituted in lieu thereof (*Effective July 1, 2012*):

3133 (a) On or before January first, annually, the Secretary of the Office of

3134 Policy and Management shall determine the amount due, as a state
3135 grant in lieu of taxes, to each town in this state wherein state-owned
3136 real property, reservation land held in trust by the state for an Indian
3137 tribe or a municipally owned airport, except that which was acquired
3138 and used for highways and bridges, but not excepting property
3139 acquired and used for highway administration or maintenance
3140 purposes, is located. The grant payable to any town under the
3141 provisions of this section in the state fiscal year commencing July 1,
3142 1999, and each fiscal year thereafter, shall be equal to the total of (1) (A)
3143 one hundred per cent of the property taxes which would have been
3144 paid with respect to any facility designated by the Commissioner of
3145 Correction, on or before August first of each year, to be a correctional
3146 facility administered under the auspices of the Department of
3147 Correction or a juvenile detention center under direction of the
3148 Department of Children and Families that was used for incarcerative
3149 purposes during the preceding fiscal year. If a list containing the name
3150 and location of such designated facilities and information concerning
3151 their use for purposes of incarceration during the preceding fiscal year
3152 is not available from the Secretary of the State on the first day of
3153 August of any year, said commissioner shall, on said first day of
3154 August, certify to the Secretary of the Office of Policy and
3155 Management a list containing such information, (B) one hundred per
3156 cent of the property taxes which would have been paid with respect to
3157 that portion of the John Dempsey Hospital located at The University of
3158 Connecticut Health Center in Farmington that is used as a permanent
3159 medical ward for prisoners under the custody of the Department of
3160 Correction. Nothing in this section shall be construed as designating
3161 any portion of The University of Connecticut Health Center John
3162 Dempsey Hospital as a correctional facility, and (C) in the state fiscal
3163 year commencing July 1, 2001, and each fiscal year thereafter, one
3164 hundred per cent of the property taxes which would have been paid
3165 on any land designated within the 1983 Settlement boundary and
3166 taken into trust by the federal government for the Mashantucket
3167 Pequot Tribal Nation on or after June 8, 1999, (2) subject to the

3168 provisions of subsection (c) of this section, sixty-five per cent of the
3169 property taxes which would have been paid with respect to the
3170 buildings and grounds comprising Connecticut Valley Hospital in
3171 Middletown. Such grant shall commence with the fiscal year beginning
3172 July 1, 2000, and continuing each year thereafter, (3) notwithstanding
3173 the provisions of subsections (b) and (c) of this section, with respect to
3174 any town in which more than fifty per cent of the property is state-
3175 owned real property, one hundred per cent of the property taxes
3176 which would have been paid with respect to such state-owned
3177 property. Such grant shall commence with the fiscal year beginning
3178 July 1, 1997, and continuing each year thereafter, (4) subject to the
3179 provisions of subsection (c) of this section, forty-five per cent of the
3180 property taxes which would have been paid with respect to all other
3181 state-owned real property, **[**and**]** (5) forty-five per cent of the property
3182 taxes which would have been paid with respect to all municipally
3183 owned airports; except for the exemption applicable to such property,
3184 on the assessment list in such town for the assessment date two years
3185 prior to the commencement of the state fiscal year in which such grant
3186 is payable. The grant provided pursuant to this section for any
3187 municipally owned airport shall be paid to any municipality in which
3188 the airport is located, except that the grant applicable to Sikorsky
3189 Airport shall be paid half to the town of Stratford and half to the city of
3190 Bridgeport, and (6) forty-five per cent of the property taxes which
3191 would have been paid with respect to any land designated within the
3192 1983 Settlement boundary and taken into trust by the federal
3193 government for the Mashantucket Pequot Tribal Nation prior to June
3194 8, 1999, or taken into trust by the federal government for the Mohegan
3195 Tribe of Indians of Connecticut, provided (A) the real property subject
3196 to this subdivision shall be the land only, and shall not include the
3197 assessed value of any structures, buildings or other improvements on
3198 such land, and (B) said forty-five per cent grant shall be phased in as
3199 follows: (i) In the fiscal year commencing July 1, 2012, an amount equal
3200 to ten per cent of said forty-five per cent grant, (ii) in the fiscal year
3201 commencing July 1, 2013, thirty-five per cent of said forty-five per cent

3202 grant, (iii) in the fiscal year commencing July 1, 2014, sixty per cent of
3203 said forty-five per cent grant, (iv) in the fiscal year commencing July 1,
3204 2015, eighty-five per cent of said forty-five per cent grant, and (v) in
3205 the fiscal year commencing July 1, 2016, one hundred per cent of said
3206 forty-five per cent grant.

3207 (b) For the fiscal year ending June 30, 2000, and in each fiscal year
3208 thereafter, the amount of the grant payable to each municipality in
3209 accordance with this section shall be reduced proportionately in the
3210 event that the total of such grants in such year exceeds the amount
3211 appropriated for the purposes of this section with respect to such year
3212 except that, for the fiscal years commencing July 1, 2012, July 1, 2013,
3213 July 1, 2014, and July 1, 2015, the amount of the grant payable in
3214 accordance with subdivision (6) of subsection (a) of this section shall
3215 not be reduced.

3216 **[**(b)**]** (c) As used in this section "total tax levied" means the total real
3217 property tax levy in such town for the fiscal year preceding the fiscal
3218 year in which a grant in lieu of taxes under this section is made,
3219 reduced by the Secretary of the Office of Policy and Management in an
3220 amount equal to all reimbursements certified as payable to such town
3221 by the secretary for real property exemptions and credits on the
3222 taxable grand list or rate bill of such town for the assessment year that
3223 corresponds to that for which the assessed valuation of the state-
3224 owned land and buildings has been provided. For purposes of this
3225 section and section 12-19b, any real property which is owned by the
3226 John Dempsey Hospital Finance Corporation established pursuant to
3227 the provisions of sections 10a-250 to 10a-263, inclusive, or by one or
3228 more subsidiary corporations established pursuant to subdivision (13)
3229 of section 10a-254 and which is free from taxation pursuant to the
3230 provisions of subdivision (13) of section 10a-259 shall be deemed to be
3231 state-owned real property. As used in this section and section 12-19b,
3232 "town" includes borough.

3233 **[**(c)**]** (d) In the fiscal year ending June 30, 1991, and in each fiscal

3234 year thereafter, the portion of the grant payable to any town as
3235 determined in accordance with subdivisions (2) and (4) of subsection
3236 (a) of this section, shall not be greater than the following percentage of
3237 total tax levied by such town on real property in the preceding
3238 calendar year as follows: (1) In the fiscal year ending June 30, 1991, ten
3239 per cent, (2) in the fiscal year ending June 30, 1992, twelve per cent, (3)
3240 in the fiscal year ending June 30, 1993, fourteen per cent, (4) in the
3241 fiscal year ending June 30, 1994, twenty-seven per cent, (5) in the fiscal
3242 year ending June 30, 1995, thirty-five per cent, (6) in the fiscal year
3243 ending June 30, 1996, forty-two per cent, (7) in the fiscal year ending
3244 June 30, 1997, forty-nine per cent, (8) in the fiscal year ending June 30,
3245 1998, fifty-six per cent, (9) in the fiscal year ending June 30, 1999, sixty-
3246 three per cent, (10) in the fiscal year ending June 30, 2000, seventy per
3247 cent, (11) in the fiscal year ending June 30, 2001, seventy-seven per
3248 cent, (12) in the fiscal year ending June 30, 2002, eighty-four per cent,
3249 (13) in the fiscal year ending June 30, 2003, ninety-two per cent, and
3250 (14) in the fiscal year ending June 30, 2004, and in each fiscal year
3251 thereafter, one hundred per cent.

3252 **[**(d)**]** (e) In the fiscal year commencing July 1, 1999, and in each fiscal
3253 year thereafter, the Commissioner of Transportation shall pay from the
3254 Bradley International Airport Enterprise Fund to the State
3255 Comptroller, on or before September fifteenth, the portion of the state
3256 grant in lieu of taxes payable under the provisions of this section at the
3257 rate of twenty per cent of the property taxes which would have been
3258 paid to the towns of East Granby, Suffield, Windsor and Windsor
3259 Locks for real property located at Bradley International Airport. Such
3260 payment shall be credited to the appropriation from the General Fund
3261 for reimbursements to towns for loss of taxes on state property.

3262 **[**(e)**]** (f) Notwithstanding the provisions of this section in effect prior
3263 to January 1, 1997, any grant in lieu of taxes on state-owned real
3264 property made to any town in excess of seven and one-half per cent of
3265 the total tax levied on real property by such town is validated.

3266 Sec. 99. Section 10-392 of the 2012 supplement to the general statutes
3267 is repealed and the following is substituted in lieu thereof (*Effective*
3268 *from passage*):

3269 (a) The General Assembly finds and declares that culture, history,
3270 the arts and the digital media and motion picture and tourism
3271 industries contribute significant value to the vitality, quality of life and
3272 economic health of Connecticut. The **[**Connecticut Humanities Council
3273 and the**]** Connecticut Trust for Historic Preservation shall operate in
3274 conjunction with the Department of Economic and Community
3275 Development for purposes of joint strategic planning, annual reporting
3276 on appropriations and fiscal reporting. The department shall enhance
3277 and promote culture, history, the arts and the tourism and digital
3278 media and motion picture industries in Connecticut.

3279 (b) The department shall:

3280 (1) Market and promote Connecticut as a destination for leisure and
3281 business travelers through the development and implementation of a
3282 strategic state-wide marketing plan and provision of visitor services to
3283 enhance the economic impact of the tourism industry;

3284 (2) Promote the arts;

3285 (3) Recognize, protect, preserve and promote historic resources;

3286 (4) Interpret and present Connecticut's history and culture;

3287 (5) Promote Connecticut as a location in which to produce digital
3288 media and motion pictures and to establish and conduct business
3289 related to the digital media and motion picture industries to enhance
3290 these industries' economic impact in the state;

3291 (6) Establish a uniform financial reporting system and forms to be
3292 used by each regional tourism district, established under section 10-
3293 397, in the preparation of the annual budget submitted to the General
3294 Assembly;

3295 (7) Integrate funding and programs whenever possible; and

3296 (8) On or before January 1, 2012, and biennially thereafter, develop
3297 and submit to the Governor and the General Assembly, in accordance
3298 with section 11-4a, a strategic plan to implement subdivisions (1) to (5),
3299 inclusive, of this subsection.

3300 **[**(c) Any proposals for projects proposed by the Connecticut
3301 Humanities Council that require funding through the issuance of
3302 bonds by the State Bond Commission, in accordance with sections 13b-
3303 74 to 13b-77, inclusive, shall be submitted to the Department of
3304 Economic and Community Development. The department shall review
3305 such proposals and submit any project that it believes has merit to the
3306 joint standing committee of the General Assembly having cognizance
3307 of matters relating to finance, revenue and bonding with the
3308 department's recommendation for funding.**]**

3309 **[**(d)**]** (c) The Department of Economic and Community
3310 Development shall be a successor agency to the Connecticut
3311 Commission on Culture and Tourism, State Commission on the Arts,
3312 the Connecticut Historical Commission, the Office of Tourism, the
3313 Connecticut Tourism Council, the Connecticut Film, Video and Media
3314 Commission and the Connecticut Film, Video and Media Office in
3315 accordance with the provisions of sections 4-38d and 4-39.

3316 **[**(e)**]** (d) Wherever the words "State Commission on the Arts",
3317 "Connecticut Historical Commission", "Office of Tourism",
3318 "Connecticut Film, Video and Media Office" and "Connecticut
3319 Commission on Arts, Tourism, Culture, History and Film" are used in
3320 the following sections of the general statutes, or in any public or
3321 special act of the 2003 or 2004 session the words "Connecticut
3322 Commission on Culture and Tourism" shall be substituted in lieu
3323 thereof: 3-110f, 3-110h, 3-110i, 4-9a, 4b-53, 4b-60, 4b-64, 4b-66a, 7-147a,
3324 7-147b, 7-147c, 7-147j, 7-147p, 7-147q, 7-147y, 8-2j, 10-382, 10-384, 10-
3325 385, 10-386, 10-387, 10-388, 10-389, 10-391, 10a-111a, 10a-112, 10a-112b,
3326 10a-112g, 11-6a, 12-376d, 13a-252, 19a-315b, 19a-315c, 22a-1d, 22a-19b,

3327 25-102qq, 25-109q, 29-259 and 32-6a.

3328 [(f)] (e) The Legislative Commissioners' Office shall, in codifying the
3329 provisions of this section, make such technical, grammatical and
3330 punctuation changes as are necessary to carry out the purposes of this
3331 section.

3332 Sec. 100. Section 19a-402 of the general statutes is repealed and the
3333 following is substituted in lieu thereof (*Effective July 1, 2012*):

3334 The Commission on Medicolegal Investigations established under
3335 section 19a-401 and the Office of the Chief Medical Examiner
3336 established under section 19a-403 shall be within the [Department of
3337 Public Health] University of Connecticut Health Center for
3338 administrative purposes only.

3339 Sec. 101. Section 46a-52 of the general statutes is repealed and the
3340 following is substituted in lieu thereof (*Effective July 1, 2012*):

3341 (a) The commission shall consist of nine persons. On and after
3342 October 1, 2000, such persons shall be appointed with the advice and
3343 consent of both houses of the General Assembly. (1) On or before July
3344 15, 1990, the Governor shall appoint five members of the commission,
3345 three of whom shall serve for terms of five years and two of whom
3346 shall serve for terms of three years. Upon the expiration of such terms,
3347 and thereafter, the Governor shall appoint either two or three
3348 members, as appropriate, to serve for terms of five years. On or before
3349 July 14, 1990, the president pro tempore of the Senate, the minority
3350 leader of the Senate, the speaker of the House of Representatives and
3351 the minority leader of the House of Representatives shall each appoint
3352 one member to serve for a term of three years. Upon the expiration of
3353 such terms, and thereafter, members so appointed shall serve for terms
3354 of three years. (2) If any vacancy occurs, the appointing authority
3355 making the initial appointment shall appoint a person to serve for the
3356 remainder of the unexpired term. The Governor shall select one of the
3357 members of the commission to serve as chairperson for a term of one

3358 year. The commission shall meet at least once during each two-month
3359 period and at such other times as the chairperson deems necessary.
3360 Special meetings shall be held on the request of a majority of the
3361 members of the commission after notice in accordance with the
3362 provisions of section 1-225.

3363 (b) Except as provided in section 46a-57, the members of the
3364 commission shall serve without pay, but their reasonable expenses,
3365 including educational training expenses and expenses for necessary
3366 stenographic and clerical help, shall be paid by the state upon
3367 approval of the Commissioner of Administrative Services. Not later
3368 than two months after appointment to the commission, each member
3369 of the commission shall receive a minimum of ten hours of
3370 introductory training prior to voting on any commission matter. Each
3371 year following such introductory training, each member shall receive
3372 five hours of follow-up training. Such introductory and follow-up
3373 training shall consist of instruction on the laws governing
3374 discrimination in employment, housing, public accommodation and
3375 credit, affirmative action and the procedures of the commission. Such
3376 training shall be organized by the managing director of the legal
3377 division of the commission. Any member who fails to complete such
3378 training shall not vote on any commission matter. Any member who
3379 fails to comply with such introductory training requirement within six
3380 months of appointment shall be deemed to have resigned from office.
3381 Any member who fails to attend three consecutive meetings or who
3382 fails to attend fifty per cent of all meetings held during any calendar
3383 year shall be deemed to have resigned from office.

3384 (c) On or before July 15, 1989, the commission shall appoint an
3385 executive director who shall be the chief executive officer of the
3386 Commission on Human Rights and Opportunities to serve for a term
3387 expiring on July 14, 1990. Upon the expiration of such term and
3388 thereafter, the executive director shall be appointed for a term of four
3389 years. The executive director shall be supervised and annually
3390 evaluated by the commission. The executive director shall serve at the

3391 pleasure of the commission but no longer than four years from July
3392 fifteenth in the year of his or her appointment unless reappointed
3393 pursuant to the provisions of this subsection. The executive director
3394 shall receive an annual salary within the salary range of a salary group
3395 established by the Commissioner of Administrative Services for the
3396 position. The executive director (1) shall conduct comprehensive
3397 planning with respect to the functions of the commission; (2) shall
3398 coordinate the activities of the commission; and (3) shall cause the
3399 administrative organization of the commission to be examined with a
3400 view to promoting economy and efficiency. In accordance with
3401 established procedures, the executive director may enter into such
3402 contractual agreements as may be necessary for the discharge of the
3403 director's duties.

3404 (d) The executive director may appoint no more than two deputy
3405 directors with the approval of a majority of the members of the
3406 commission. The deputy directors shall be supervised by the executive
3407 director and shall assist the executive director in the administration of
3408 the commission, the effectuation of its statutory responsibilities and
3409 such other duties as may be assigned by the executive director. Deputy
3410 directors shall serve at the pleasure of the executive director and
3411 without tenure. The executive director may remove a deputy director
3412 with the approval of a majority of the members of the commission.

3413 (e) The commission shall be within the **[**Department of
3414 Administrative Services**]** Labor Department for administrative
3415 purposes only.

3416 Sec. 102. Section 10-183t of the general statutes is repealed and the
3417 following is substituted in lieu thereof (*Effective from passage*):

3418 (a) The retirement board shall offer one or more health benefit plans
3419 to: Any member receiving retirement benefits or a disability allowance
3420 from the system; the spouse or surviving spouse of such member, and
3421 a disabled dependent of such member if there is no spouse or
3422 surviving spouse, provided such member, spouse, surviving spouse,

3423 or disabled dependent is participating in Medicare Part A hospital
3424 insurance and Medicare Part B medical insurance. The board may offer
3425 one or more basic plans, the cost of which to any such member,
3426 spouse, surviving spouse or disabled dependent shall be one-third of
3427 the basic plan's premium equivalent, and one or more optional plans,
3428 provided such member, spouse, surviving spouse or disabled
3429 dependent shall pay one-third of the basic plan's premium equivalent
3430 plus the difference in cost between any such basic plans and any such
3431 optional plans. The board shall designate those plans which are basic
3432 and those plans which are optional for the purpose of determining
3433 such cost and the amount to be charged or withheld from benefit
3434 payments for such plans. The surviving spouse of a member, or a
3435 disabled dependent of a member if there is no surviving spouse, shall
3436 not be ineligible for participation in any such plan solely because such
3437 surviving spouse or disabled dependent is not receiving benefits from
3438 the system. With respect to any person participating in any such plan,
3439 the state shall appropriate to the board one-third of the cost of such
3440 basic plan or plans, or one-third of the cost of the rate in effect during
3441 the fiscal year ending June 30, 1998, whichever is greater. <u>On and after</u>
3442 <u>July 1, 2012, federal reimbursements received by the retirement board</u>
3443 <u>under the retiree drug subsidy provisions of Medicare Part D shall be</u>
3444 <u>used to offset amounts appropriated by the state to the board pursuant</u>
3445 <u>to this subsection.</u>

3446 (b) Any member who is receiving retirement benefits or a disability
3447 allowance from the system, the spouse or surviving spouse of such
3448 member, or a disabled dependent of such member if there is no spouse
3449 or surviving spouse, and who is not participating in Medicare Part A
3450 hospital insurance and Medicare Part B medical insurance, may fully
3451 participate in any or all group health insurance plans maintained for
3452 active teachers by such member's last employing board of education,
3453 or by the state in the case of a member who was employed by the state,
3454 upon payment to such board of education or to the state, as applicable,
3455 by such member, spouse, surviving spouse or disabled dependent, of
3456 the premium charged for his form of coverage. Such premium shall be

3457 no greater than that charged for the same form of coverage for active
3458 teachers. The spouse, surviving spouse or disabled dependent shall not
3459 be ineligible for participation in any such plan solely because such
3460 spouse, surviving spouse or disabled dependent is not receiving
3461 benefits from the system. No person shall be ineligible for participation
3462 in such plans for failure to enroll in such plans at the time the
3463 member's retirement benefit or disability allowance became effective.
3464 Nothing in this subsection shall be construed to impair or alter the
3465 provisions of any collective bargaining agreement relating to the
3466 payment by a board of education of group health insurance premiums
3467 on behalf of any member receiving benefits from the system. Prior to
3468 the cancellation of coverage for any member, spouse, surviving spouse
3469 or disabled dependent for failure to pay the required premiums or cost
3470 due, the board of education or the state, if applicable, shall notify the
3471 Teachers' Retirement Board of its intention to cancel such coverage at
3472 least thirty days prior to the date of cancellation. Absent any
3473 contractual provisions to the contrary, the payments made pursuant to
3474 subsection (c) of this section shall be first applied to any cost borne by
3475 the member, spouse, surviving spouse or disabled dependent
3476 participating in any such plan. As used in this subsection, "last
3477 employing board of education" means the board of education by which
3478 such member was employed when such member filed his initial
3479 application for retirement, and "health insurance plans" means
3480 hospital, medical, major medical, dental, prescription drug or auditory
3481 benefit plans that are available to active teachers.

3482 (c) On and after July 1, 2000, the board shall pay a subsidy equal to
3483 the subsidy paid in the fiscal year ending June 30, 2000, to the board of
3484 education or to the state, if applicable, on behalf of any member who is
3485 receiving retirement benefits or a disability allowance from the system,
3486 the spouse of such member, the surviving spouse of such member, or a
3487 disabled dependent of such member if there is no spouse or surviving
3488 spouse, who is participating in a health insurance plan maintained by
3489 a board of education or by the state, if applicable. Such payment shall
3490 not exceed the actual cost of such insurance. With respect to any

3491 person participating in any such plan pursuant to subsection (b) of this
3492 section, the state shall appropriate to the board one-third of the cost of
3493 the subsidy, except that, for the fiscal year ending June 30, 2013, the
3494 state shall appropriate twenty-five per cent of the cost of the subsidy.
3495 No payment to a board of education pursuant to this subsection may
3496 be used to reduce the amount of any premium payment on behalf of
3497 any such member, spouse, surviving spouse, or disabled dependent,
3498 made by such board pursuant to any agreement in effect on July 1,
3499 1990. On and after July 1, **[**2008**]** 2012, the board shall pay a subsidy of
3500 two hundred twenty dollars per month on behalf of the member,
3501 spouse or the surviving spouse of such member who: (1) Has attained
3502 the normal retirement age to participate in Medicare, (2) is not eligible
3503 for Medicare Part A without cost, and (3) contributes at least two
3504 hundred twenty dollars per month towards his or her medical and
3505 prescription drug plan provided by the board of education.

3506 (d) The Treasurer shall establish a separate retired teachers' health
3507 insurance premium account within the Teachers' Retirement Fund.
3508 Commencing July 1, 1989, and annually thereafter all health benefit
3509 plan contributions withheld under this chapter in excess of five
3510 hundred thousand dollars shall, upon deposit in the Teachers'
3511 Retirement Fund, be credited to such account. Interest derived from
3512 the investment of funds in the account shall be credited to the account.
3513 Funds in the account shall be used for (1) payments to boards of
3514 education pursuant to subsection (c) of this section and for payment of
3515 premiums on behalf of members, spouses of members, surviving
3516 spouses of members or disabled dependents of members participating
3517 in one or more health insurance plans pursuant to subsection (a) of this
3518 section in an amount equal to the difference between the amount paid
3519 pursuant to subsection (a) of this section and the amount paid
3520 pursuant to subsection (c) of this section, and (2) payments for
3521 professional fees associated with the administration of the health
3522 benefit plans offered pursuant to this section of not more than one
3523 hundred fifty thousand dollars annually. If, during any fiscal year,
3524 there are insufficient funds in the account for the purposes of all such

3525 payments, the General Assembly shall appropriate sufficient funds to
3526 the account for such purpose.

3527 Sec. 103. Section 30 of public act 12-104 is repealed and the
3528 following is substituted in lieu thereof (*Effective July 1, 2012*):

3529 The sum of $2,000,000 **[**appropriated in section 67 of public act 11-61
3530 to**]** of the unexpended balance in the Labor **[**Department, Workforce
3531 Investment Act, for the fiscal year ending June 30, 2012,**]** Department's
3532 Workforce Investment Act account shall be transferred to Personal
3533 Services, and shall be available for such purpose for the fiscal year
3534 ending June 30, 2013.

3535 Sec. 104. (NEW) (*Effective July 1, 2012*) (a) The Commissioner of
3536 Correction, at the commissioner's discretion, may release an inmate
3537 from the commissioner's custody, except an inmate convicted of a
3538 capital felony under the provisions of section 53a-54b of the general
3539 statutes in effect prior to April 25, 2012, or murder with special
3540 circumstances under the provisions of section 53a-54b of the general
3541 statutes in effect on or after April 25, 2012, for placement in a licensed
3542 community-based nursing home under contract with the state for the
3543 purpose of providing palliative and end-of-life care to the inmate if the
3544 medical director of the Department of Correction determines that the
3545 inmate is suffering from a terminal condition, disease or syndrome, or
3546 is so debilitated or incapacitated by a terminal condition, disease or
3547 syndrome as to (1) require continuous palliative or end-of-life care, or
3548 (2) be physically incapable of presenting a danger to society.

3549 (b) The Commissioner of Correction may require as a condition of
3550 release under subsection (a) of this section that the medical director
3551 conduct periodic medical review and diagnosis of the inmate during
3552 such release. An inmate released pursuant to subsection (a) of this
3553 section shall be returned to the custody of the Commissioner of
3554 Correction if the medical director determines that the inmate no longer
3555 meets the criteria for release under subsection (a) of this section.

3556 (c) Any inmate released from the custody of the Commissioner of
3557 Correction pursuant to subsection (a) of this section shall be
3558 supervised in the community by the Department of Correction.

3559 Sec. 105. Subsection (a) of section 4a-12 of the general statutes is
3560 repealed and the following is substituted in lieu thereof (*Effective July*
3561 *1, 2012*):

3562 (a) The Commissioner of Administrative Services shall be
3563 responsible for the following: (1) Investigation, determination, billing
3564 and collection of all charges for support of persons aided, cared for or
3565 treated in a state humane institution, as defined in section 17b-222, and
3566 enforcement of support obligations of the liable relatives of such
3567 persons; (2) investigation, determination, billing and collection of all
3568 charges for services covered under the Medicaid or Medicare
3569 programs provided to persons aided, cared for or treated by the
3570 Department of Veterans' Affairs; (3) billing and collection of any
3571 money due to the state in public assistance cases, and enforcement of
3572 support obligations of liable relatives in such cases; **[**(3)**]** (4) collection
3573 of benefits and maintenance of trustee accounts therefor; and **[**(4)**]** (5)
3574 such collection services for other state agencies and departments as
3575 shall be agreed to between said commissioner and the heads of such
3576 other agencies and departments.

3577 Sec. 106. Subsection (c) of section 12-62f of the general statutes is
3578 repealed and the following is substituted in lieu thereof (*Effective July*
3579 *1, 2012*):

3580 (c) (1) Each municipality whose application for state financial
3581 assistance has been approved by the secretary shall receive a grant-in-
3582 aid on the basis of its population, as determined by the most recent
3583 estimates of the Department of Public Health. The amount of such
3584 grant-in-aid to any municipality with revaluation, as required in
3585 section 12-62, becoming effective in any of the years 1987 to 1996,
3586 inclusive, shall be as follows: (A) Twenty-five thousand dollars to each
3587 municipality with a population of less than twenty thousand; (B)

3588 thirty-five thousand dollars to each municipality with a population of
3589 at least twenty thousand but less than fifty thousand; (C) fifty
3590 thousand dollars to each municipality with a population of at least
3591 fifty thousand but less than one hundred thousand; and (D) sixty
3592 thousand dollars to each municipality with a population of one
3593 hundred thousand or more. Each municipality that completed a
3594 revaluation which became effective in the years from 1987 to 1996,
3595 inclusive, and qualified for the grants-in-aid provided for in this
3596 section, shall be eligible for an additional grant-in-aid equal to an
3597 amount not to exceed ten per cent of the grant-in-aid limit of the grant
3598 for which they originally qualified provided the additional grant-in-
3599 aid shall be used for training and for installations and modifications
3600 which are acquired and certified to be in compliance with the
3601 minimum computer-assisted mass appraisal revaluation standards and
3602 computerized administrative standards developed in accordance with
3603 subsection (b) of this section.

3604 (2) A municipality that conducted a revaluation as required in
3605 section 12-62 without postponement or extension, but not between
3606 January 1, 1987, and December 31, 1996, shall be eligible to apply for
3607 and receive a grant and an additional grant-in-aid under subdivision
3608 (1) of this subsection.

3609 (3) No municipality shall be eligible to receive a grant and an
3610 additional grant-in-aid pursuant to this section more than once.

3611 <u>(4) The secretary shall not accept or approve any application for a</u>
3612 <u>grant-in-aid pursuant to this section after June 30, 2012.</u>

3613 Sec. 107. (NEW) (*Effective July 1, 2012*) There is established an
3614 account to be known as the "chargeable transient quarters and billeting
3615 account" which shall be a separate, nonlapsing account within the
3616 General Fund. The account shall contain any moneys required by law
3617 to be deposited in the account, which shall include, but not be limited
3618 to, proceeds of room service charges at Camp Niantic. Moneys in the
3619 account shall be expended by the Adjutant General for the purposes of

3620 billeting members of the armed forces at Camp Niantic.

3621 Sec. 108. (NEW) (*Effective July 1, 2012*) There is established an
3622 account to be known as the "Governor's Guards account" which shall
3623 be a separate, nonlapsing account within the General Fund. The
3624 account shall contain any moneys required by law to be deposited in
3625 the account, which shall include, but not be limited to, the proceeds of
3626 Governor's Guards programs. Moneys in the account shall be
3627 expended by the Adjutant General for the purposes of facilitating the
3628 operations of the Governor's Guards.

3629 Sec. 109. (NEW) (*Effective July 1, 2012*) There is established an
3630 account to be known as the "Governor's Guards horse account" which
3631 shall be a separate, nonlapsing account within the General Fund. The
3632 account shall contain any moneys required by law to be deposited in
3633 the account, which shall include, but not be limited to, donations for
3634 the specific purpose of offsetting the costs of maintaining Governor's
3635 Guards' horses. Moneys in the account shall be expended by the
3636 Adjutant General for the purposes of facilitating the operations of the
3637 Governor's Guards.

3638 Sec. 110. Section 20 of public act 11-48, as amended by section 103 of
3639 public act 11-61, is repealed and the following is substituted in lieu
3640 thereof (*Effective from passage*):

3641 (a) The **[**Commission on Human Rights and Opportunities**]**
3642 Connecticut Academy of Science and Engineering shall, within
3643 available appropriations and in consultation with the Department of
3644 Administrative Services, the Commission on Human Rights and
3645 Opportunities and other state agencies as appropriate, conduct a
3646 disparity study. The study shall **[**generate**]** provide an analysis of
3647 existing statistical data concerning the state's current set-aside
3648 program, established under section 4a-60g of the general statutes, to
3649 determine whether its current form achieves the goal of facilitating the
3650 participation in state contracts of small contractors and minority
3651 business enterprises. The study shall include a review of Connecticut's

3652 current set-aside program practices and the best practices of other
3653 states or governmental entities, as well as, but not be limited to,
3654 examining:

3655 (1) Whether, based on available data and analysis, there is
3656 significant statistical evidence of past or continuing discrimination in
3657 the [way that the state's contracting duties are executed] awarding of
3658 state contracts;

3659 (2) The number of small contractors or minority business
3660 enterprises, based on available data and analysis, that are qualified for
3661 eligibility for state contracts under the set-aside program established
3662 pursuant to section 4a-60g of the general statutes; [, and a
3663 determination of whether such businesses are legitimate small
3664 contractors or legitimately owned by members of a minority;] and

3665 (3) The state's contracting processes to determine if there are any
3666 contracting practices or unintentional but existing barriers in the
3667 process that prevent small contractors and minority business
3668 enterprises from fully participating in the state's contracting process.

3669 (b) Not later than [January 1] June 30, 2013, the [executive director
3670 of the Commission on Human Rights and Opportunities] Connecticut
3671 Academy of Science and Engineering shall submit findings concerning
3672 such study and any recommendations for legislative action concerning
3673 such study, in accordance with the provisions of section 11-4a of the
3674 general statutes, to the joint standing committee of the General
3675 Assembly having cognizance of matters relating to government
3676 administration.

3677 Sec. 111. Section 13 of public act 12-104 is repealed and the
3678 following is substituted in lieu thereof (*Effective July 1, 2012*):

3679 (a) The sum of $2,000,000 of the systems benefits charge collected
3680 pursuant to section 16-245*l* of the general statutes shall be transferred
3681 to the Department of Energy and Environmental Protection, Operation

3682 Fuel, for energy assistance for the fiscal year ending June 30, 2013.

3683 (b) Up to $200,000 of the amount transferred to the Department of
3684 Energy and Environmental Protection under subsection (a) of this
3685 section shall be available for the purpose of a grant to Operation Fuel,
3686 Incorporated for expenses incurred for administration of energy
3687 assistance for the fiscal year ending June 30, 2013.

3688 Sec. 112. Section 8-37r of the general statutes is repealed and the
3689 following is substituted in lieu thereof (*Effective from passage*):

3690 (a) There shall be a Department of Housing, which shall be within
3691 the Department of Economic and Community Development for
3692 administrative purposes only, which shall be the lead agency for all
3693 matters relating to housing. The department head shall be the
3694 Commissioner of **[**Economic and Community Development**]** Housing,
3695 who shall be appointed by the Governor in accordance with the
3696 provisions of sections 4-5 to 4-8, inclusive, as amended by this act, with
3697 the powers and duties therein prescribed. Said commissioner shall be
3698 responsible at the state level for all aspects of policy, development,
3699 redevelopment, preservation, maintenance and improvement of
3700 housing and neighborhoods. Said commissioner shall be responsible
3701 for developing strategies to encourage the provision of housing in the
3702 state, including housing for very low, low and moderate income
3703 families.

3704 (b) **[**Said department**]** The Department of Housing shall constitute a
3705 successor to the functions, powers and duties of the Department of
3706 Economic Development relating to housing, community development,
3707 redevelopment and urban renewal as set forth in chapters 128, 129,
3708 130, 135 and 136 in accordance with the provisions of sections 4-38d, 4-
3709 38e and 4-39.

3710 (c) The commissioner shall, in consultation with the interagency
3711 council on affordable housing established pursuant to section 113 of
3712 this act, review the organization and delivery of state housing

3713 programs and submit a report with recommendations, in accordance
3714 with the provisions of section 11-4a, not later than January 15, 2013, to
3715 the joint standing committees of the General Assembly having
3716 cognizance of matters relating to housing and appropriations.

3717 (d) Any order or regulation of the Department of Housing or
3718 Department of Economic and Community Development that is in force
3719 on January 1, 2013, shall continue in force and effect as an order or
3720 regulation until amended, repealed or superseded pursuant to law.

3721 Sec. 113. (NEW) (*Effective from passage*) (a) There is established an
3722 interagency council on affordable housing to advise and assist the
3723 commissioner of the Department of Housing in the planning and
3724 implementation of the department.

3725 (b) The council shall consist of the following members: (1) The
3726 Commissioners of Social Services, Mental Health and Addiction
3727 Services, Children and Families, Correction and Economic and
3728 Community Development, or their designees; (2) the Secretary of the
3729 Office of Policy and Management, or his or her designee; (3) the
3730 executive director of the Partnership for Strong Communities, or his or
3731 her designee; (4) the executive director of the Connecticut Housing
3732 Coalition, or his or her designee; (5) the executive director of the
3733 Connecticut Coalition to End Homelessness, or his or her designee; (6)
3734 the executive director of the Connecticut Housing Finance Authority,
3735 or his or her designee; (7) two members, appointed by the members
3736 specified in subdivisions (1) to (6), inclusive, of this subsection, who
3737 shall be tenants receiving state housing assistance; and (8) one
3738 member, appointed by the members specified in subdivisions (1) to (6),
3739 inclusive, of this subsection, who shall be a state resident eligible to
3740 receive state housing assistance. The Governor shall designate a
3741 member of the council to serve as chairperson.

3742 (c) The council shall convene on or before July 15, 2012, to develop
3743 strategies and recommendations for the implementation of the
3744 Department of Housing. The council shall: (1) Assess the housing

3745 needs of low income individuals and families; (2) review and analyze
3746 the effectiveness of existing state programs in meeting those needs; (3)
3747 identify barriers to effective housing delivery systems; and (4) develop
3748 strategies and recommendations to enhance the availability of safe and
3749 affordable housing in communities across the state through the
3750 Department of Housing.

3751 (d) On or before January 15, 2013, the council shall submit, in
3752 accordance with the provisions of section 11-4a of the general statutes,
3753 a report to the Governor and the joint standing committees of the
3754 General Assembly having cognizance of matters relating to
3755 appropriations and the budgets of state agencies, housing and human
3756 services on the implementation of the Department of Housing. The
3757 report shall address recommendations concerning: (A) Programs to be
3758 transferred to the Department of Housing and a timeline for
3759 implementation; (B) effective changes to the state's housing delivery
3760 systems; (C) prioritization of housing resources; and (D) enhanced
3761 coordination among and across housing systems. Not later than fifteen
3762 days after receipt of the report submitted pursuant to this subsection,
3763 the committees shall hold a public hearing on said report.

3764 Sec. 114. Section 32-1b of the general statutes is repealed and the
3765 following is substituted in lieu thereof (*Effective from passage*):

3766 (a) There is established a Department of Economic and Community
3767 Development. The department head shall be the Commissioner of
3768 Economic and Community Development, who shall be appointed by
3769 the Governor in accordance with the provisions of sections 4-5 to 4-8,
3770 inclusive, <u>as amended by this act,</u> with the powers and duties
3771 prescribed in said sections 4-5 to 4-8, inclusive.

3772 (b) **[**Said**]** <u>Except as provided in section 8-37r, as amended by this</u>
3773 <u>act, said</u> department shall constitute a successor department to the
3774 Department of Housing in accordance with the provisions of sections
3775 4-38d, 4-38e and 4-39.

3776 (c) Said department shall constitute a successor department to the
3777 Department of Economic Development in accordance with the
3778 provisions of sections 4-38d, 4-38e and 4-39.

3779 **[**(d) Whenever the term "Commissioner of Housing" is used or
3780 referred to in the general statutes, the term "Commissioner of
3781 Economic and Community Development" shall be substituted in lieu
3782 thereof. Whenever the term "Department of Housing" is used or
3783 referred to in the general statutes, the term "Department of Economic
3784 and Community Development" shall be substituted in lieu thereof.**]**

3785 **[**(e)**]** (d) Whenever the term "Commissioner of Economic
3786 Development" is used or referred to in the general statutes, the term
3787 "Commissioner of Economic and Community Development" shall be
3788 substituted in lieu thereof. Whenever the term "Department of
3789 Economic Development" is used or referred to in the general statutes,
3790 the term "Department of Economic and Community Development"
3791 shall be substituted in lieu thereof.

3792 **[**(f)**]** (e) If the term "Commissioner of Housing" or "Commissioner of
3793 Economic Development" is used or referred to in any public or special
3794 act of 1995 or 1996, or in any section of the general statutes which is
3795 amended in 1995 or 1996, it shall be deemed to mean or refer to the
3796 "Commissioner of Economic and Community Development".

3797 **[**(g)**]** (f) If the term "Department of Housing" or "Department of
3798 Economic Development" is used or referred to in any public or special
3799 act of 1995 or 1996, or in any section of the general statutes which is
3800 amended in 1995 or 1996, it shall be deemed to mean or refer to the
3801 "Department of Economic and Community Development".

3802 Sec. 115. (NEW) (*Effective July 1, 2012*) For the fiscal year ending June
3803 30, 2014, and for each fiscal year thereafter, the Comptroller shall fund
3804 the fringe benefit cost differential between the average rate for fringe
3805 benefits for employees of private hospitals in the state and the fringe
3806 benefit rate for employees of The University of Connecticut Health

3807 Center from the resources appropriated for State Comptroller-Fringe
3808 Benefits in an amount not to exceed $13,500,000. For purposes of this
3809 section, the "fringe benefit cost differential" means the difference
3810 between the state fringe benefit rate calculated on The University of
3811 Connecticut Health Center payroll and the average member fringe
3812 benefit rate of all Connecticut acute care hospitals as contained in the
3813 annual reports submitted to the Office of the Health Care Access
3814 pursuant to section 19a-644 of the general statutes.

3815 Sec. 116. Subsection (b) of section 50 of public act 11-6, as amended
3816 by section 42 of public act 11-48, section 100 of public act 11-61 and
3817 section 17 of public act 12-104, is repealed and the following is
3818 substituted in lieu thereof (*Effective from passage*):

3819 (b) (1) Notwithstanding the provisions of subsection (j) of section
3820 45a-82 of the general statutes, on June 30, 2012, **[**(1)**]** the following
3821 amounts shall be transferred from the surplus funds in the Probate
3822 Court Administration Fund, and made available for the following
3823 purposes, for the fiscal year ending June 30, 2013, (A) the sum of
3824 $1,000,000 **[**shall be transferred from the surplus funds in the Probate
3825 Court Administration Fund**]** to the Kinship Fund and Grandparents
3826 and Relatives Respite Fund administered by the Children's Trust Fund
3827 Council and the Department of Social Services through the Probate
3828 Court, **[**(2)**]** (B) the sum of $50,000 **[**shall be transferred from said
3829 surplus funds**]** to the Judicial Department, for Other Expenses, to
3830 support the expansion of the Children in Placement, Inc. program in
3831 Danbury, **[**(3)**]** (C) the sum of $50,000 **[**shall be transferred from said
3832 surplus funds**]** to the Judicial Department, for Other Expenses, for a
3833 grant to the Child Advocates of Connecticut to provide child advocacy
3834 services in the Stamford/Norwalk and Danbury Judicial Districts, **[**(4)**]**
3835 (D) the sum of $150,000 **[**shall be transferred from said surplus funds**]**
3836 to the Judicial Department, for Other Expenses, for a grant to the
3837 Ralphola Taylor Community Center YMCA in Bridgeport, **[**(5)**]** (E) the
3838 sum of **[**$100,000 shall be transferred from said surplus funds**]** $225,000
3839 to the Judicial Department, for Children of Incarcerated Parents, for a

3840 grant to the Greater Hartford Male Youth Leadership Program,
3841 provided such director submits a report to said department on the
3842 director's expenditures and programs during the fiscal year ending
3843 June 30, 2012, [(6)] (F) the sum of $300,000 [shall be transferred from
3844 said surplus funds] to the Judicial Department, for Forensic Sex
3845 Evidence Exams, [(7)] (G) the sum of $250,000 [shall be transferred
3846 from said surplus funds] to the Judicial Department, for [Other
3847 Expenses] Justice Education Center, Inc., for a grant to the Justice
3848 Education Center, Inc. for the ECHO program, [(8)] (H) the sum of
3849 $50,000 [shall be transferred from said surplus funds] to the
3850 Department of Children and Families, for Other Expenses, for a grant
3851 to African Caribbean American Parents of Children with Disabilities,
3852 Inc., [(9)] (I) the sum of $25,000 [shall be transferred from said surplus
3853 funds] to the Department of Education, for Neighborhood Youth
3854 Centers, for a grant to Arte Inc. in New Haven, [(10)] (J) the sum of
3855 $100,000 [shall be transferred from said surplus funds] to the
3856 Department of Economic and Community Development, for Other
3857 Expenses, for a grant to the city of Norwich for the Norwich Freedom
3858 Bell, [(11)] (K) the sum of $75,000 [shall be transferred from said
3859 surplus funds] to the Department of Education, for [Other Expenses]
3860 Neighborhood Youth Centers, for a grant to the Boys and Girls Club of
3861 Southeastern Connecticut, [(12)] (L) the sum of $65,000 [shall be
3862 transferred from said surplus funds] to the Department of Energy and
3863 Environmental Protection, for Other Expenses, for a grant to the
3864 Connecticut Greenways Council, [(13)] (M) the sum of $15,000 [shall be
3865 transferred from said surplus funds] to the Department of Economic
3866 and Community Development, for Other Expenses, for a grant to the
3867 Nutmeg State Games, [(14)] (N) the sum of $100,000 [shall be
3868 transferred from said surplus funds] to the Judicial Department, for
3869 Other Expenses, for a grant to the Justice Policy Division of the
3870 Institute for Municipal and Regional Policy, [(15)] (O) the sum of
3871 $500,000 [shall be transferred from said surplus funds] to the
3872 Department of Education, for Other Expenses, to provide grants for
3873 technology improvements or initiatives at education reform districts,

3874 [(16)] (P) the sum of $50,000 [shall be transferred from said surplus
3875 funds] to the Department of [Education, for Neighborhood Youth
3876 Centers] Economic and Community Development, for a grant to
3877 Neighborhood Music School in New Haven to provide scholarships,
3878 [(17)] (Q) the sum of $25,000 [shall be transferred from said surplus
3879 funds] to the Department of Social Services, for Other Expenses, for a
3880 grant to the Perlas Hispanas Center in New Britain, [(18)] (R) the sum
3881 of $35,000 [shall be transferred from said surplus funds] to the Judicial
3882 Department, for Children of Incarcerated Parents, for a grant to
3883 Connecticut Pardon Team, Inc., [(19)] (S) the sum of $20,000 [shall be
3884 transferred from said surplus funds] to the Department of Children
3885 and Families, for Other Expenses, for a grant to the Saint Joseph
3886 Parenting Center in Stamford, [(20)] (T) the sum of $250,000 [shall be
3887 transferred from said surplus funds] to the Department of Social
3888 Services, for Community Services, for the John S. Martinez Fatherhood
3889 Initiative, [(21)] (U) the sum of $125,000 [shall be transferred from said
3890 surplus funds] to the Department of Education, for Regional
3891 Vocational-Technical School System, for a grant to A.I. Prince
3892 Technical High School in Hartford for an adult education training
3893 program to offer training in carpentry, manufacturing and information
3894 systems, [(22)] (V) the sum of [$36,000] $40,000 [shall be transferred
3895 from said surplus funds] to the Department of Public Health, for Other
3896 Expenses, for a grant to [Yale University to study pediatric
3897 autoimmune neuropsychiatric disorder associated with streptococcal
3898 infections, and (23)] PANDAS Resource Network for a comprehensive
3899 analysis that shall include, but not be limited to, research involved in
3900 the diagnoses made and treatment prescribed for pediatric
3901 autoimmune neuropsychiatric disorder in other states and countries
3902 and an evaluation of the level and of recognition of the disorder in the
3903 medical community, laboratory assessment and treatment evaluation
3904 and insurance coverage issues and a retrospective study of
3905 PANDAS/PANS patients on a variety of antibiotics, (W) the sum of
3906 $150,000 [shall be transferred from said surplus funds] to the
3907 Department of Economic and Community Development, for Other

3908 Expenses, for a grant to the Windsor Arts Center in Windsor, (X) the
3909 sum of $250,000 to the Department of Social Services, Other Expenses,
3910 for a grant to the Norwich/New London Continuum of Care to
3911 facilitate rapid rehousing and homelessness prevention in southeastern
3912 Connecticut, (Y) the sum of $150,000 to the Department of Education,
3913 After School Program, for a grant to the city of Bridgeport for the
3914 Lighthouse After School Program, (Z) the sum of $50,000 to the
3915 Department of Education, Connecticut Writing Project and (AA) the
3916 sum of $510,517 to the Judicial Department, Other Expenses, for
3917 electronic monitoring of persons pursuant to subsection (f) of section
3918 46b-38c of the general statutes, as amended by this act.

3919 (2) Not later than February 1, 2013, the Commissioner of Public
3920 Health shall transmit, in accordance with the provisions of section 11-
3921 4a of the general statutes, the comprehensive analysis conducted by
3922 the PANDAS Resource Network under subdivision (1) of this
3923 subsection to the joint standing committees of the General Assembly
3924 having cognizance of matters relating to public health and insurance.

3925 Sec. 117. (*Effective July 1, 2012*) Funds appropriated in section 1 of
3926 public act 12-104 to the Department of Economic and Community
3927 Development, Local Theater Grant, shall be distributed equally among
3928 the following theaters: Long Wharf Theatre of New Haven, Hartford
3929 Stage of Hartford, Eugene O'Neill Theater Center of Waterford,
3930 Goodspeed Opera House of East Haddam, Yale Repertory Theatre of
3931 New Haven, the Warner Theater of Torrington and Westport Country
3932 Playhouse of Westport for the fiscal year ending June 30, 2013.

3933 Sec. 118. Subsection (c) of section 204 of public act 11-48 is repealed
3934 and the following is substituted in lieu thereof (*Effective from passage*):

3935 (c) Not later than October 1, **[**2012**]** 2013, the Commissioners of
3936 Education and Higher Education shall report to the joint standing
3937 committees of the General Assembly having cognizance of matters
3938 relating to higher education and education, in accordance with the
3939 provisions of section 11-4a of the general statutes, concerning the

3940 results of the pilot program. The report shall include, but not be
3941 limited to: (1) The number, ages and educational history of the adults
3942 who participated in the pilot program; (2) the dates each adult
3943 participated in such pilot program; (3) the subject matter in which each
3944 such adult required postsecondary developmental education; (4) a
3945 description of the college preparatory classes that were offered
3946 through such pilot program; (5) the level of improvement of each such
3947 adult in each subject matter in which such adult required
3948 postsecondary developmental education; (6) the results of any college
3949 placement examinations taken by each such adult and the dates of
3950 such examinations; (7) whether any adults who participated in such
3951 pilot program applied for acceptance to, enrolled in or registered for a
3952 program of higher learning at an institution of higher education prior
3953 to or upon completion of such pilot program and, if so, a description of
3954 such program of higher learning; and (8) the cost of offering college
3955 preparatory classes through such pilot program in comparison to the
3956 cost of offering the equivalent or similar postsecondary developmental
3957 education classes at an institution of higher education in this state.

3958 Sec. 119. Subsection (c) of section 205 of public act 11-48 is repealed
3959 and the following is substituted in lieu thereof (*Effective from passage*):

3960 (c) Not later than October 1, **[**2012**]** 2013, the Commissioners of
3961 Education and Higher Education shall report to the joint standing
3962 committees of the General Assembly having cognizance of matters
3963 relating to higher education and education, in accordance with the
3964 provisions of section 11-4a of the general statutes, concerning the
3965 results of the pilot program. The report shall include, but not be
3966 limited to: (1) The number, ages and educational history of the
3967 students who participated in the pilot program; (2) the dates each
3968 student participated in such pilot program; (3) the subject matter in
3969 which each such student required developmental education; (4) a
3970 description of the college preparatory classes that were offered
3971 through such pilot program; (5) the level of improvement of each such
3972 student in each subject matter in which such student required

3973 developmental education; (6) the results of any college placement
3974 examinations taken by each such student and the dates of such
3975 examinations; (7) whether any students who participated in such pilot
3976 program applied for acceptance to, enrolled in or registered for a
3977 program of higher learning at an institution of higher education prior
3978 to or upon completion of such pilot program and, if so, a description of
3979 such program of higher learning; and (8) the cost of offering college
3980 preparatory classes through such pilot program in comparison to the
3981 cost of offering the equivalent or similar developmental education
3982 classes at an institution of higher education in this state.

3983 Sec. 120. Section 27-39 of the 2012 supplement to the general statutes
3984 is repealed and the following is substituted in lieu thereof (*Effective*
3985 *from passage*):

3986 (a) As used in this section "military facility" means any state-owned
3987 or controlled military building, structure or training site.

3988 (b) The Adjutant General is charged with the responsibility for the
3989 use, **[**and**]** maintenance and leasing of all armories, rifle ranges,
3990 military facilities, reservations and other military property under the
3991 provisions for such use imposed by the statutes. Each military facility
3992 shall be under the charge of a commissioned officer, designated by the
3993 Adjutant General. **[**, and may be leased by him as herein prescribed.**]**
3994 Each application for the lease of such facility shall be made to **[**the
3995 officer in charge of such facility, who shall forward such application
3996 to**]** the Adjutant General, who shall approve or disapprove such
3997 application and so advise the applicant. The Adjutant General shall
3998 limit the lease of military facilities to military and nonprofit
3999 organizations, organizations receiving state aid and governmental
4000 agencies. Proceeds from the lease of military facilities shall be paid to
4001 the Adjutant General, who shall promptly **[**pay**]** transmit such
4002 proceeds **[**into the Treasury of the state**]** to the State Treasurer for
4003 deposit in the military facilities account established under subsection
4004 (e) of this section. The Adjutant General shall, in military facilities

4005 where space is available, assign space to veterans' service
4006 organizations for their joint uses, subject to the regulations concerning
4007 military facilities. Units of the armed forces of the state and veterans'
4008 organizations jointly utilizing military facilities shall be allowed the
4009 use of the drill shed and such other portions of the [building] facility as
4010 are usually included when military facilities are leased, upon proper
4011 application through regular channels and subject to the following
4012 conditions and terms: (1) When no admissions are charged, the lease
4013 shall be free up to midnight on the regular meeting night of the
4014 organization making application; [. If] (2) if the use of the military
4015 facility is required after midnight, the regular military rate shall be
4016 charged; [. At] and (3) at all other times and for entertainments when
4017 admissions are charged, the military rate shall be charged to veterans'
4018 organizations jointly using the military facility.

4019 (c) Nothing in this chapter shall be construed as allowing the lease
4020 of, or assignment of space in, any military facility (1) on the drill night
4021 of any active military organization stationed in the facility or in a
4022 manner that conflicts with the military usage of the facility, [or] (2) at a
4023 reduced rate by any veterans' organization for the purpose of
4024 conducting any athletic contest or other entertainment for which full
4025 nonmilitary rate is charged military organizations, or (3) in a manner
4026 that conflicts with federal military regulations. In no case shall any
4027 veterans' organization be allowed use of any military facility for the
4028 purpose of subleasing.

4029 [(c)] (d) Agricultural and other associations that receive state aid
4030 and military organizations may be allowed the use of military facilities
4031 at a cost not exceeding the actual maintenance cost of such facilities
4032 during the period of such use. Applications for such use may be made
4033 to the Adjutant General. [through the officer in charge of the military
4034 facility desired to be used.] In all cases [when admission is charged] of
4035 lease or use of a facility by a nongovernmental entity, a certificate of
4036 insurance, approved by the Adjutant General, indemnifying the state
4037 against injuries to person and damage to property shall be furnished,

4038 the cost of the certificate to be in addition to the leasing or maintenance
4039 charge. The Adjutant General may allow the use of any military
4040 facility, without charge, by (1) any public or private nonprofit
4041 elementary or secondary school or any public institution of higher
4042 education for purposes of athletic events with respect to which no
4043 admission is charged, (2) the American Red Cross for purposes of
4044 blood supply programs, and (3) any local, state or federal
4045 governmental agency, provided any such use does not conflict with
4046 the use of such facility for military purposes or with federal military
4047 regulations. The Adjutant General shall allow the use of the military
4048 facilities associated with the first and second companies of the
4049 Governor's Horse Guards in the towns of Avon and Newtown,
4050 without charge, by nonprofit organizations receiving contributions to
4051 support such Horse Guards for purposes of fundraising, provided
4052 such use does not conflict with the use of such facilities for military
4053 purposes.

4054 (e) There is established an account to be known as the "military
4055 facilities account" which shall be a separate, nonlapsing account within
4056 the General Fund. The account shall contain (1) any amounts
4057 appropriated or otherwise made available by the state for the purposes
4058 of the account, (2) any moneys required by law to be deposited in the
4059 account, and (3) gifts, grants, donations or bequests made for the
4060 purposes of the account. Moneys in the account shall be expended by
4061 the Military Department for the maintenance and renovation of
4062 military facilities.

4063 **[**(d)**]** (f) Not later than August **[**1, 2007, and**]** first, annually,
4064 **[**thereafter,**]** the Adjutant General shall submit a report of the amount
4065 of proceeds received from leasing each military facility and the
4066 expenses of each such facility, for the twelve-month period ending on
4067 June thirtieth of the same year, to the **[**Military Department, the joint
4068 standing committee of the General Assembly having cognizance of
4069 matters relating to public safety and the**]** select committee of the
4070 General Assembly having cognizance of matters relating to veterans'

4071 affairs, in accordance with the provisions of section 11-4a.

4072 Sec. 121. Section 4-5 of the 2012 supplement to the general statutes is
4073 repealed and the following is substituted in lieu thereof (*Effective from*
4074 *passage*):

4075 As used in sections 4-6, 4-7 and 4-8, the term "department head"
4076 means Secretary of the Office of Policy and Management,
4077 Commissioner of Administrative Services, Commissioner of Revenue
4078 Services, Banking Commissioner, Commissioner of Children and
4079 Families, Commissioner of Construction Services, Commissioner of
4080 Consumer Protection, Commissioner of Correction, Commissioner of
4081 Economic and Community Development, State Board of Education,
4082 Commissioner of Emergency Services and Public Protection,
4083 Commissioner of Energy and Environmental Protection,
4084 Commissioner of Agriculture, Commissioner of Public Health,
4085 Insurance Commissioner, Labor Commissioner, Liquor Control
4086 Commission, Commissioner of Mental Health and Addiction Services,
4087 Commissioner of Social Services, Commissioner of Developmental
4088 Services, Commissioner of Motor Vehicles, Commissioner of
4089 Transportation, Commissioner of Veterans' Affairs, Commissioner of
4090 Housing, the director of the Bureau of Rehabilitative Services and the
4091 executive director of the Office of Military Affairs. As used in sections
4092 4-6 and 4-7, "department head" also means the Commissioner of
4093 Education and the president of the Board of Regents for Higher
4094 Education.

4095 Sec. 122. Section 8-13w of the general statutes is repealed and the
4096 following is substituted in lieu thereof (*Effective July 1, 2012*):

4097 Within available **[**appropriations**]** resources, the Secretary of the
4098 Office of Policy and Management may make grants to municipalities
4099 for the purpose of providing technical assistance and predevelopment
4100 funds in the planning of incentive housing zones, the adoption of
4101 incentive housing zone regulations and design standards, the review
4102 and revision as needed of applicable subdivision regulations and

4103 applications to the secretary for preliminary or final approval as set
4104 forth in sections 8-13m to 8-13x, inclusive. The secretary may adopt
4105 regulations, in accordance with the provisions of chapter 54, to
4106 implement the provisions of this section.

4107 Sec. 123. (NEW) (*Effective October 1, 2012*) (a) Any machine at a retail
4108 establishment or commercial premises that enables a person to process,
4109 at such establishment or premises, tobacco or any product that is made
4110 or derived from tobacco into a roll or tube shall be deemed a cigarette
4111 rolling machine.

4112 (b) Every person owning, leasing, possessing, controlling, operating
4113 or otherwise using any cigarette rolling machine, as described in
4114 subsection (a) of this section, at such person's retail establishment or
4115 commercial premises in this state, or permitting or allowing the
4116 operation or use at such person's retail establishment or commercial
4117 premises in this state of any such cigarette rolling machine, shall be
4118 deemed to be a tobacco product manufacturer, as defined in section 4-
4119 28h of the general statutes, and shall be required to secure and retain a
4120 cigarette manufacturer's license in accordance with section 12-285b of
4121 the general statutes.

4122 (c) Any cigarette dealer's license or cigarette distributor's license
4123 issued under the provisions of chapter 214 of the general statutes, and
4124 any tobacco products distributor's license issued under the provisions
4125 of chapter 214a of the general statutes, to any person described in
4126 subsection (b) of this section shall, if such person has not secured and
4127 does not retain a cigarette manufacturer's license in accordance with
4128 section 12-285b of the general statutes, be subject to suspension or
4129 revocation in accordance with sections 12-295 and 12-330e of the
4130 general statutes. Any such person's failure to secure and retain a
4131 cigarette manufacturer's license, in accordance with section 12-285b of
4132 the general statutes, shall also be deemed to be a failure to comply
4133 with the provisions of chapter 219 of the general statutes, and the
4134 seller's permit of any such person shall also be subject to suspension or

4135 revocation in accordance with section 12-409 of the general statutes.

4136 (d) Any person described in subsection (b) of this section who is
4137 issued a cigarette manufacturer's license in accordance with section 12-
4138 285b of the general statutes and who intends to distribute in this state
4139 the cigarettes such person manufactures, shall be required to obtain a
4140 cigarette distributor's license in accordance with the provisions of
4141 chapter 214 of the general statutes. Nothing in this section shall relieve
4142 any person who has been issued a license as required by this section
4143 from the obligation to comply with all other provisions of law,
4144 including, but not limited to, the provisions of chapters 47, 214, 214a
4145 and 541 of the general statutes.

4146 Sec. 124. Subdivision (58) of section 12-412 of the 2012 supplement
4147 to the general statutes is repealed and the following is substituted in
4148 lieu thereof (*Effective July 1, 2012, and applicable to sales occurring on and*
4149 *after said date*):

4150 (58) (A) Sales of any services rendered for purposes of **[**(A)**]** (i)
4151 personnel services, **[**(B)**]** (ii) commercial or industrial marketing,
4152 development, testing or research services, or **[**(C)**]** (iii) business
4153 analysis and management services, whenever, pursuant to a joint
4154 venture agreement, the recipient of any such services is either a
4155 corporation, a partnership, or a limited liability company, and such
4156 services are rendered by one or more corporate shareholders, or a
4157 corporate partner or corporate member in such joint venture, and in
4158 accordance with which, except as provided in subparagraph (B) of this
4159 subdivision, the company rendering such service must have an
4160 ownership interest equivalent to not less than twenty-five per cent of
4161 total ownership in such joint venture, provided **[**(i)**]** (I) the purpose of
4162 such joint venture is directly related to production or development of
4163 new or experimental products or systems and the marketing and
4164 support thereof, **[**(ii)**]** (II) at least one of the corporations participating
4165 in such joint venture shall have been actively engaged in business in
4166 this state for not less than ten years, and **[**(iii)**]** (III) exemption for such

4167 sales in accordance with this subsection, with respect to any single
4168 joint venture, shall not be allowed for a period in excess of twenty
4169 consecutive years from the date of such venture's incorporation,
4170 formation or organization, or in the case of a joint venture in existence
4171 prior to January 1, 1986, within the aircraft industry, for a period in
4172 excess of **[**thirty**]** forty consecutive years, and such exemption shall be
4173 applicable to sales of such services rendered on or after January 1,
4174 1986.

4175 (B) In the case of a joint venture in the aircraft industry, the
4176 ownership interest percentage of each participant in such joint venture
4177 shall be equal to the aggregate ownership interest percentage owned
4178 directly or indirectly by every participant in such venture that is a
4179 related member, as defined in subsection (a) of section 12-218c.

4180 Sec. 125. Subsection (b) of section 8-265dd of the general statutes is
4181 repealed and the following is substituted in lieu thereof (*Effective from*
4182 *passage*):

4183 (b) Notwithstanding any provision of the general statutes, or any
4184 rule of law to the contrary, on and after July 1, 2008, no judgment of
4185 strict foreclosure nor any judgment ordering a foreclosure sale shall be
4186 entered in any action instituted by the mortgagee to foreclose a
4187 mortgage commenced on or after said date, for the foreclosure of an
4188 eligible mortgage unless (1) notice to the mortgagor has been given by
4189 the mortgagee in accordance with section 8-265ee, as amended by this
4190 act, and the time for response has expired, and (2) a determination has
4191 been made on the mortgagor's application for emergency mortgage
4192 assistance payments in accordance with section 8-265ff, as amended by
4193 this act, or the applicable time periods set forth in sections 8-265cc to 8-
4194 265kk, inclusive, as amended by this act, have expired, whichever is
4195 earlier. For purposes of this section and sections 8-265ee to 8-265kk,
4196 inclusive, as amended by this act, an "eligible mortgage" is a mortgage
4197 which satisfies the standards contained in subdivisions (1), **[**(3), (8) and
4198 (10) to (13)**]**, (7) and (9) to (12) inclusive, of subsection (e) of section 8-

4199 265ff, as amended by this act.

4200 Sec. 126. Section 8-265ee of the general statutes is repealed and the
4201 following is substituted in lieu thereof (*Effective from passage*):

4202 (a) On and after July 1, 2008, a mortgagee who desires to foreclose
4203 upon a mortgage which satisfies the standards contained in
4204 subdivisions (1), **[**(3), (10), (11) and (12)**]** (9), (10) and (11) of subsection
4205 (e) of section 8-265ff, as amended by this act, shall give notice to the
4206 mortgagor by registered, or certified mail, postage prepaid at the
4207 address of the property which is secured by the mortgage. No such
4208 mortgagee may commence a foreclosure of a mortgage prior to mailing
4209 such notice. Such notice shall advise the mortgagor of his delinquency
4210 or other default under the mortgage and shall state that the mortgagor
4211 has sixty days from the date of such notice in which to (1) have a face-
4212 to-face meeting, telephone or other conference acceptable to the
4213 authority with the mortgagee or a face-to-face meeting with a
4214 consumer credit counseling agency to attempt to resolve the
4215 delinquency or default by restructuring the loan payment schedule or
4216 otherwise, and (2) contact the authority, at an address and phone
4217 number contained in the notice, to obtain information and apply for
4218 emergency mortgage assistance payments if the mortgagor and
4219 mortgagee are unable to resolve the delinquency or default.

4220 (b) Except in cases in which the mortgagee refuses to meet with the
4221 mortgagor, if the mortgagor fails to meet with the mortgagee or
4222 comply with any of the time limitations specified in the notice as
4223 provided in subsection (a) of this section, or if the mortgagor's
4224 application is not filed by the date thirty days after the date of any
4225 default in payment under an agreement as provided in subsection (c)
4226 of this section or if the mortgagor's application for emergency
4227 mortgage assistance payments is not approved by the date thirty
4228 calendar days after the date of receipt of the mortgagor's application in
4229 accordance with the provisions of section 8-265ff, as amended by this
4230 act, the foreclosure of the mortgagor's mortgage may, at any time

4231 thereafter, except as provided in subsection (e) of this section, continue
4232 without any further restriction or requirement under the provisions of
4233 sections 8-265cc to 8-265kk, inclusive, as amended by this act, provided
4234 the mortgagee files an affidavit with the court stating the notice
4235 provisions of subsection (a) of this section have been complied with
4236 and that either the mortgagor failed to meet with the mortgagee or
4237 failed to comply with all of the time limitations specified in the notice
4238 as provided in subsection (a) of this section or that the mortgagor's
4239 application for emergency assistance payments was not approved by
4240 the date thirty calendar days after the date of receipt of the
4241 mortgagor's application, or that a determination of ineligibility was
4242 made.

4243 (c) If, after a face-to-face meeting, telephone or other conference
4244 acceptable to the authority, as provided in subsection (a) of this
4245 section, the mortgagor and the mortgagee reach an agreement to
4246 resolve the delinquency or default and, because of financial hardship
4247 due to circumstances beyond the mortgagor's control, the mortgagor is
4248 unable to fulfill the obligations of the agreement, the mortgagor may
4249 apply to the authority for emergency mortgage assistance payments
4250 under sections 8-265cc to 8-265kk, inclusive, as amended by this act, by
4251 the date thirty days after the date of any default in payment under the
4252 agreement. The mortgagee shall not be required to send any additional
4253 notice to the mortgagor other than the notice required under
4254 subsection (a) of this section.

4255 **[**(d) No person receiving financial relief under sections 8-265cc to 8-
4256 265kk, inclusive, may file a defense, counterclaim or set-off to any
4257 action for foreclosure of the mortgage for which such financial relief
4258 was provided.**]**

4259 **[**(e)**]** (d) Nothing in sections 8-265cc to 8-265kk, inclusive, as
4260 amended by this act, shall prevent a mortgagor from exercising rights
4261 that may exist under the foreclosure mediation program and those
4262 rights may be exercised concurrently with the rights afforded under

4263 sections 8-265cc to 8-265kk, inclusive, as amended by this act, provided
4264 the exercise of rights under the foreclosure mediation program shall
4265 not cause a delay in the determination under subsection (e) of section
4266 8-265ff, as amended by this act. Nothing in sections 8-265cc to 8-265kk,
4267 inclusive, as amended by this act, shall prevent a mortgagor from
4268 applying or reapplying and being considered for emergency mortgage
4269 assistance if such mortgagor is referred to the emergency mortgage
4270 assistance program by the foreclosure mediation program.

4271 Sec. 127. Subsections (d) and (e) of section 8-265ff of the general
4272 statutes are repealed and the following is substituted in lieu thereof
4273 (*Effective from passage*):

4274 (d) The mortgagor shall provide the authority with full disclosure of
4275 all assets and liabilities, whether singly or jointly held, and all
4276 household income regardless of source. For purposes of this
4277 subsection, both of the following are included as assets:

4278 (1) The sum of the household's savings and checking accounts,
4279 market value of stocks, bonds and other securities, other capital
4280 investments, pensions and retirement funds valued in an amount
4281 greater than one hundred thousand dollars, personal property and
4282 equity in real property including the subject mortgage property.
4283 Income derived from family assets shall be considered as income.
4284 Equity is the difference between the market value of the property and
4285 the total outstanding principal of any loans secured by the property
4286 and other liens.

4287 (2) Lump-sum additions to family assets such as inheritances,
4288 capital gains, insurance payments included under health, accident,
4289 hazard or worker's compensation policies and settlements, verdicts or
4290 awards for personal or property losses or transfer of assets without
4291 consideration within one year of the time of application. Pending
4292 claims for such items must be identified by the homeowner as
4293 contingent assets.

4294 (e) The authority shall make a determination of eligibility for
4295 emergency mortgage assistance payments by the date thirty calendar
4296 days after the date of receipt of the mortgagor's application. During
4297 said thirty-day period no judgment of strict foreclosure or any
4298 judgment ordering foreclosure by sale shall be entered in any action
4299 for the foreclosure of any mortgage any mortgagee holds on the
4300 mortgagor's real property. No emergency mortgage assistance
4301 payments may be provided unless the authority finds that:

4302 (1) The real property securing the mortgage is a one-to-four family
4303 owner-occupied residence, including, but not limited to, a single
4304 family unit in a common interest community, is the principal residence
4305 of the mortgagor and is located in this state;

4306 (2) Payments, including amounts **[**required to be paid into escrow or
4307 impound accounts as reserves**]** for taxes and insurance payments,
4308 including mortgage insurance, <u>or for charges, assessments and fees</u>
4309 <u>associated with a condominium or common interest community, as</u>
4310 <u>such terms are defined in section 47-202,</u> or any combination of such
4311 payments, <u>whether or not such payments are made into escrow or</u>
4312 <u>impound accounts as reserves,</u> owed by the mortgagor under any
4313 mortgage on such real property have been **[**contractually**]** delinquent
4314 and the mortgagee<u>, taxing authority, or unit owners association</u> has
4315 indicated to the mortgagor its intention to foreclose;

4316 **[**(3) The mortgage is not insured by the Federal Housing
4317 Administration under Title II of the National Housing Act, 12 USC
4318 Section 1707 et seq.;**]**

4319 **[**(4)**]** <u>(3)</u> The mortgagor is a resident of this state and is suffering
4320 financial hardship which renders the mortgagor unable to correct the
4321 delinquency or delinquencies within a reasonable time and make full
4322 mortgage payments. For the purposes of subdivision **[**(8)**]** <u>(7)</u> of this
4323 subsection, in order to determine whether the financial hardship is due
4324 to circumstances beyond the mortgagor's control, the authority may
4325 consider information regarding the mortgagor's employment, credit

4326 history and current and past household income, assets, total debt
4327 service, net worth, eligibility for other types of assistance and any
4328 other criteria or related factors it deems necessary and relevant;

4329 [(5)] (4) There is a reasonable prospect that the mortgagor will be
4330 able to resume full mortgage payments on the original, modified or
4331 refinanced mortgage within sixty months after the beginning of the
4332 period in which emergency mortgage assistance payments are
4333 provided in accordance with a written plan formulated or approved by
4334 the authority and pay the mortgage in full in level monthly payments
4335 of principal and interest, subject only to payment changes as provided
4336 in the mortgage, by its maturity date;

4337 [(6)] (5) The mortgagor has applied to the authority for emergency
4338 mortgage assistance payments on an application form prescribed by
4339 the authority which includes a financial statement disclosing all assets
4340 and liabilities of the mortgagor, whether singly or jointly held, and all
4341 household income regardless of source;

4342 [(7)] (6) Based on the financial statement, the mortgagor has
4343 insufficient household income or net worth to correct the delinquency
4344 or delinquencies within a reasonable period of time and make full
4345 mortgage payments;

4346 [(8)] (7) There is a reasonable prospect that the mortgagor, as
4347 determined by the authority, will be able to repay the emergency
4348 mortgage assistance within a reasonable amount of time under the
4349 terms of section 8-265hh, including through a refinancing of the
4350 mortgage, and the authority finds that, except for the current
4351 delinquency, the mortgagor has had a favorable residential mortgage
4352 credit history for the previous two years or period of ownership,
4353 whichever is less. For the purposes of this subdivision, if a mortgagor
4354 has been more than thirty days in arrears four or more times on a
4355 residential mortgage within the previous year, the mortgagor shall be
4356 ineligible for emergency mortgage assistance payments unless the
4357 mortgagor can demonstrate that the prior delinquency was the result

4358 of financial hardship due to circumstances beyond the mortgagor's
4359 control. In making a determination under this subsection, the authority
4360 may consider information regarding the structure of the mortgage, its
4361 repayment schedule, the length of time the mortgagor has lived in his
4362 or her home, and any other relevant factors or criteria it deems
4363 appropriate;

4364 **[**(9)**]** (8) The mortgagee is not otherwise prevented by law from
4365 foreclosing upon the mortgage;

4366 **[**(10)**]** (9) The mortgagor has not mortgaged the real property for
4367 commercial or business purposes;

4368 **[**(11)**]** (10) The mortgagor has not previously received emergency
4369 mortgage assistance payments from the authority, provided a
4370 mortgagor who has previously received such payments shall be
4371 eligible to reapply if the mortgagor has reinstated the mortgage and
4372 the mortgagor shall not have been delinquent for at least six
4373 consecutive months immediately following such reinstatement;

4374 **[**(12)**]** (11) The mortgagor is not in default under the mortgage
4375 except for the monetary delinquency referred to in subdivision (2) of
4376 this subsection; and

4377 **[**(13)**]** (12) The mortgagor meets such other procedural requirements
4378 as the authority may establish.

4379 Sec. 128. Subsection (a) of section 8-265gg of the general statutes is
4380 repealed and the following is substituted in lieu thereof (*Effective from*
4381 *passage*):

4382 (a) If the authority approves a mortgagor for assistance under the
4383 provisions of section 8-265ff, as amended by this act, the authority
4384 shall make monthly emergency mortgage assistance payments directly
4385 to each mortgagee secured by the mortgagor's real property for a
4386 period not to exceed sixty months, either consecutively or
4387 nonconsecutively, except no such payments shall be made after sixty

4388 months have passed since the date of the initial payment. The total
4389 monthly payment made by the authority, to or on behalf of a
4390 mortgagor under subsection (c) of this section, shall be not more than
4391 twenty-eight per cent of one hundred forty per cent of annual area
4392 median income, as published by the United States Department of
4393 Housing and Urban Development, divided by twelve. Upon receipt of
4394 payment in full from a mortgagor of the monthly amount established
4395 under subsection (b) of this section, the authority shall pay to each
4396 mortgagee the full amount then due to the mortgagee pursuant to the
4397 terms of the mortgage without regard to any acceleration under the
4398 mortgage. Such payments shall include, but not be limited to,
4399 principal, interest, taxes, assessments and insurance premiums. The
4400 initial payment made by the authority to each mortgagee may be an
4401 amount which pays all arrearages and pays reasonable costs and
4402 reasonable attorney's fees incurred by the mortgagee in connection
4403 with foreclosure of the mortgage.

4404 Sec. 129. (NEW) (*Effective October 1, 2012*) (a) A mortgagee, as
4405 defined in section 49-8a of the general statutes, shall include the form
4406 promulgated by the judicial branch, in accordance with subdivision (3)
4407 of subsection (c) of section 49-31*l* of the general statutes, concerning
4408 notice of community-based resources to parties involved in foreclosure
4409 mediation with any notice to a mortgagor, as defined in said section
4410 49-8a, of an intent to accelerate the mortgage loan.

4411 (b) A municipality shall include such form with any statements sent
4412 to a homeowner regarding an arrearage owed by the homeowner for
4413 public sewer or water services or for property taxes.

4414 (c) The judicial branch shall provide such form to parties involved
4415 in foreclosure mediation to public libraries, religious organizations and
4416 community-based programs throughout this state to ensure that such
4417 form is readily available to mortgagors.

4418 (d) Such form shall include the following:

4419 (1) A reference to CHFA/HUD-Approved Housing Counselors in
4420 lieu of a reference to CHFA-Approved Housing Counselors;

4421 (2) A column in the approved housing counselor chart that includes
4422 the counties in which each housing counselor serves; and

4423 (3) A notification to mortgagors who are currently parties to a
4424 foreclosure action that they should contact the Department of
4425 Banking's foreclosure assistance hotline for assistance with time
4426 sensitive foreclosure concerns.

4427 Sec. 130. Section 36a-701b of the general statutes is repealed and the
4428 following is substituted in lieu thereof (*Effective October 1, 2012*):

4429 (a) For purposes of this section, "breach of security" means
4430 unauthorized access to or unauthorized acquisition of electronic files,
4431 media, databases or computerized data containing personal
4432 information when access to the personal information has not been
4433 secured by encryption or by any other method or technology that
4434 renders the personal information unreadable or unusable; "personal
4435 information" means an individual's first name or first initial and last
4436 name in combination with any one, or more, of the following data: (1)
4437 Social Security number; (2) driver's license number or state
4438 identification card number; or (3) account number, credit or debit card
4439 number, in combination with any required security code, access code
4440 or password that would permit access to an individual's financial
4441 account. "Personal information" does not include publicly available
4442 information that is lawfully made available to the general public from
4443 federal, state or local government records or widely distributed media.

4444 (b) (1) Any person who conducts business in this state, and who, in
4445 the ordinary course of such person's business, owns, licenses or
4446 maintains computerized data that includes personal information, shall
4447 [disclose] provide notice of any breach of security following the
4448 discovery of the breach to any resident of this state whose personal
4449 information was, or is reasonably believed to have been, accessed by

4450 an unauthorized person through such breach of security. Such
4451 [disclosure] notice shall be made without unreasonable delay, subject
4452 to the provisions of subsection (d) of this section and the completion of
4453 an investigation by such person to determine the nature and scope of
4454 the incident, to identify the individuals affected, or to restore the
4455 reasonable integrity of the data system. Such notification shall not be
4456 required if, after an appropriate investigation and consultation with
4457 relevant federal, state and local agencies responsible for law
4458 enforcement, the person reasonably determines that the breach will not
4459 likely result in harm to the individuals whose personal information has
4460 been acquired and accessed.

4461 (2) If notice of a breach of security is required by subdivision (1) of
4462 this subsection, the person who conducts business in this state, and
4463 who, in the ordinary course of such person's business, owns, licenses
4464 or maintains computerized data that includes personal information,
4465 shall not later than the time when notice is provided to the resident
4466 also provide notice of the breach of security to the Attorney General.

4467 (c) Any person that maintains computerized data that includes
4468 personal information that the person does not own shall notify the
4469 owner or licensee of the information of any breach of the security of
4470 the data immediately following its discovery, if the personal
4471 information of a resident of this state was, or is reasonably believed to
4472 have been accessed by an unauthorized person.

4473 (d) Any notification required by this section shall be delayed for a
4474 reasonable period of time if a law enforcement agency determines that
4475 the notification will impede a criminal investigation and such law
4476 enforcement agency has made a request that the notification be
4477 delayed. Any such delayed notification shall be made after such law
4478 enforcement agency determines that notification will not compromise
4479 the criminal investigation and so notifies the person of such
4480 determination.

4481 (e) Any notice to a resident, owner or licensee required by the

4482 provisions of this section may be provided by one of the following
4483 methods: (1) Written notice; (2) telephone notice; (3) electronic notice,
4484 provided such notice is consistent with the provisions regarding
4485 electronic records and signatures set forth in 15 USC 7001; (4)
4486 substitute notice, provided such person demonstrates that the cost of
4487 providing notice in accordance with subdivision (1), (2) or (3) of this
4488 subsection would exceed two hundred fifty thousand dollars, that the
4489 affected class of subject persons to be notified exceeds five hundred
4490 thousand persons or that the person does not have sufficient contact
4491 information. Substitute notice shall consist of the following: (A)
4492 Electronic mail notice when the person [, business or agency] has an
4493 electronic mail address for the affected persons; (B) conspicuous
4494 posting of the notice on the web site of the person [, business or
4495 agency] if the person maintains one; and (C) notification to major state-
4496 wide media, including newspapers, radio and television.

4497 (f) Any person that maintains such person's own security breach
4498 procedures as part of an information security policy for the treatment
4499 of personal information and otherwise complies with the timing
4500 requirements of this section, shall be deemed to be in compliance with
4501 the security breach notification requirements of this section, provided
4502 such person notifies, [subject persons] as applicable, residents of this
4503 state, owners and licensees in accordance with such person's policies in
4504 the event of a breach of security and in the case of notice to a resident,
4505 such person also notifies the Attorney General not later than the time
4506 when notice is provided to the resident. Any person that maintains
4507 such a security breach procedure pursuant to the rules, regulations,
4508 procedures or guidelines established by the primary or functional
4509 regulator, as defined in 15 USC 6809(2), shall be deemed to be in
4510 compliance with the security breach notification requirements of this
4511 section, provided (1) such person notifies, [subject persons] as
4512 applicable, such residents of this state, owners, and licensees required
4513 to be notified under and in accordance with the policies or the rules,
4514 regulations, procedures or guidelines established by the primary or
4515 functional regulator in the event of a breach of security, [of the system]

4516 and (2) if notice is given to a resident of this state in accordance with
4517 subdivision (1) of this subsection regarding a breach of security, such
4518 person also notifies the Attorney General not later than the time when
4519 notice is provided to the resident.

4520 (g) Failure to comply with the requirements of this section shall
4521 constitute an unfair trade practice for purposes of section 42-110b and
4522 shall be enforced by the Attorney General.

4523 Sec. 131. Subsection (f) of section 46b-38c of the 2012 supplement to
4524 the general statutes is repealed and the following is substituted in lieu
4525 thereof (*Effective July 1, 2012*):

4526 (f) The Judicial Department may establish, within available
4527 appropriations, a pilot program in three judicial districts for the
4528 purpose of using electronic monitoring in accordance with this
4529 subsection. Such pilot program shall be conducted in at least one
4530 judicial district that contains an urban area, as defined in section 4b-13,
4531 and at least one judicial district that does not contain such an urban
4532 area. Pursuant to such pilot program, the court may order that any
4533 person appearing in such judicial district who is charged with the
4534 violation of a restraining order or a protective order, and who has been
4535 determined to be a high-risk offender by the family violence
4536 intervention unit, be subject to electronic monitoring designed to warn
4537 law enforcement agencies, a state-wide information collection center
4538 and the victim when the person is within a specified distance of the
4539 victim, if the court finds that such electronic monitoring is necessary to
4540 protect the victim, provided the cost of such electronic monitoring is
4541 paid by the person who is subject to such electronic monitoring,
4542 subject to guidelines established by the Chief Court Administrator. If
4543 the court orders that such person be subject to electronic monitoring,
4544 the clerk of the court shall send, by facsimile or other means, a copy of
4545 the order, or the information contained in any such order, to the law
4546 enforcement agency or agencies for the town in which the person
4547 resides. The Judicial Department shall cease operation of any pilot

4548 program established under this subsection not later than March 31,
4549 2011, unless resources are available to continue operation of the pilot
4550 program. On and after July 1, 2012, the Judicial Department may
4551 resume operation of the pilot program, within available resources, and
4552 may operate such pilot program in one or more additional judicial
4553 districts, within such available resources.

4554 Sec. 132. Section 51-49a of the 2012 supplement to the general
4555 statutes is repealed and the following is substituted in lieu thereof
4556 (*Effective from passage*):

4557 (a) The right to a retirement salary, in accordance with the
4558 provisions of this section, of any judge, family support magistrate or
4559 compensation commissioner who is not eligible to retire under the
4560 provisions of section 51-49i, as amended by this act, or 51-50a, as
4561 amended by this act, which judge, family support magistrate or
4562 compensation commissioner has completed ten years of service as
4563 such, shall be vested and nonforfeitable.

4564 (b) Any such judge or compensation commissioner who first
4565 commenced service as a judge or compensation commissioner prior to
4566 January 1, 1981, and who resigns (1) **[**prior to September 2, 2011**]** on or
4567 before October 1, 2011, (2) prior to becoming eligible to retire under
4568 section 51-50a, as amended by this act, and (3) after at least ten years of
4569 service, shall receive, at such time as he would have been eligible to so
4570 retire if he had continued in such service, as retirement salary,
4571 annually, fifty per cent of the retirement salary he would have received
4572 had he served until he was so eligible, plus ten per cent of such
4573 retirement salary for each year of service beyond ten years but for not
4574 more than five years of additional service.

4575 (c) Any such judge, family support magistrate or compensation
4576 commissioner who first commenced service as a judge, family support
4577 magistrate or compensation commissioner on or after January 1, 1981,
4578 and who resigns (1) **[**prior to September 2, 2011**]** on or before October
4579 1, 2011, (2) prior to becoming eligible to retire under section 51-50a, as

4580 amended by this act, and (3) after at least ten years of service, shall
4581 receive, at such time as he would have been eligible to so retire if he
4582 had continued in such service, annually, an amount equal to the
4583 fraction of the retirement salary he would have received had he served
4584 until he was so eligible [which] that corresponds to the ratio which the
4585 number of years of his completed service bears to the number of years
4586 of service which would have been completed at age sixty-five or
4587 twenty years, whichever is less.

4588 (d) Any such judge or compensation commissioner who first
4589 commenced service as a judge or compensation commissioner prior to
4590 January 1, 1981, and who resigns (1) on or after October 2, 2011, and
4591 prior to July 1, 2022, (2) prior to becoming eligible to retire under
4592 section 51-50a, as amended by this act, and (3) after at least ten years of
4593 service, shall receive, at such time as he would have been eligible to so
4594 retire if he had continued in such service, but in no event earlier than
4595 at sixty-two years of age, annually, an amount equal to the fraction of
4596 the retirement salary he would have received had he been eligible to
4597 retire on the date of his resignation [and shall begin collecting such
4598 retirement salary not earlier than at sixty-two years of age] that
4599 corresponds to the ratio that the number of years of his completed
4600 service bears to the number of years of service that would have been
4601 completed at sixty-five years of age or twenty years, whichever is less.

4602 (e) Any such judge, family support magistrate or compensation
4603 commissioner who first commenced service as a judge, family support
4604 magistrate or compensation commissioner on or after January 1, 1981,
4605 and prior to July 1, 2011, and who resigns (1) on or after October 2,
4606 2011, and prior to July 1, 2022, (2) prior to becoming eligible to retire
4607 under section 51-50a, as amended by this act, and (3) after at least ten
4608 years of service, shall receive, at such time as he would have been
4609 eligible to so retire if he had continued in such service, but in no event
4610 earlier than at sixty-five years of age, annually, an amount equal to the
4611 fraction of the retirement salary he would have received had he been
4612 eligible to retire on the date of his resignation [and shall begin

4613 collecting such retirement salary not earlier than at sixty-five years of
4614 age] that corresponds to the ratio that the number of years of his
4615 completed service bears to the number of years of service that would
4616 have been completed at sixty-five years of age or twenty years,
4617 whichever is less.

4618 [(f) In determining the amount of retirement payments to be made
4619 pursuant to subsections (b) to (e), inclusive, of this section, longevity
4620 payments which would have been made if the judge, family support
4621 magistrate or commissioner had continued to serve as a judge, family
4622 support magistrate or commissioner from the date of resignation with
4623 a vested right to a retirement salary shall not be included in the
4624 computation.]

4625 [(g)] (f) Any such judge, family support magistrate or compensation
4626 commissioner who first commenced service as a judge, family support
4627 magistrate or compensation commissioner on or after July 1, 2011, and
4628 who resigns (1) prior to becoming eligible to retire under section 51-
4629 49i, as amended by this act, or 51-50a, as amended by this act, and (2)
4630 after at least ten years of service, shall receive, at such time as he
4631 would have been eligible to so retire if he had continued in such
4632 service, but in no event earlier than at sixty-five years of age, annually,
4633 an amount equal to the fraction of the retirement salary he would have
4634 received had he been eligible to retire on the date of his resignation
4635 [and shall begin collecting such retirement salary not earlier than at
4636 sixty-five years of age] that corresponds to the ratio that the number of
4637 years of his completed service bears to the number of years of service
4638 that would have been completed at sixty-five years of age or twenty
4639 years, whichever is less.

4640 (g) In determining the amount of retirement payments to be made
4641 pursuant to subsections (b) to (f), inclusive, of this section, longevity
4642 payments which would have been made if the judge, family support
4643 magistrate or compensation commissioner had continued to serve as a
4644 judge, family support magistrate or compensation commissioner from

4645 the date of resignation with a vested right to a retirement salary shall
4646 not be included in the computation.

4647 Sec. 133. Section 51-49b of the 2012 supplement to the general
4648 statutes is repealed and the following is substituted in lieu thereof
4649 (*Effective from passage*):

4650 (a) On January 1, 1982, and January first of each subsequent year,
4651 each judge, family support magistrate or compensation commissioner
4652 who first commenced service as a judge, family support magistrate or
4653 compensation commissioner on or after January 1, 1981, and retired on
4654 or before [September 2, 2011] October 1, 2011, shall be entitled, in
4655 addition to the retirement salary to which such judge, family support
4656 magistrate or commissioner was entitled under the provisions of
4657 section 51-49a, as amended by this act, 51-50 or 51-50a, as amended by
4658 this act, as of the December thirty-first immediately preceding, to an
4659 additional percentage which reflects the increase, if any, in the
4660 National Consumer Price Index for Urban Wage Earners and Clerical
4661 Workers for the previous twelve-month period, provided such cost of
4662 living allowance shall not exceed three per cent. Such cost of living
4663 allowance shall be computed on the basis of the combined retirement
4664 salary and cost of living allowances, if any, to which such judge, family
4665 support magistrate or compensation commissioner was entitled as of
4666 the December thirty-first immediately preceding.

4667 (b) On January 1, 2012, and January first of each subsequent year,
4668 each judge, family support magistrate or compensation commissioner
4669 who [was in service] retires as a judge, family support magistrate or
4670 compensation commissioner on or after [September 1, 2011, and retired
4671 on or before the December thirty-first immediately preceding, shall be
4672 entitled, in addition to the retirement salary to which such judge,
4673 family support magistrate or compensation commissioner was entitled
4674 under the provisions of section 51-49a, as amended by this act, 51-50 or
4675 51-50a, as amended by this act, as of the December thirty-first
4676 immediately preceding, to an additional percentage which reflects the

4677 increase, if any, in the National Consumer Price Index for Urban Wage
4678 Earners and Clerical Workers for the previous twelve-month period,
4679 provided such cost of living allowance shall not exceed two per cent.
4680 Such cost of living allowance shall be computed on the basis of the
4681 combined retirement salary and cost of living allowances, if any, to
4682 which such judge, family support magistrate or compensation
4683 commissioner was entitled as of the December thirty-first immediately
4684 preceding] October 2, 2011, shall receive, in addition to the retirement
4685 salary to which such judge, family support magistrate or compensation
4686 commissioner was entitled under the provisions of section 51-49a, as
4687 amended by this act, 51-49i, as amended by this act, 51-50 or 51-50a, as
4688 amended by this act, as of the December thirty-first immediately
4689 preceding, a cost of living allowance equivalent to the cost of living
4690 allowance applied to the retirement salary of members of the state
4691 employees retirement system who retired on or after October 2, 2011,
4692 for the same period.

4693 Sec. 134. Section 51-49c of the 2012 supplement to the general
4694 statutes is repealed and the following is substituted in lieu thereof
4695 (*Effective from passage*):

4696 (a) On January 1, 1982, and January first of each subsequent year
4697 until January 1, 2011, each surviving spouse of a deceased judge,
4698 family support magistrate or [of a] compensation commissioner who
4699 first commenced service as a judge, family support magistrate or
4700 compensation commissioner on or after January 1, 1981, receiving an
4701 allowance under the provisions of section 51-51, shall be entitled to an
4702 additional cost of living allowance equal to the percentage which
4703 reflects the increase, if any, in the National Consumer Price Index for
4704 Urban Wage Earners and Clerical Workers for the previous twelve-
4705 month period, provided such cost of living increase shall not exceed
4706 three per cent. Such cost of living allowance shall be computed on the
4707 basis of the combined retirement allowance and cost of living
4708 allowance, if any, to which such surviving spouse was entitled as of
4709 the December thirty-first immediately preceding.

4710 (b) On January 1, 2012, and January first of each subsequent year,
4711 each surviving spouse of a deceased judge, family support magistrate
4712 or compensation commissioner who first commenced service as a
4713 judge, family support magistrate or compensation commissioner on or
4714 after January 1, 1981, receiving an allowance under the provisions of
4715 section 51-51, shall be entitled to an additional cost of living allowance
4716 **[**equal to the percentage which reflects the increase, if any, in the
4717 National Consumer Price Index for Urban Wage Earners and Clerical
4718 Workers for the previous twelve-month period, provided such cost of
4719 living increase shall not exceed two per cent. Such cost of living
4720 allowance shall be computed on the basis of the combined retirement
4721 allowance and cost of living allowance, if any, to which such surviving
4722 spouse was entitled as of the December thirty-first immediately
4723 preceding**]** equivalent to the cost of living allowance applied to the
4724 retirement salary of members of the state employees retirement system
4725 who retired on or after October 2, 2011, for the same period.

4726 Sec. 135. Section 51-49f of the 2012 supplement to the general
4727 statutes is repealed and the following is substituted in lieu thereof
4728 (*Effective from passage*):

4729 (a) For purposes of determining both the retirement salary of judges
4730 who first commenced service as judges prior to January 1, 1981, and
4731 the allowance payable to their surviving spouses under subsection (a)
4732 of section 51-51, "salary for the office" shall be composed of the total of
4733 the following amounts: The annual salary payable pursuant to
4734 subsection (a) of section 51-47, as such salary may change from time to
4735 time; and for judges to whom a longevity payment has been made or is
4736 due and payable, in each instance under subsection (d) of section 51-
4737 47, (1) one and one-half per cent of annual salary, as such salary may
4738 change from time to time, for those who have completed ten or more
4739 but less than fifteen years of service as a judge or other state service or
4740 service as an elected official of the state or any combination of such
4741 service, (2) three per cent of annual salary, as such salary may change
4742 from time to time, for those who have completed fifteen or more but

4743 less than twenty years of service as a judge or other state service or
4744 service as an elected official of the state or any combination of such
4745 service, (3) four and one-half per cent of annual salary, as such salary
4746 may change from time to time, for those who have completed twenty
4747 or more but less than twenty-five years of service as a judge or other
4748 state service or service as an elected official of the state or any
4749 combination of such service, and (4) six per cent of annual salary, as
4750 such salary may change from time to time, for those who have
4751 completed twenty-five or more years of service as a judge or other
4752 state service or service as an elected official of the state or any
4753 combination of such service.

4754 (b) For purposes of determining both the retirement salary of judges
4755 who first commenced service as judges on or after January 1, 1981, <u>and</u>
4756 <u>prior to July 1, 2011,</u> and the allowance payable to their surviving
4757 spouses, under subsection (b) of section 51-51, "salary" shall be
4758 composed of the total of the following amounts: The annual salary
4759 payable at the time of retirement or death, fixed in accordance with
4760 subsection (a) of section 51-47; and for judges to whom a longevity
4761 payment has been made or is due and payable, in each case under
4762 subsection (d) of section 51-47, (1) one and one-half per cent of the
4763 annual salary the judge was receiving at the time of retirement or
4764 death, for those who have completed ten or more but less than fifteen
4765 years of service as a judge or other state service or service as an elected
4766 official of the state or any combination of such service, (2) three per
4767 cent of the annual salary the judge was receiving at the time of
4768 retirement or death, for those who have completed fifteen or more but
4769 less than twenty years of service as a judge or other state service or
4770 service as an elected official of the state or any combination of such
4771 service, (3) four and one-half per cent of the annual salary the judge
4772 was receiving at the time of retirement or death, for those who have
4773 completed twenty or more but less than twenty-five years of service as
4774 a judge or other state service or service as an elected official of the state
4775 or any combination of such service, and (4) six per cent of the annual
4776 salary the judge was receiving at the time of retirement or death, for

4777 those who have completed twenty-five or more years of service as a
4778 judge or other state service or service as an elected official of the state
4779 or any combination of such service.

4780 (c) For purposes of determining both the retirement salary of judges
4781 who first commenced service as judges on or after July 1, 2011, and the
4782 allowance payable to their surviving spouses, under subsection (b) of
4783 section 51-51, "salary" shall be composed of the total of the following
4784 amounts: The average annual salary for the five years next preceding
4785 his or her retirement payable at the time of retirement or death, fixed
4786 in accordance with subsection (a) of section 51-47; and for judges to
4787 whom a longevity payment has been made or is due and payable, in
4788 each case under subsection (d) of section 51-47, (1) one and one-half
4789 per cent of the annual salary the judge was receiving at the time of
4790 retirement or death, for those who have completed ten or more but less
4791 than fifteen years of service as a judge or other state service or service
4792 as an elected official of the state or any combination of such service, (2)
4793 three per cent of the annual salary the judge was receiving at the time
4794 of retirement or death, for those who have completed fifteen or more
4795 but less than twenty years of service as a judge or other state service or
4796 service as an elected official of the state or any combination of such
4797 service, (3) four and one-half per cent of the annual salary the judge
4798 was receiving at the time of retirement or death, for those who have
4799 completed twenty or more but less than twenty-five years of service as
4800 a judge or other state service or service as an elected official of the state
4801 or any combination of such service, and (4) six per cent of the annual
4802 salary the judge was receiving at the time of retirement or death, for
4803 those who have completed twenty-five or more years of service as a
4804 judge or other state service or service as an elected official of the state
4805 or any combination of such service.

4806 (d) Notwithstanding any provision of the general statutes, on **[**or**]**
4807 <u>and</u> after **[**September 2, 2011**]** <u>October 2, 2011</u>, the retirement salary of
4808 **[**such judge, family support magistrate or compensation
4809 commissioner**]** <u>a judge</u> shall not exceed the limits of Section 415 of the

4810 Internal Revenue Code of 1986, or any subsequent corresponding
4811 internal revenue code of the United States, as amended from time to
4812 time.

4813 Sec. 136. Section 51-49g of the general statutes is repealed and the
4814 following is substituted in lieu thereof (*Effective from passage*):

4815 (a) For purposes of determining both the retirement salary of
4816 compensation commissioners who first commenced service as
4817 compensation commissioners in a term commencing prior to January
4818 1, 1981, and the allowance payable to their surviving spouses under
4819 subsection (a) of section 51-51, "salary" shall be composed of the total
4820 of the following amounts: The annual salary payable pursuant to
4821 subsection (a) of section 31-277, as such salary may change from time
4822 to time; and for compensation commissioners to whom a longevity
4823 payment has been made or is due and payable, in each instance under
4824 subsection (b) of section 31-277, (1) one and one-half per cent of annual
4825 salary, as such salary may change from time to time, for those who
4826 have completed ten or more but less than fifteen years of service as a
4827 compensation commissioner, (2) three per cent of annual salary, as
4828 such salary may change from time to time for those who have
4829 completed fifteen or more but less than twenty years of service as a
4830 compensation commissioner, (3) four and one-half per cent of annual
4831 salary, as such salary may change from time to time, for those who
4832 have completed twenty or more but less than twenty-five years of
4833 service as a compensation commissioner, and (4) six per cent of annual
4834 salary, as such salary may change from time to time, for those who
4835 have completed twenty-five or more years of service as a
4836 compensation commissioner.

4837 (b) For purposes of determining both the retirement salary of
4838 compensation commissioners who first commenced service as
4839 compensation commissioners in a term commencing on or after
4840 January 1, 1981, <u>and prior to July 1, 2011,</u> and the allowance payable to
4841 their surviving spouses, under subsection (b) of section 51-51, "salary"

4842 shall be composed of the total of the following amounts: The annual
4843 salary payable at the time of retirement or death, fixed in accordance
4844 with subsection (a) of section 31-277; and for compensation
4845 commissioners to whom a longevity payment has been made or is due
4846 and payable, in each case under subsection (b) of section 31-277, (1)
4847 one and one-half per cent of the annual salary the compensation
4848 commissioner was receiving at the time of retirement or death, for
4849 those who have completed ten or more but less than fifteen years of
4850 service as a compensation commissioner, (2) three per cent of the
4851 annual salary the compensation commissioner was receiving at the
4852 time of retirement or death, for those who have completed fifteen or
4853 more but less than twenty years of service as a compensation
4854 commissioner, (3) four and one-half per cent of the annual salary the
4855 compensation commissioner was receiving at the time of retirement or
4856 death, for those who have completed twenty or more but less than
4857 twenty-five years of service as a compensation commissioner and (4)
4858 six per cent of the annual salary the compensation commissioner was
4859 receiving at the time of retirement or death, for those who have
4860 completed twenty-five or more years of service as a compensation
4861 commissioner.

4862 (c) For purposes of determining both the retirement salary of
4863 compensation commissioners who first commenced service as
4864 compensation commissioners on or after July 1, 2011, and the
4865 allowance payable to their surviving spouses, under subsection (b) of
4866 section 51-51, "salary" shall be composed of the total of the following
4867 amounts: The average annual salary for the five years next preceding
4868 his or her retirement payable at the time of retirement or death, fixed
4869 in accordance with subsection (a) of section 31-277; and for
4870 compensation commissioners to whom a longevity payment has been
4871 made or is due and payable, in each case under subsection (b) of
4872 section 31-277, (1) one and one-half per cent of the annual salary the
4873 compensation commissioner was receiving at the time of retirement or
4874 death, for those who have completed ten or more but less than fifteen
4875 years of service as a compensation commissioner or other state service

4876 or service as an elected official of the state or any combination of such
4877 service, (2) three per cent of the annual salary the compensation
4878 commissioner was receiving at the time of retirement or death, for
4879 those who have completed fifteen or more but less than twenty years
4880 of service as a compensation commissioner or other state service or
4881 service as an elected official of the state or any combination of such
4882 service, (3) four and one-half per cent of the annual salary the
4883 compensation commissioner was receiving at the time of retirement or
4884 death, for those who have completed twenty or more but less than
4885 twenty-five years of service as a compensation commissioner or other
4886 state service or service as an elected official of the state or any
4887 combination of such service, and (4) six per cent of the annual salary
4888 the compensation commissioner was receiving at the time of
4889 retirement or death, for those who have completed twenty-five or
4890 more years of service as a compensation commissioner or other state
4891 service or service as an elected official of the state or any combination
4892 of such service.

4893 (d) Notwithstanding any provision of the general statutes, on and
4894 after October 2, 2011, the retirement salary of a compensation
4895 commissioner shall not exceed the limits of Section 415 of the Internal
4896 Revenue Code of 1986, or any subsequent corresponding internal
4897 revenue code of the United States, as amended from time to time.

4898 Sec. 137. Section 51-49i of the 2012 supplement to the general
4899 statutes is repealed and the following is substituted in lieu thereof
4900 (*Effective from passage*):

4901 (a) For any judge, family support magistrate or compensation
4902 commissioner retiring on or after July 1, 2022, the right to a retirement
4903 salary in accordance with the provisions of this section shall vest and
4904 be nonforfeitable when the judge, family support magistrate or
4905 commissioner (1) has attained **[**the age of**]** sixty-three years of age and
4906 has twenty-five years of service as a judge, family support magistrate
4907 or compensation commissioner, **[**or sixty-two years**]** (2) has attained

4908 sixty-five years of age and has [served] ten years of service as a judge,
4909 family support magistrate or compensation commissioner, or (3) has
4910 thirty years of state service credit under the provisions of chapter 66,
4911 provided not less than ten years of such state service was served as a
4912 judge, family support magistrate or compensation commissioner, and
4913 provided such state service shall not be used for retirement credit
4914 under said chapter 66. Any contributions made under said chapter 66
4915 shall be transferred to the Judges, Family Support Magistrates and
4916 Compensation Commissioners Retirement Fund.

4917 (b) Any judge, family support magistrate or compensation
4918 commissioner who has been refunded contributions from the State
4919 Employees Retirement Fund for any prior period of state service may
4920 receive credit for such service upon repayment of such refunded
4921 contributions with interest thereon at the rate of five per cent per year
4922 from the date of refund to the date of payment. The amount of such
4923 payment shall be transferred to the judges, family support magistrates
4924 and compensation commissioners retirement system. A judge, family
4925 support magistrate or compensation commissioner may elect to retire
4926 at any time thereafter.

4927 [(c) Notwithstanding any provision of the general statutes, any
4928 judge who has served for at least sixteen years as a judge and was
4929 nominated by the Governor for a subsequent term but was not
4930 reappointed and who has attained sixty-three years of age shall be
4931 eligible to receive a retirement salary effective upon the expiration of
4932 his term as a judge.]

4933 (c) Each judge shall receive annually, as retirement salary, two-
4934 thirds of such judge's salary as defined in section 51-49f, as amended
4935 by this act, each family support magistrate shall receive annually, as
4936 retirement salary, two-thirds of such family support magistrate's salary
4937 as defined in section 46b-233a, as amended by this act, and each
4938 compensation commissioner shall receive annually, as retirement
4939 salary, two-thirds of such compensation commissioner's salary as

4940 defined in section 51-49g, as amended by this act; except that, if a
4941 judge, family support magistrate or compensation commissioner has
4942 served fewer than ten years at the time of his or her retirement under
4943 this section, his or her retirement salary shall be reduced in the ratio
4944 that the number of years of his or her completed service bears to the
4945 number of years of service that would have been completed at seventy
4946 years of age or ten years, whichever is less.

4947 Sec. 138. Section 46b-233a of the 2012 supplement to the general
4948 statutes is repealed and the following is substituted in lieu thereof
4949 (*Effective from passage*):

4950 (a) Each family support magistrate who had elected under the
4951 provisions of subdivision (2) of subsection (i) of section 46b-231 shall,
4952 for retirement purposes, be entitled to credit for any or all the prior
4953 years of service accrued by him on June 22, 1992, while serving in the
4954 office of family support magistrate, provided such magistrate shall pay
4955 to the Comptroller five per cent of the salary for his office for each
4956 prior year of service he claims for retirement credit. Each such
4957 magistrate shall be entitled to have his retirement contributions to the
4958 state employees retirement system under chapter 66 credited toward
4959 the payment due for the prior year or years of service he claims for
4960 retirement credit under this section.

4961 (b) For purposes of determining both the retirement salary of family
4962 support magistrates who first commenced service prior to July 1, 2011,
4963 and the allowance payable to their surviving spouses under subsection
4964 (b) of section 51-51, "salary" shall be composed of the total of the
4965 following amounts: The **[**average**]** annual salary **[**for the five years next
4966 preceding his or her retirement**]** payable at the time of retirement or
4967 death, fixed in accordance with subsection (h) of section 46b-231; and
4968 for family support magistrates to whom a longevity payment has been
4969 made or is due and payable, in each case under section **[**51-51**]** 46b-233
4970 (1) one and one-half per cent of the annual salary the family support
4971 magistrate was receiving at the time of retirement or death, for those

4972 who have completed ten or more but less than fifteen years of service
4973 as a family support magistrate, (2) three per cent of the annual salary
4974 the family support magistrate was receiving at the time of retirement
4975 or death, for those who have completed fifteen or more but less than
4976 twenty years of service as a family support magistrate, (3) four and
4977 one-half per cent of the annual salary the family support magistrate
4978 was receiving at the time of retirement or death, for those who have
4979 completed twenty or more but less than twenty-five years of service as
4980 a family support magistrate, and (4) six per cent of the annual salary
4981 the family support magistrate was receiving at the time of retirement
4982 or death, for those who have completed twenty-five or more years of
4983 service as a family support magistrate.

4984 (c) For purposes of determining both the retirement salary of family
4985 support magistrates who first commenced service as family support
4986 magistrates on or after July 1, 2011, and the allowance payable to their
4987 surviving spouses, under subsection (b) of section 51-51, "salary" shall
4988 be composed of the total of the following amounts: The average annual
4989 salary for the five years next preceding his or her retirement payable at
4990 the time of retirement or death, fixed in accordance with subsection (h)
4991 of section 46b-231; and for family support magistrates to whom a
4992 longevity payment has been made or is due and payable, in each case
4993 under section 46b-233 (1) one and one-half per cent of the annual
4994 salary the family support magistrate was receiving at the time of
4995 retirement or death, for those who have completed ten or more but less
4996 than fifteen years of service as a family support magistrate, (2) three
4997 per cent of the annual salary the family support magistrate was
4998 receiving at the time of retirement or death, for those who have
4999 completed fifteen or more but less than twenty years of service as a
5000 family support magistrate, (3) four and one-half per cent of the annual
5001 salary the family support magistrate was receiving at the time of
5002 retirement or death, for those who have completed twenty or more but
5003 less than twenty-five years of service as a family support magistrate,
5004 and (4) six per cent of the annual salary the family support magistrate
5005 was receiving at the time of retirement or death, for those who have

5006 completed twenty-five or more years of service as a family support
5007 magistrate.

5008 [(c)] (d) Notwithstanding any provision of the general statutes, on
5009 [or] and after [September 2, 2011] October 2, 2011, the retirement salary
5010 of [such judge,] a family support magistrate [or compensation
5011 commissioner] shall not exceed the limits of Section 415 of the Internal
5012 Revenue Code of 1986, or any subsequent corresponding internal
5013 revenue code of the United States, as amended from time to time.

5014 Sec. 139. (NEW) (*Effective from passage*) On or before July 1, 2013, a
5015 judge, family support magistrate or compensation commissioner who
5016 is in service as a judge, family support magistrate or compensation
5017 commissioner on the effective date of this section, may make a one-
5018 time irrevocable election to begin paying the actuarial pension cost of
5019 maintaining the normal retirement eligibility existing in the retirement
5020 plan such judge, family support magistrate or compensation
5021 commissioner is participating in on the effective date of this section,
5022 but the eligibility requirements of which are scheduled to change
5023 effective July 1, 2022. The cost of making such an election shall be
5024 established by the plan's actuaries and such cost shall be
5025 communicated to judges, family support magistrates and
5026 compensation commissioners by the Retirement Division of the Office
5027 of the Comptroller. The irrevocable election shall be made on a form
5028 prescribed by the State Employees Retirement Commission and shall
5029 indicate the judge's, family support magistrate's or compensation
5030 commissioner's election to participate or not participate. In the event a
5031 judge, family support magistrate or compensation commissioner fails
5032 to make an election on or before July 1, 2013, he or she shall not be
5033 eligible to participate. In the event a judge, family support magistrate
5034 or compensation commissioner makes a successful claim to the State
5035 Employees Retirement Commission of agency error, such judge, family
5036 support magistrate or compensation commissioner shall make
5037 payments in accordance with the state's usual practice.

5038 Sec. 140. Subdivision (1) of subsection (a) of section 51-50a of the
5039 general statutes is repealed and the following is substituted in lieu
5040 thereof (*Effective from passage*):

5041 (a) (1) The right of any judge, family support magistrate or
5042 compensation commissioner retiring prior to July 1, 2022, to a
5043 retirement salary in accordance with the provisions of this section shall
5044 vest and be nonforfeitable when the judge, family support magistrate
5045 or compensation commissioner has attained the age of sixty-five years,
5046 or has served twenty years as a judge, family support magistrate or
5047 compensation commissioner or has thirty years of state service credit
5048 under the provisions of chapter 66, provided not less than ten years of
5049 such state service was served as a judge, family support magistrate or
5050 compensation commissioner, and provided such state service shall not
5051 be used for retirement credit under chapter 66. Any contributions
5052 made under chapter 66 shall be transferred to the Judges, Family
5053 Support Magistrates and Compensation Commissioners Retirement
5054 Fund.

5055 Sec. 141. Section 19a-112a of the general statutes is repealed and the
5056 following is substituted in lieu thereof (*Effective October 1, 2012*):

5057 (a) There is created a Commission on the Standardization of the
5058 Collection of Evidence in Sexual Assault Investigations composed of
5059 fourteen members as follows: The Chief State's Attorney or a designee;
5060 the executive director of the Permanent Commission on the Status of
5061 Women or a designee; the Commissioner of Children and Families or a
5062 designee; one member from the Division of State Police and one
5063 member from the Division of Scientific Services appointed by the
5064 Commissioner of Emergency Services and Public Protection; one
5065 member from Connecticut Sexual Assault Crisis Services, Inc.
5066 appointed by its board of directors; one member from the Connecticut
5067 Hospital Association appointed by the president of the association; one
5068 emergency physician appointed by the president of the Connecticut
5069 College of Emergency Physicians; one obstetrician-gynecologist and

5070 one pediatrician appointed by the president of the Connecticut State
5071 Medical Society; one nurse appointed by the president of the
5072 Connecticut Nurses' Association; one emergency nurse appointed by
5073 the president of the Emergency Nurses' Association of Connecticut;
5074 [and] one police chief appointed by the president of the Connecticut
5075 Police Chiefs Association; and one member of the Office of Victim
5076 Services within the Judicial Department. The Chief State's Attorney or
5077 a designee shall be chairman of the commission. The commission shall
5078 be within the Division of Criminal Justice for administrative purposes
5079 only.

5080 (b) (1) For the purposes of this section, "protocol" means the state of
5081 Connecticut Technical Guidelines for Health Care Response to Victims
5082 of Sexual Assault, including the Interim Sexual Assault Toxicology
5083 Screen Protocol, as revised from time to time and as incorporated in
5084 regulations adopted in accordance with subdivision (2) of this
5085 subsection, pertaining to the collection of evidence in any sexual
5086 assault investigation.

5087 (2) The commission shall recommend the protocol to the Chief
5088 State's Attorney for adoption as regulations in accordance with the
5089 provisions of chapter 54. Such protocol shall include nonoccupational
5090 post-exposure prophylaxis for human immunodeficiency virus (nPEP),
5091 as recommended by the National Centers for Disease Control. The
5092 commission shall annually review the protocol and may annually
5093 recommend changes to the protocol for adoption as regulations.

5094 (c) The commission shall design a sexual assault evidence collection
5095 kit and may annually recommend changes in the kit to the Chief State's
5096 Attorney. Each kit shall include instructions on the proper use of the
5097 kit, standardized reporting forms, standardized tests which shall be
5098 performed if the victim so consents and standardized receptacles for
5099 the collection and preservation of evidence. The commission shall
5100 provide the kits to all health care facilities in the state at which
5101 evidence collection examinations are performed at no cost to such

5102 health care facilities.

5103 (d) Each health care facility in the state which provides for the
5104 collection of sexual assault evidence shall follow the protocol as
5105 described in subsection (b) of this section and, with the consent of the
5106 victim, shall collect sexual assault evidence. The health care facility
5107 shall contact a police department which shall transfer evidence
5108 collected pursuant to subsection (b) of this section, in a manner that
5109 maintains the integrity of the evidence, to the Division of Scientific
5110 Services within the Department of Emergency Services and Public
5111 Protection or the Federal Bureau of Investigation laboratory. The
5112 agency that receives such evidence shall hold that evidence for sixty
5113 days after such collection, except that, if the victim reports the sexual
5114 assault to the police, the evidence shall be analyzed upon request of
5115 the police department that transferred the evidence to such agency and
5116 held by the agency or police department until the conclusion of any
5117 criminal proceedings.

5118 (e) (1) No costs incurred **[**by a health care facility for the**]** <u>for a</u>
5119 <u>medical forensic assessment interview or medical physical</u>
5120 examination of a victim of sexual assault **[**, when such examination is
5121 performed for the purpose of gathering evidence as prescribed in the
5122 protocol, including the costs of testing for pregnancy and sexually
5123 transmitted diseases and the costs of prophylactic treatment as
5124 provided in the protocol,**]** <u>conducted by a health care facility or</u>
5125 <u>provider or by an examiner working cooperatively toward the</u>
5126 <u>prevention, identification and investigation of child abuse and neglect</u>
5127 <u>pursuant to section 17a-106 or with a child advocacy center</u> shall be
5128 charged directly or indirectly to such victim. Any such costs shall be
5129 charged to the Office of Victim Services within the Judicial
5130 Department.

5131 (2) No costs incurred by a health care facility for any toxicology
5132 screening of a victim of sexual assault, when such screening is
5133 performed as prescribed in the protocol, shall be charged directly or

5134 indirectly to such victim. Any such costs shall be charged to the
5135 Division of Scientific Services within the Department of Emergency
5136 Services and Public Protection.

5137 (f) The commission shall advise the Chief State's Attorney on the
5138 establishment of a mandatory training program for health care facility
5139 staff regarding the implementation of the regulations, the use of the
5140 evidence collection kit and procedures for handling evidence.

5141 (g) The commission shall advise the Chief State's Attorney not later
5142 than July 1, 1997, on the development of a sexual assault examiner
5143 program and annually thereafter on the implementation and
5144 effectiveness of such program.

5145 Sec. 142. Subsections (i) to (r), inclusive, of section 54-56d of the 2012
5146 supplement to the general statutes are repealed and the following is
5147 substituted in lieu thereof (*Effective October 1, 2012*):

5148 (i) The placement of the defendant for treatment for the purpose of
5149 rendering the defendant competent shall comply with the following
5150 conditions: (1) The period of placement under the order or
5151 combination of orders shall not exceed the period of the maximum
5152 sentence which the defendant could receive on conviction of the
5153 charges against the defendant or eighteen months, whichever is less;
5154 (2) the placement shall be either (A) in the custody of the
5155 Commissioner of Mental Health and Addiction Services, the
5156 Commissioner of Children and Families or the Commissioner of
5157 Developmental Services, except that any defendant placed for
5158 treatment with the Commissioner of Mental Health and Addiction
5159 Services may remain in the custody of the Department of Correction
5160 pursuant to subsection (p) of this section; or, (B) if the defendant or the
5161 appropriate commissioner agrees to provide payment, in the custody
5162 of any appropriate mental health facility or treatment program which
5163 agrees to provide treatment to the defendant and to adhere to the
5164 requirements of this section; and (3) the court shall order the
5165 placement, on either an inpatient or an outpatient basis, which the

5166 court finds is the least restrictive placement appropriate and available
5167 to restore competency. If outpatient treatment is the least restrictive
5168 placement for a defendant who has not yet been released from a
5169 correctional facility, the court shall consider whether the availability of
5170 such treatment is a sufficient basis on which to release the defendant
5171 on a promise to appear, conditions of release, cash bail or bond. If the
5172 court determines that the defendant may not be so released, the court
5173 shall order treatment of the defendant on an inpatient basis at a mental
5174 health facility or facility for persons with intellectual disability. Not
5175 later than twenty-four hours after the court orders placement of the
5176 defendant for treatment for the purpose of rendering the defendant
5177 competent, the examiners shall transmit information obtained about
5178 the defendant during the course of an examination pursuant to
5179 subsection (d) of this section to the health care provider named in the
5180 court's order.

5181 (j) The person in charge of the treatment facility, or such person's
5182 designee, <u>or the Commissioner of Mental Health and Addiction</u>
5183 <u>Services with respect to any defendant who is in the custody of the</u>
5184 <u>Commissioner of Correction pursuant to subsection (p) of this section,</u>
5185 shall submit a written progress report to the court (1) at least seven
5186 days prior to the date of any hearing on the issue of the defendant's
5187 competency; (2) whenever he or she believes that the defendant has
5188 attained competency; (3) whenever he or she believes that there is not a
5189 substantial probability that the defendant will attain competency
5190 within the period covered by the placement order; (4) whenever,
5191 within the first one hundred twenty days of the period covered by the
5192 placement order, he or she believes that the defendant would be
5193 eligible for civil commitment pursuant to subdivision (2) of subsection
5194 (h) of this section; or (5) whenever he or she believes that the
5195 defendant is still not competent but has improved sufficiently such
5196 that continued inpatient commitment is no longer the least restrictive
5197 placement appropriate and available to restore competency. The
5198 progress report shall contain: (A) The clinical findings of the person
5199 submitting the report and the facts on which the findings are based; (B)

5200 the opinion of the person submitting the report as to whether the
5201 defendant has attained competency or as to whether the defendant is
5202 making progress, under treatment, toward attaining competency
5203 within the period covered by the placement order; (C) the opinion of
5204 the person submitting the report as to whether the defendant appears
5205 to be eligible for civil commitment to a hospital for psychiatric
5206 disabilities pursuant to subsection (m) of this section and the
5207 appropriateness of such civil commitment, if there is not a substantial
5208 probability that the defendant will attain competency within the
5209 period covered by the placement order; and (D) any other information
5210 concerning the defendant requested by the court, including, but not
5211 limited to, the method of treatment or the type, dosage and effect of
5212 any medication the defendant is receiving. Not later than five business
5213 days after the court finds either that the defendant will not attain
5214 competency within the period of any placement order under this
5215 section or that the defendant has regained competency, the person in
5216 charge of the treatment facility, or such person's designee, <u>or the</u>
5217 <u>Commissioner of Mental Health and Addiction Services with respect</u>
5218 <u>to any defendant who is in the custody of the Commissioner of</u>
5219 <u>Correction pursuant to subsection (p) of this section,</u> shall provide a
5220 copy of the written progress report to the examiners who examined the
5221 defendant pursuant to subsection (d) of this section.

5222 (k) (1) Whenever any placement order for treatment is rendered or
5223 continued, the court shall set a date for a hearing, to be held within
5224 ninety days, for reconsideration of the issue of the defendant's
5225 competency. Whenever the court (A) receives a report pursuant to
5226 subsection (j) of this section which indicates that (i) the defendant has
5227 attained competency, (ii) the defendant will not attain competency
5228 within the remainder of the period covered by the placement order,
5229 (iii) the defendant will not attain competency within the remainder of
5230 the period covered by the placement order absent administration of
5231 psychiatric medication for which the defendant is unwilling or unable
5232 to provide consent, (iv) the defendant would be eligible for civil
5233 commitment pursuant to subdivision (2) of subsection (h) of this

5234 section, or (v) the defendant is still not competent but has improved
5235 sufficiently such that continued inpatient commitment is no longer the
5236 least restrictive placement appropriate and available to restore
5237 competency, or (B) receives a report pursuant to subparagraph (A)(iii)
5238 of subdivision (2) of subsection (h) of this section which indicates that
5239 (i) the application for civil commitment of the defendant has been
5240 denied or has not been pursued by the Commissioner of Mental Health
5241 and Addiction Services, or (ii) the defendant is unwilling or unable to
5242 comply with a treatment plan despite reasonable efforts of the
5243 treatment facility to encourage the defendant's compliance, the court
5244 shall set the matter for a hearing not later than ten days after the report
5245 is received. The hearing may be waived by the defendant only if the
5246 report indicates that the defendant is competent. <u>With respect to a</u>
5247 <u>defendant who is in the custody of the Commissioner of Correction</u>
5248 <u>pursuant to subsection (p) of this section, the Commissioner of Mental</u>
5249 <u>Health and Addiction Services shall retain responsibility for providing</u>
5250 <u>testimony at any hearing under this subsection.</u> The court shall
5251 determine whether the defendant is competent or is making progress
5252 toward attaining competency within the period covered by the
5253 placement order. If the court finds that the defendant is competent, the
5254 defendant shall be returned to the custody of the Commissioner of
5255 Correction or released, if the defendant has met the conditions for
5256 release, and the court shall continue with the criminal proceedings. If
5257 the court finds that the defendant is still not competent but that the
5258 defendant is making progress toward attaining competency, the court
5259 may continue or modify the placement order. If the court finds that the
5260 defendant is still not competent but that the defendant is making
5261 progress toward attaining competency and inpatient placement is no
5262 longer the least restrictive placement appropriate and available to
5263 restore competency, the court shall consider whether the availability of
5264 such less restrictive placement is a sufficient basis on which to release
5265 the defendant on a promise to appear, conditions of release, cash bail
5266 or bond and may order continued treatment to restore competency on
5267 an outpatient basis. If the court finds that the defendant is still not

5268 competent and will not attain competency within the remainder of the
5269 period covered by the placement order absent administration of
5270 psychiatric medication for which the defendant is unwilling or unable
5271 to provide consent, the court shall proceed as provided in subdivisions
5272 (2), (3) and (4) of this subsection. If the court finds that the defendant is
5273 eligible for civil commitment, the court may order placement of the
5274 defendant at a treatment facility pending civil commitment
5275 proceedings pursuant to subdivision (2) of subsection (h) of this
5276 section.

5277 (2) If the court finds that the defendant will not attain competency
5278 within the remainder of the period covered by the placement order
5279 absent administration of psychiatric medication for which the
5280 defendant is unwilling or unable to provide consent, and after any
5281 hearing held pursuant to subdivision (3) of this subsection, the court
5282 may order the involuntary medication of the defendant if the court
5283 finds by clear and convincing evidence that: (A) To a reasonable
5284 degree of medical certainty, involuntary medication of the defendant
5285 will render the defendant competent to stand trial, (B) an adjudication
5286 of guilt or innocence cannot be had using less intrusive means, (C) the
5287 proposed treatment plan is narrowly tailored to minimize intrusion on
5288 the defendant's liberty and privacy interests, (D) the proposed drug
5289 regimen will not cause an unnecessary risk to the defendant's health,
5290 and (E) the seriousness of the alleged crime is such that the criminal
5291 law enforcement interest of the state in fairly and accurately
5292 determining the defendant's guilt or innocence overrides the
5293 defendant's interest in self-determination.

5294 (3) (A) If the court finds that the defendant is unwilling or unable to
5295 provide consent for the administration of psychiatric medication, and
5296 prior to deciding whether to order the involuntary medication of the
5297 defendant under subdivision (2) of this subsection, the court shall
5298 appoint a health care guardian who shall be a licensed health care
5299 provider with specialized training in the treatment of persons with
5300 psychiatric disabilities to represent the health care interests of the

5301 defendant before the court. Notwithstanding the provisions of section
5302 52-146e, such health care guardian shall have access to the psychiatric
5303 records of the defendant. Such health care guardian shall file a report
5304 with the court not later than thirty days after his or her appointment.
5305 The report shall set forth such health care guardian's findings and
5306 recommendations concerning the administration of psychiatric
5307 medication to the defendant, including the risks and benefits of such
5308 medication, the likelihood and seriousness of any adverse side effects
5309 and the prognosis with and without such medication. The court shall
5310 hold a hearing on the matter not later than ten days after receipt of
5311 such health care guardian's report and shall, in deciding whether to
5312 order the involuntary medication of the defendant, take into account
5313 such health care guardian's opinion concerning the health care
5314 interests of the defendant.

5315 (B) The court, in anticipation of considering continued involuntary
5316 medication of the defendant under subdivision (4) of this subsection,
5317 shall order the health care guardian to file a supplemental report
5318 updating the findings and recommendations contained in the health
5319 care guardian's report filed under subparagraph (A) of this
5320 subdivision.

5321 (4) If, after the defendant has been found to have attained
5322 competency by means of involuntary medication ordered under
5323 subdivision (2) of this subsection, the court determines by clear and
5324 convincing evidence that the defendant will not remain competent
5325 absent the continued administration of psychiatric medication for
5326 which the defendant is unable to provide consent, and after any
5327 hearing held pursuant to subdivision (3) of this subsection and
5328 consideration of the supplemental report of the health care guardian,
5329 the court may order continued involuntary medication of the
5330 defendant if the court finds by clear and convincing evidence that: (A)
5331 To a reasonable degree of medical certainty, continued involuntary
5332 medication of the defendant will maintain the defendant's competency
5333 to stand trial, (B) an adjudication of guilt or innocence cannot be had

5334 using less intrusive means, (C) the proposed treatment plan is
5335 narrowly tailored to minimize intrusion on the defendant's liberty and
5336 privacy interests, (D) the proposed drug regimen will not cause an
5337 unnecessary risk to the defendant's health, and (E) the seriousness of
5338 the alleged crime is such that the criminal law enforcement interest of
5339 the state in fairly and accurately determining the defendant's guilt or
5340 innocence overrides the defendant's interest in self-determination.
5341 Continued involuntary medication ordered under this subdivision
5342 may be administered to the defendant while the criminal charges
5343 against the defendant are pending and the defendant is in the custody
5344 of the Commissioner of Correction or the Commissioner of Mental
5345 Health and Addiction Services. An order for continued involuntary
5346 medication of the defendant under this subdivision shall be reviewed
5347 by the court every one hundred eighty days while such order remains
5348 in effect. The court shall order the health care guardian to file a
5349 supplemental report for each such review. After any hearing held
5350 pursuant to subdivision (3) of this subsection and consideration of the
5351 supplemental report of the health care guardian, the court may
5352 continue such order if the court finds, by clear and convincing
5353 evidence, that the criteria enumerated in subparagraphs (A) to (E),
5354 inclusive, of this subdivision are met.

5355 (5) The state shall hold harmless and indemnify any health care
5356 guardian appointed by the court pursuant to subdivision (3) of this
5357 subsection from financial loss and expense arising out of any claim,
5358 demand, suit or judgment by reason of such health care guardian's
5359 alleged negligence or alleged deprivation of any person's civil rights or
5360 other act or omission resulting in damage or injury, provided the
5361 health care guardian is found to have been acting in the discharge of
5362 his or her duties pursuant to said subdivision and such act or omission
5363 is found not to have been wanton, reckless or malicious. The
5364 provisions of subsections (b), (c) and (d) of section 5-141d shall apply
5365 to such health care guardian. The provisions of chapter 53 shall not
5366 apply to a claim against such health care guardian.

5367 (l) If a defendant who has been ordered placed for treatment on an
5368 inpatient basis at a mental health facility or [mental retardation] a
5369 facility for persons with intellectual disability is released from such
5370 facility on a furlough or for work, therapy or any other reason and fails
5371 to return to the facility in accordance with the terms and conditions of
5372 the defendant's release, the person in charge of the facility, or such
5373 person's designee, shall, within twenty-four hours of the defendant's
5374 failure to return, report such failure to the prosecuting authority for
5375 the court location which ordered the placement of the defendant. Upon
5376 receipt of such a report, the prosecuting authority shall, within
5377 available resources, make reasonable efforts to notify any victim or
5378 victims of the crime for which the defendant is charged of such
5379 defendant's failure to return to the facility. No civil liability shall be
5380 incurred by the state or the prosecuting authority for failure to notify
5381 any victim or victims in accordance with this subsection. The failure of
5382 a defendant to return to the facility in which the defendant has been
5383 placed may constitute sufficient cause for the defendant's rearrest
5384 upon order by the court.

5385 (m) (1) If at any time the court determines that there is not a
5386 substantial probability that the defendant will attain competency
5387 within the period of treatment allowed by this section, or if at the end
5388 of such period the court finds that the defendant is still not competent,
5389 the court shall consider any recommendation made by the examiners
5390 pursuant to subsection (d) of this section and any opinion submitted
5391 by the treatment facility pursuant to subparagraph (C) of subsection (j)
5392 of this section regarding eligibility for, and the appropriateness of, civil
5393 commitment to a hospital for psychiatric disabilities and shall either
5394 release the defendant from custody or order the defendant placed in
5395 the custody of the Commissioner of Mental Health and Addiction
5396 Services, the Commissioner of Children and Families or the
5397 Commissioner of Developmental Services. If the court orders the
5398 defendant placed in the custody of the Commissioner of Children and
5399 Families or the Commissioner of Developmental Services, the
5400 commissioner given custody, or the commissioner's designee, shall

5401 then apply for civil commitment in accordance with sections 17a-75 to
5402 17a-83, inclusive, or 17a-270 to 17a-282, inclusive. If the court orders
5403 the defendant placed in the custody of the Commissioner of Mental
5404 Health and Addiction Services, the court may order the commissioner,
5405 or the commissioner's designee, to apply for civil commitment in
5406 accordance with sections 17a-495 to 17a-528, inclusive, or order the
5407 commissioner, or the commissioner's designee, to provide services to
5408 the defendant in a less restrictive setting, provided the examiners have
5409 determined in the written report filed pursuant to subsection (d) of this
5410 section or have testified pursuant to subsection (e) of this section that
5411 such services are available and appropriate. If the court orders the
5412 defendant placed in the custody of the Commissioner of Mental Health
5413 and Addiction Services and orders the commissioner to apply for civil
5414 commitment pursuant to this subsection, the court may order the
5415 commissioner to give the court notice when the defendant is released
5416 from the commissioner's custody if such release is prior to the
5417 expiration of the time within which the defendant may be prosecuted
5418 for the crime with which the defendant is charged, provided such
5419 order indicates when such time expires. <u>If the court orders the</u>
5420 <u>defendant placed in the custody of the Commissioner of</u>
5421 <u>Developmental Services for purposes of commitment under any</u>
5422 <u>provision of sections 17a-270 to 17a-282, inclusive, the court may order</u>
5423 <u>the Commissioner of Developmental Services to give the court notice</u>
5424 <u>when the defendant's commitment is terminated if such termination is</u>
5425 <u>prior to the expiration of the time within which the defendant may be</u>
5426 <u>prosecuted for the crime with which the defendant is charged,</u>
5427 <u>provided such order indicates when such time expires.</u>

5428 (2) The court shall hear arguments as to whether the defendant
5429 should be released or should be placed in the custody of the
5430 Commissioner of Mental Health and Addiction Services, the
5431 Commissioner of Children and Families or the Commissioner of
5432 Developmental Services.

5433 (3) If the court orders the release of a defendant charged with the

5434 commission of a crime that resulted in the death or serious physical
5435 injury, as defined in section 53a-3, of another person, or with a
5436 violation of subdivision (2) of subsection (a) of section 53-21,
5437 subdivision (2) of subsection (a) of section 53a-60 or section 53a-60a,
5438 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, or orders the
5439 placement of such defendant in the custody of the Commissioner of
5440 Mental Health and Addiction Services <u>or the Commissioner of</u>
5441 <u>Developmental Services</u>, the court may, on its own motion or on
5442 motion of the prosecuting authority, order, as a condition of such
5443 release or placement, periodic examinations of the defendant as to the
5444 defendant's competency at intervals of not less than six months. Such
5445 an examination shall be conducted in accordance with subsection (d)
5446 of this section. Periodic examinations ordered by the court under this
5447 subsection shall continue until the court finds that the defendant has
5448 attained competency or until the time within which the defendant may
5449 be prosecuted for the crime with which the defendant is charged, as
5450 provided in section 54-193 or 54-193a, has expired, whichever occurs
5451 first.

5452 (4) Upon receipt of the written report as provided in subsection (d)
5453 of this section, the court shall, upon the request of either party filed not
5454 later than thirty days after the court receives such report, conduct a
5455 hearing as provided in subsection (e) of this section. Such hearing shall
5456 be held not later than ninety days after the court receives such report.
5457 If the court finds that the defendant has attained competency, the
5458 defendant shall be returned to the custody of the Commissioner of
5459 Correction or released, if the defendant has met the conditions for
5460 release, and the court shall continue with the criminal proceedings.

5461 (5) The court shall dismiss, with or without prejudice, any charges
5462 for which a nolle prosequi is not entered when the time within which
5463 the defendant may be prosecuted for the crime with which the
5464 defendant is charged, as provided in section 54-193 or 54-193a, has
5465 expired. Notwithstanding the record erasure provisions of section 54-
5466 142a, police and court records and records of any state's attorney

5467 pertaining to a charge which is nolled or dismissed without prejudice
5468 while the defendant is not competent shall not be erased until the time
5469 for the prosecution of the defendant expires under section 54-193 or 54-
5470 193a. A defendant who is not civilly committed as a result of an
5471 application made by the Commissioner of Mental Health and
5472 Addiction Services, the Commissioner of Children and Families or the
5473 Commissioner of Developmental Services pursuant to this section shall
5474 be released. A defendant who is civilly committed pursuant to such an
5475 application shall be treated in the same manner as any other civilly
5476 committed person.

5477 (n) The cost of the examination effected by the Commissioner of
5478 Mental Health and Addiction Services and of testimony of persons
5479 conducting the examination effected by the commissioner shall be paid
5480 by the Department of Mental Health and Addiction Services. The cost
5481 of the examination and testimony by physicians appointed by the
5482 court shall be paid by the Judicial Department. If the defendant is
5483 indigent, the fee of the person selected by the defendant to observe the
5484 examination and to testify on the defendant's behalf shall be paid by
5485 the Public Defender Services Commission. The expense of treating a
5486 defendant placed in the custody of the Commissioner of Mental Health
5487 and Addiction Services, the Commissioner of Children and Families or
5488 the Commissioner of Developmental Services pursuant to subdivision
5489 (2) of subsection (h) of this section or subsection (i) of this section shall
5490 be computed and paid for in the same manner as is provided for
5491 persons committed by a probate court under the provisions of sections
5492 17b-122, 17b-124 to 17b-132, inclusive, 17b-136 to 17b-138, inclusive,
5493 17b-194 to 17b-197, inclusive, 17b-222 to 17b-250, inclusive, 17b-256,
5494 17b-263, 17b-340 to 17b-350, inclusive, <u>as amended by this act,</u> 17b-
5495 689b and 17b-743 to 17b-747, inclusive.

5496 (o) Until the hearing is held, the defendant, if not released on a
5497 promise to appear, conditions of release, cash bail or bond, shall
5498 remain in the custody of the Commissioner of Correction unless
5499 hospitalized as provided in sections 17a-512 to 17a-517, inclusive.

5500 (p) (1) This section shall not be construed to require the
5501 Commissioner of Mental Health and Addiction Services to place any
5502 [violent] defendant who presents a significant security, safety or
5503 medical risk in a [mental institution] hospital for psychiatric
5504 disabilities which does not have the trained staff, facilities [and] or
5505 security to accommodate such a person, as determined by the
5506 Commissioner of Mental Health and Addiction Services in
5507 consultation with the Commissioner of Correction.

5508 (2) If a defendant is placed for treatment with the Commissioner of
5509 Mental Health and Addiction Services pursuant to subsection (i) of this
5510 section and such defendant is not placed in a hospital for psychiatric
5511 disabilities pursuant to a determination made by the Commissioner of
5512 Mental Health and Addiction Services under subdivision (1) of this
5513 subsection, the defendant shall remain in the custody of the
5514 Commissioner of Correction. The Commissioner of Correction shall be
5515 responsible for the medical and psychiatric care of the defendant, and
5516 the Commissioner of Mental Health and Addiction Services shall
5517 remain responsible to provide other appropriate services to restore
5518 competency.

5519 (3) If a defendant remains in the custody of the Commissioner of
5520 Correction pursuant to subdivision (2) of this subsection and the court
5521 finds that the defendant is still not competent and will not attain
5522 competency within the remainder of the period covered by the
5523 placement order absent administration of psychiatric medication for
5524 which the defendant is unwilling or unable to provide consent, the
5525 court shall proceed as provided in subdivisions (2), (3) and (4) of
5526 subsection (k) of this section. Nothing in this subdivision shall prevent
5527 the court from making any other finding or order set forth in
5528 subsection (k) of this section.

5529 (q) This section shall not prevent counsel for the defendant from
5530 raising, prior to trial and while the defendant is not competent, any
5531 issue susceptible of fair determination.

5532 (r) Actual time spent in confinement on an inpatient basis pursuant
5533 to this section shall be credited against any sentence imposed on the
5534 defendant in the pending criminal case or in any other case arising out
5535 of the same conduct in the same manner as time is credited for time
5536 spent in a correctional facility awaiting trial.

5537 Sec. 143. Subdivision (1) of subsection (a) of section 45a-727 of the
5538 general statutes is repealed and the following is substituted in lieu
5539 thereof (*Effective October 1, 2012*):

5540 (a) (1) **[**Each**]** Except as provided in section 16 of public act 12-82,
5541 each adoption matter shall be instituted by filing an application in a
5542 Court of Probate, together with the written agreement of adoption, in
5543 duplicate. One of the duplicates shall be sent immediately to the
5544 Commissioner of Children and Families.

5545 Sec. 144. Section 54-1m of the 2012 supplement to the general
5546 statutes, as amended by section 1 of public act 12-74, is repealed and
5547 the following is substituted in lieu thereof (*Effective July 1, 2012*):

5548 (a) Each municipal police department and the Department of
5549 Emergency Services and Public Protection shall adopt a written policy
5550 that prohibits the stopping, detention or search of any person when
5551 such action is solely motivated by considerations of race, color,
5552 ethnicity, age, gender or sexual orientation, and such action would
5553 constitute a violation of the civil rights of the person.

5554 (b) Not later than July 1, 2013, the Office of Policy and Management,
5555 in consultation with the Racial Profiling Prohibition Project Advisory
5556 Board established in section 2 of **[**this act**]** public act 12-74, and the
5557 Criminal Justice Information System Governing Board shall, within
5558 available resources, develop and implement a standardized method:

5559 (1) To be used by police officers of municipal police departments
5560 and the Department of Emergency Services and Public Protection to
5561 record traffic stop information. The standardized method and any

5562 form developed and implemented pursuant to such standardized
5563 method shall allow the following information to be recorded: (A) Date
5564 and time of the stop; (B) location of the stop; (C) name and badge
5565 number of the police officer making the stop; (D) race, color, ethnicity,
5566 age and gender of the operator of the motor vehicle that is stopped,
5567 provided the identification of such characteristics shall be based on the
5568 observation and perception of the police officer responsible for
5569 reporting the stop; (E) the nature of the alleged traffic violation or
5570 other violation that caused the stop to be made and the statutory
5571 citation for such violation; (F) the disposition of the stop including
5572 whether a warning, citation or summons was issued, whether a search
5573 was conducted and whether a custodial arrest was made; and (G) any
5574 other information deemed appropriate. The method shall also provide
5575 for (i) notice to be given to the person stopped that if such person
5576 believes that such person has been stopped, detained or subjected to a
5577 search solely because of race, color, ethnicity, age, gender, sexual
5578 orientation, religion or membership in any other protected class, such
5579 person may file a complaint with the appropriate law enforcement
5580 agency, and (ii) instructions to be given to the person stopped on how
5581 to file such complaint;

5582 (2) To be used to report complaints pursuant to this section by any
5583 person who believes such person has been subjected to a motor vehicle
5584 stop by a police officer solely on the basis of race, color, ethnicity, age,
5585 gender, sexual orientation or religion; and

5586 (3) To be used by each municipal police department and the
5587 Department of Emergency Services and Public Protection to report
5588 data to the Office of Policy and Management pursuant to subsection
5589 (h) of this section.

5590 (c) Not later than July 1, 2013, the Office of Policy and Management,
5591 in consultation with the Racial Profiling Prohibition Project Advisory
5592 Board, shall develop and implement guidelines to be used by each
5593 municipal police department and the Department of Emergency

5594 Services and Public Protection in (1) training police officers of such
5595 agency in the completion of the form developed and implemented
5596 pursuant to subdivision (1) of subsection (b) of this section, and (2)
5597 evaluating the information collected by police officers of such
5598 municipal police department and the Department of Emergency
5599 Services and Public Protection pursuant to subsection (e) of this section
5600 for use in the counseling and training of such police officers.

5601 (d) **[**On and after July 1, 2013,**]** (1) Prior to the date a standardized
5602 method and form have been developed and implemented pursuant to
5603 subdivision (1) of subsection (b) of this section, each municipal police
5604 department and the Department of Emergency Services and Public
5605 Protection shall, **[**if**]** using the form developed and promulgated
5606 pursuant to the provisions of subsection (h) in effect on January 1,
5607 2012, record and retain the following information: (A) The number of
5608 persons stopped for traffic violations; (B) characteristics of race, color,
5609 ethnicity, gender and age of such persons, provided the identification
5610 of such characteristics shall be based on the observation and
5611 perception of the police officer responsible for reporting the stop and
5612 the information shall not be required to be provided by the person
5613 stopped; (C) the nature of the alleged traffic violation that resulted in
5614 the stop; (D) whether a warning or citation was issued, an arrest made
5615 or a search conducted as a result of the stop; and (E) any additional
5616 information that such municipal police department or the Department
5617 of Emergency Services and Public Protection, as the case may be,
5618 deems appropriate, provided such information shall not include any
5619 other identifying information about any person stopped for a traffic
5620 violation such as the person's operator's license number, name or
5621 address.

5622 (2) On and after the date a standardized method and form have
5623 been developed and implemented pursuant to subdivision (1) of
5624 subsection (b) of this section, each municipal police department and
5625 the Department of Emergency Services and Public Protection shall
5626 record and retain the information required to be recorded pursuant to

5627 such standardized method and any additional information that such
5628 municipal police department or the Department of Emergency Services
5629 and Public Protection, as the case may be, deems appropriate,
5630 provided such information shall not include any other identifying
5631 information about any person stopped for a traffic violation such as
5632 the person's operator's license number, name or address.

5633 (e) Each municipal police department and the Department of
5634 Emergency Services and Public Protection shall provide to the Chief
5635 State's Attorney and the Office of Policy and Management (1) a copy of
5636 each complaint received pursuant to this section, and (2) written
5637 notification of the review and disposition of such complaint. No copy
5638 of such complaint shall include any other identifying information
5639 about the complainant such as the complainant's operator's license
5640 number, name or address.

5641 (f) Any police officer who in good faith records traffic stop
5642 information pursuant to the requirements of this section shall not be
5643 held civilly liable for the act of recording such information unless the
5644 officer's conduct was unreasonable or reckless.

5645 (g) If a municipal police department or the Department of
5646 Emergency Services and Public Protection fails to comply with the
5647 provisions of this section, the Office of Policy and Management shall
5648 recommend and the Secretary of the Office of Policy and Management
5649 may order an appropriate penalty in the form of the withholding of
5650 state funds from such municipal police department or the Department
5651 of Emergency Services and Public Protection.

5652 (h) Not later than October 1, **[**2013**]** 2012, and annually thereafter,
5653 each municipal police department and the Department of Emergency
5654 Services and Public Protection shall **[**, if a standardized method has
5655 been developed and implemented pursuant to subsection (b) of this
5656 section, use such method and any form developed and promulgated
5657 under the method to**]** provide to the Office of Policy and Management
5658 a summary report of the information recorded pursuant to subsection

5659 (d) of this section.

5660 (i) The Office of Policy and Management shall, within available
5661 resources, review the prevalence and disposition of traffic stops and
5662 complaints reported pursuant to this section. Not later than January 1,
5663 2014, and annually thereafter, the office shall report the results of any
5664 such review, including any recommendations, to the Governor, the
5665 General Assembly and any other entity deemed appropriate.

5666 (j) Not later than January 1, 2013, the Office of Policy and
5667 Management shall submit a report to the joint standing committee of
5668 the General Assembly having cognizance of matters relating to the
5669 judiciary on the office's progress in developing a standardized method
5670 and guidelines pursuant to this section. Such report may include
5671 recommendations for amendments to this section.

5672 Sec. 145. Section 4-124ff of the 2012 supplement to the general
5673 statutes is repealed and the following is substituted in lieu thereof
5674 (*Effective July 1, 2012*):

5675 (a) There is established, within available appropriations and in
5676 consultation with the council established under subsection (b) of this
5677 section, a competitive Innovation Challenge Grant program to promote
5678 and encourage partnerships and collaborations involving technology-
5679 based business and industry with institutions of higher education and
5680 **[**regional vocational-technical**]** technical high schools for the
5681 development of educational programs in emerging and
5682 interdisciplinary technology fields and to address related issues.

5683 (b) There is established a Council of Advisors on Strategies for the
5684 Knowledge Economy to promote the formation of university-industry
5685 partnerships, identify benchmarks for technology-based workforce
5686 innovation and competitiveness and advise the award process (1) for
5687 innovation challenge grants to public postsecondary schools and their
5688 business partners, and (2) grants under section 4-124hh, as amended
5689 by this act. The council shall be chaired by the **[**Commissioner of

5690 Economic and Community Development] Secretary of the Office of
5691 Policy and Management and shall include the [Secretary of the Office
5692 of Policy and Management] Commissioner of Economic and
5693 Community Development, the president of the Board of Regents for
5694 Higher Education, the Labor Commissioner, the [executive directors]
5695 chief executive officer of Connecticut Innovations, Incorporated and
5696 the Connecticut Development Authority and four representatives from
5697 the technology industry, one of whom shall be appointed by the
5698 president pro tempore of the Senate, one of whom shall be appointed
5699 by the speaker of the House of Representatives, one of whom shall be
5700 appointed by the minority leader of the Senate and one of whom shall
5701 be appointed by the minority leader of the House of Representatives.

5702 Sec. 146. (NEW) (*Effective July 1, 2012*) (a) For the purposes of this
5703 section, "small business" means a business located in Connecticut with
5704 fifty employees or less, and "medium business" means a business
5705 located in Connecticut with fifty-one to one hundred employees.

5706 (b) The University of Connecticut at Storrs, or any campus thereof,
5707 in concert with the Connecticut Center for Advanced Technology, shall
5708 establish a program to assist small and medium businesses that
5709 develop innovations in advanced manufacturing technologies. The
5710 university and the center shall collaborate with small and medium
5711 businesses participating in such program. Such program may include,
5712 but not be limited to, use of the university's or said center's facilities or
5713 equipment or access to university faculty, staff or students or staff of
5714 the center. The university and the center shall establish eligibility
5715 criteria for such program that shall include, but need not be limited to,
5716 minimum levels of contributions required from participating
5717 businesses.

5718 (c) For the fiscal year ending June 30, 2013, The University of
5719 Connecticut shall provide two hundred fifty thousand dollars of any
5720 appropriation for the program established in this section to the
5721 Connecticut Center for Advanced Technology.

5722 Sec. 147. (NEW) (*Effective from passage*) As used in sections 148 to
5723 150, inclusive, of this act, "authority" means the Connecticut
5724 Development Authority established pursuant to section 32-11a of the
5725 general statutes, as amended by this act, and "corporation" means
5726 Connecticut Innovations, Incorporated, established pursuant to section
5727 32-35 of the general statutes, as amended by this act.

5728 Sec. 148. (NEW) (*Effective July 1, 2012*) (a) In accordance with the
5729 provisions of section 4-38d of the general statutes, which shall be
5730 deemed applicable to the transfers provided for herein, all powers and
5731 duties of the authority under the provisions of chapter 579 of the
5732 general statutes, and under any other provisions of the general statutes
5733 setting forth powers or duties of the authority, shall be transferred to
5734 the corporation. On and after the effective date of this section, the
5735 Connecticut Brownfields Redevelopment Authority shall be a
5736 subsidiary of the corporation.

5737 (b) All notes, bonds or other obligations issued by the authority for
5738 the financing of any project or projects, including any general
5739 obligation bonds of the authority, shall be in accordance with their
5740 terms of full force and effect and valid and binding upon the
5741 corporation as the successor to the authority, and with respect to any
5742 resolution, contract, deed, trust agreement, mortgage, conditional sale
5743 or loan agreement, pledge, security arrangement, commitment,
5744 obligation or liability or other such document, public record, right,
5745 remedy, special act or public act, obligation, liability or responsibility
5746 pertaining thereto, the corporation shall be, and shall be deemed to be,
5747 the successor to the authority. All properties, rights in land, buildings
5748 and equipment and any funds, moneys, revenues and receipts or
5749 assets of such authority pledged or otherwise securing any such notes,
5750 bonds or other obligations shall belong to the corporation as successor
5751 to the authority, subject to such pledges and other security
5752 arrangements and to agreements with the holders of the outstanding
5753 notes, bonds or other obligations. Any resolution with respect to the
5754 issuance of bonds of the authority, and any other action taken by the

5755 authority with respect to assisting in the financing of any project shall
5756 be, or shall be deemed to be, a resolution of the corporation or an
5757 action taken by the corporation subject only to any agreements with
5758 the holders of outstanding notes, bonds or other obligations of such
5759 authority.

5760 (c) To carry out the purposes of the authority as defined in section
5761 32-23c of the general statutes and the purposes of the corporation as set
5762 forth in section 32-39 of the general statutes, as amended by this act,
5763 the corporation shall have and may exercise all of the powers of the
5764 authority set forth in chapter 579 of the general statutes as of the
5765 effective date of this section and all of the powers of the corporation set
5766 forth in chapter 581 of the general statutes.

5767 (d) Whenever the term "Connecticut Development Authority" is
5768 used or referred to in the general statutes, the term "Connecticut
5769 Innovations, Incorporated" shall be substituted in lieu thereof.

5770 (e) The procedures of the authority, adopted pursuant to section 1-
5771 121 of the general statutes, shall remain in full force and effect with
5772 respect to any matter before the corporation.

5773 (f) Nothing in this section shall be deemed to limit the powers
5774 exercised by the authority or the corporation before the effective date
5775 of this section.

5776 Sec. 149. (NEW) (*Effective from passage*) (a) From the effective date of
5777 this section to July 1, 2012, the authority and the corporation may enter
5778 into any agreements, including agreements with third parties, that are
5779 necessary or convenient to facilitate the assignment to and assumption
5780 by the corporation of the rights and responsibilities of the authority
5781 pursuant to section 148 of this act, provided no consent of any third
5782 party and no instrument of assumption or assignment shall be
5783 required to give effect to the transfers provided for in section 148 of
5784 this act.

5785 (b) The authority shall provide to the corporation such professional
5786 and clerical support, facilities, equipment and supplies during the
5787 period from the effective date of this section to July 1, 2012, as may be
5788 necessary to prepare for and complete the transfers contemplated by
5789 section 148 of this act.

5790 Sec. 150. (NEW) (*Effective July 1, 2012*) (a) The corporation may form
5791 one or more subsidiaries to carry out the public purposes of the
5792 corporation and may transfer to any such subsidiary any moneys and
5793 real or personal property of any kind or nature. Any such subsidiary
5794 may be organized as a stock or nonstock corporation or a limited
5795 liability company. Each such subsidiary shall have and may exercise
5796 such powers of the corporation as are set forth in the resolution of the
5797 corporation prescribing the purposes for which such subsidiary is
5798 formed and such other powers provided to it by law.

5799 (b) (1) Without limiting the authority of the corporation with respect
5800 to establishing other subsidiaries pursuant to subsection (a) of this
5801 section, the corporation may establish one or more subsidiaries to
5802 stimulate, encourage and carry out the remediation, development and
5803 financing of contaminated property within this state, in coordination
5804 with the Department of Energy and Environmental Protection, and to
5805 provide financial, developmental and environmental expertise to
5806 others including, but not limited to, municipalities, interested in or
5807 undertaking such remediation, development or financing which are
5808 determined to be public purposes for which public funds may be
5809 expended. The corporation may transfer to any such subsidiary any
5810 moneys and real or personal property.

5811 (2) Neither the Connecticut Brownfields Redevelopment Authority
5812 nor any other subsidiary formed under this subsection may provide
5813 for any bonded indebtedness of the state for the cost of any liability or
5814 contingent liability for the remediation of contaminated real property
5815 unless such indebtedness is specifically authorized by an act of the
5816 General Assembly. Each such subsidiary may do all things necessary

5817 or convenient to carry out the purposes of this subsection, section 12-
5818 81r of the general statutes, subsection (h) of section 22a-133m of the
5819 general statutes, subsection (a) of section 22a-133x of the general
5820 statutes, sections 22a-133aa, 22a-133bb and 22a-133dd of the general
5821 statutes, subsection (l) of section 22a-134a of the general statutes, and
5822 sections 22a-452f, 32-7e and 32-23pp to 32-23rr, inclusive, of the general
5823 statutes, including, but not limited to, (A) solicit, receive and accept
5824 aid, grants or contributions from any source of money, property or
5825 labor or other things of value, to be held, used and applied to carry out
5826 the purposes of this subsection, section 12-81r of the general statutes,
5827 subsection (h) of section 22a-133m of the general statutes, subsection
5828 (a) of section 22a-133x of the general statutes, sections 22a-133aa, 22a-
5829 133bb and 22a-133dd of the general statutes, subsection (l) of section
5830 22a-134a of the general statutes, and sections 22a-452f, 32-7e and 32-
5831 23pp to 32-23rr, inclusive, of the general statutes, subject to the
5832 conditions upon which such grants and contributions may be made,
5833 including, but not limited to, gifts, grants or loans, from any
5834 department, agency or quasi-public agency of the United States or the
5835 state; (B) enter into agreements with persons upon such terms and
5836 conditions as are consistent with the purposes of such subsidiary to
5837 acquire or facilitate the remediation, development or financing of
5838 contaminated real or personal property; (C) to acquire, take title, lease,
5839 purchase, own, manage, hold and dispose of real and personal
5840 property and lease, convey or deal in or enter into agreements with
5841 respect to such property; (D) examine, inspect, rehabilitate, remediate
5842 or improve real or personal property or engage others to do so on such
5843 subsidiary's behalf, or enter into contracts therefor; (E) mortgage,
5844 convey or dispose of its assets and pledge its revenues to secure any
5845 borrowing, for the purpose of financing, refinancing, rehabilitating,
5846 remediating, improving or developing its assets, provided each such
5847 borrowing or mortgage shall be a special obligation of such subsidiary,
5848 which obligation may be in the form of notes, bonds, bond anticipation
5849 notes and other obligations issued by or to such subsidiary to the
5850 extent permitted under this section and sections 148 and 149 of this act

5851 to fund and refund the same and provide for the rights of the holders
5852 thereof, and to secure the same by pledge of revenues, notes or other
5853 assets and which shall be payable solely from the assets, revenues and
5854 other resources of such subsidiary; (F) to create real estate investment
5855 trusts or similar entities or to become a member of a limited liability
5856 company or to become a partner in limited or general partnerships or
5857 establish other contractual arrangements with private and public
5858 sector entities as such subsidiary deems necessary to remediate,
5859 develop or finance environmentally contaminated property in the
5860 state; and (G) any other powers necessary or appropriate to carry out
5861 the purposes of this subsection, subsection (h) of section 22a-133m of
5862 the general statutes, subsection (a) of section 22a-133x of the general
5863 statutes, sections 22a-133aa, 22a-133bb and 22a-133dd of the general
5864 statutes, subsection (l) of section 22a-134a of the general statutes, and
5865 sections 22a-452f, 32-7e and 32-23pp to 32-23rr, inclusive, of the general
5866 statutes. The board of directors, executive director, officers and staff of
5867 the corporation may serve as members of any advisory or other board
5868 which may be established to carry out the purposes of this subsection,
5869 subsection (h) of section 22a-133m of the general statutes, subsection
5870 (a) of section 22a-133x of the general statutes, sections 22a-133aa, 22a-
5871 133bb and 22a-133dd of the general statutes, subsection (l) of section
5872 22a-134a of the general statutes, and sections 22a-452f, 32-7e and 32-
5873 23pp to 32-23rr, inclusive, of the general statutes.

5874 (c) Each subsidiary of the corporation shall be deemed a quasi-
5875 public agency for purposes of chapter 12 of the general statutes and
5876 shall have all the privileges, immunities, tax exemptions and other
5877 exemptions of the corporation. Each such subsidiary may sue and shall
5878 be subject to suit, provided its liability shall be limited solely to the
5879 assets, revenues and resources of the subsidiary and without recourse
5880 to the general funds, revenues, resources or any other assets of the
5881 corporation. Each such subsidiary is authorized to assume or take title
5882 to property subject to any existing lien, encumbrance or mortgage and
5883 to mortgage, convey or dispose of its assets and pledge its revenues to
5884 secure any borrowing, provided each such borrowing or mortgage

5885 shall be a special obligation of the subsidiary, which obligation may be
5886 in the form of bonds, bond anticipation notes and other obligations, to
5887 fund and refund the same and provide for the rights of the holders
5888 thereof, and to secure the same by pledge or revenues, notes and other
5889 assets and which shall be payable solely from the assets, revenues and
5890 other resources of the subsidiary. The corporation may assign to a
5891 subsidiary any rights, moneys or other assets it has under any
5892 governmental program. No subsidiary of the corporation shall borrow
5893 without the approval of the corporation.

5894 (d) Each such subsidiary shall act through its board of directors, at
5895 least one-half of which shall be members of the board of directors of
5896 the corporation or their designees or officers or employees of the
5897 corporation. A resolution of the corporation shall prescribe the
5898 purposes for which each such subsidiary is formed.

5899 (e) The provisions of section 1-125 of the general statutes and this
5900 subsection shall apply to any officer, director, designee or employee
5901 appointed as a member, director or officer of any such subsidiary. Any
5902 such person so appointed shall not be personally liable for the debts,
5903 obligations or liabilities of any such subsidiary as provided in said
5904 section 1-125. The subsidiary shall, and the corporation may, save
5905 harmless and indemnify such officer, director, designee or employee as
5906 provided by said section 1-125.

5907 (f) The corporation, or such subsidiary, may take such actions as are
5908 necessary to comply with the provisions of the Internal Revenue Code
5909 of 1986, or any subsequent corresponding internal revenue code of the
5910 United States, as amended from time to time, to qualify and maintain
5911 any such subsidiary as a corporation exempt from taxation under said
5912 code.

5913 (g) The corporation may make loans to each such subsidiary from its
5914 assets and the proceeds of its bonds, notes and other obligations,
5915 provided the source and security for the repayment of such loans is
5916 derived from the assets, revenues and resources of the subsidiary.

5917 (h) Notwithstanding any other provision of the general statutes, the
5918 Commissioner of Energy and Environmental Protection shall issue to
5919 the corporation or any subsidiary of such corporation a covenant not to
5920 sue pursuant to section 22a-133aa or 22a-133bb of the general statutes,
5921 as applicable, without fee, as otherwise required in subsection (c) of
5922 said section 22a-133aa for the remediation of a facility in accordance
5923 with an approved remediation plan.

5924 Sec. 151. Subsection (b) of section 32-35 of the 2012 supplement to
5925 the general statutes is repealed and the following is substituted in lieu
5926 thereof (*Effective July 1, 2012*):

5927 (b) The corporation shall be governed by a board of **[**fifteen**]**
5928 seventeen directors. **[**Eight**]** Nine members shall be appointed by the
5929 Governor, **[**at least**]** six of whom shall be knowledgeable, and have
5930 favorable reputations for skill, knowledge and experience, in the
5931 development of innovative **[**technology and technological processes**]**
5932 start-up businesses, including, but not limited to, expertise in academic
5933 research, technology transfer and application, the development of
5934 technological invention and new enterprise development and three of
5935 whom shall be knowledgeable, and have favorable reputations for
5936 skill, knowledge and experience, in the field of financial lending or the
5937 development of commerce, trade and business. **[**Three**]** Four members
5938 shall be the Commissioner of Economic and Community
5939 Development, the president of the Board of Regents for Higher
5940 Education, the Treasurer and the Secretary of the Office of Policy and
5941 Management, who shall serve ex officio and shall have all of the
5942 powers and privileges of a member of the board of directors. Each ex-
5943 officio member may designate his deputy or any member of his staff to
5944 represent him at meetings of the corporation with full power to act and
5945 vote in his behalf. Four members shall be appointed as follows: One by
5946 the president pro tempore of the Senate, one by the minority leader of
5947 the Senate, one by the speaker of the House of Representatives and one
5948 by the minority leader of the House of Representatives. Each member
5949 appointed by the Governor shall serve at the pleasure of the Governor

5950 but no longer than the term of office of the Governor or until the
5951 member's successor is appointed and qualified, whichever is longer.
5952 Each member appointed by a member of the General Assembly shall
5953 serve in accordance with the provisions of section 4-1a. A director shall
5954 be eligible for reappointment. The Governor shall fill any vacancy for
5955 the unexpired term of a member appointed by the Governor. The
5956 appropriate legislative appointing authority shall fill any vacancy for
5957 the unexpired term of a member appointed by such authority.

5958 Sec. 152. (NEW) (*Effective July 1, 2012*) (a) (1) Wherever the term
5959 "Connecticut Development Authority" is used in the following sections
5960 of the general statutes, the term "Connecticut Innovations
5961 Incorporated" shall be substituted in lieu thereof: 3-24d, 3-24f, 3-99d, 8-
5962 134, 8-134a, 8-192, 8-192a, 8-240m, 13b-79w, 16-243v, 22a-134, 22a-173,
5963 22a-259, 22a-264, 25-33a, 32-1*l*, 32-3, 32-4*l*, as amended by this act, 32-6j,
5964 32-9c, 32-9n, 32-9cc, 32-9kk, 32-9*ll*, 32-9qq, 32-22b, 32-23*l*, 32-23o, 32-
5965 23q, 32-23r, 32-23s, 32-23t, 32-23v, 32-23x, 32-23z, 32-23aa, 32-23qq, 32-
5966 23ss, 32-23tt, 32-31a, 32-61, 32-68a, 32-141, 32-222, 32-223, 32-227, 32-
5967 244, 32-244a, 32-262, 32-263, 32-265, 32-266, 32-285, 32-341, 32-477, 32-
5968 500, 32-503 and 32-609.

5969 (2) Wherever the term "authority" is used in the following sections
5970 of the general statutes, the term "corporation" shall be substituted in
5971 lieu thereof: 32-14, 32-15, 32-16, 32-16a, 32-17a, 32-18, 32-19, 32-22, 32-
5972 22a, 32-23a, 32-23j, as amended by this act, 32-23o, 32-23p, 32-23q, 32-
5973 23r, 32-23s, 32-23v, 32-23x, 32-23y, 32-23z, 32-23bb, 32-23ii, 32-23jj, 32-
5974 23kk, 32-23*ll*, 32-23qq, 32-23ss, 32-23tt, 32-23uu, 32-23vv, 32-31a, 32-61,
5975 32-62, 32-63, 32-64, 32-65, 32-67, 32-68a, 32-262, 32-263, 32-265, 32-267,
5976 32-269, 32-270, 32-271, 32-272, 32-280, 32-282, 32-285, 32-341, 32-356, 32-
5977 500, 32-503, 32-717 and 32-718.

5978 (b) The Legislative Commissioners' Office shall, in codifying the
5979 provisions of this section, make such technical, grammatical and
5980 punctuation changes as are necessary to carry out the purposes of this
5981 section.

5982 Sec. 153. Subdivision (42) of section 8-250 of the general statutes is
5983 repealed and the following is substituted in lieu thereof (*Effective July*
5984 *1, 2012*):

5985 (42) To accept from the department: (A) Financial assistance, (B)
5986 revenues or the right to receive revenues with respect to any program
5987 under the supervision of the department, and (C) loan assets or equity
5988 interests in connection with any program under the supervision of the
5989 department; to make advances to and reimburse the department for
5990 any expenses incurred or to be incurred by it in the delivery of such
5991 assistance, revenues, rights, assets, interests or amounts; to enter into
5992 agreements with the department for the delivery of services by the
5993 authority in consultation with the department **[**, the Connecticut
5994 Development Authority**]** and Connecticut Innovations, Incorporated,
5995 to third parties which agreements may include provisions for payment
5996 by the department to the authority for the delivery of such services;
5997 and to enter into agreements with the department **[**or with the
5998 Connecticut Development Authority**]** or Connecticut Innovations,
5999 Incorporated, for the sharing of assistants, agents and other
6000 consultants, professionals and employees, and facilities and other real
6001 and personal property used in the conduct of the authority's affairs;

6002 Sec. 154. Subsection (a) of section 32-1c of the general statutes is
6003 repealed and the following is substituted in lieu thereof (*Effective July*
6004 *1, 2012*):

6005 (a) In addition to any other powers, duties and responsibilities
6006 provided for in this chapter, chapter 131, chapter 579 and section 4-8
6007 and subsection (a) of section 10-409, the commissioner shall have the
6008 following powers, duties and responsibilities: (1) To administer and
6009 direct the operations of the Department of Economic and Community
6010 Development; (2) to report annually to the Governor, as provided in
6011 section 4-60; (3) to conduct and administer the research and planning
6012 functions necessary to carry out the purposes of said chapters and
6013 sections; (4) to encourage and promote the development of industry

6014 and business in the state and to investigate, study and undertake ways
6015 and means of promoting and encouraging the prosperous
6016 development and protection of the legitimate interest and welfare of
6017 Connecticut business, industry and commerce, within and outside the
6018 state; (5) to serve, ex officio as a director on the board of Connecticut
6019 Innovations, Incorporated; (6) to serve as a member of the Committee
6020 of Concern for Connecticut Jobs; (7) to promote and encourage the
6021 location and development of new business in the state as well as the
6022 maintenance and expansion of existing business and for that purpose
6023 to cooperate with state and local agencies and individuals both within
6024 and outside the state; (8) to plan and conduct a program of information
6025 and publicity designed to attract tourists, visitors and other interested
6026 persons from outside the state to this state and also to encourage and
6027 coordinate the efforts of other public and private organizations or
6028 groups of citizens to publicize the facilities and attractions of the state
6029 for the same purposes; (9) to advise and cooperate with municipalities,
6030 persons and local planning agencies within the state for the purpose of
6031 promoting coordination between the state and such municipalities as
6032 to plans and development; (10) by reallocating funding from other
6033 agency accounts or programs, to assign adequate and available staff to
6034 provide technical assistance to businesses in the state in exporting,
6035 manufacturing and cluster-based initiatives and to provide guidance
6036 and advice on regulatory matters; (11) **[**to provide all necessary staff,
6037 services, accounting and office space and equipment required by the
6038 Connecticut Development Authority subject to the provisions of
6039 section 4b-23, where real estate acquisitions are involved; (12)**]** to aid
6040 minority businesses in their development; **[**(13)**]** (12) to appoint such
6041 assistants, experts, technicians and clerical staff, subject to the
6042 provisions of chapter 67, as are necessary to carry out the purposes of
6043 said chapters and sections; **[**(14)**]** (13) to employ other consultants and
6044 assistants on a contract or other basis for rendering financial, technical
6045 or other assistance and advice; **[**(15)**]** (14) to acquire or lease facilities
6046 located outside the state subject to the provisions of section 4b-23;
6047 **[**(16)**]** (15) to advise and inform municipal officials concerning

6048 economic development and collect and disseminate information
6049 pertaining thereto, including information about federal, state and
6050 private assistance programs and services pertaining thereto; [(17)] (16)
6051 to inquire into the utilization of state government resources and
6052 coordinate federal and state activities for assistance in and solution of
6053 problems of economic development and to inform and advise the
6054 Governor about and propose legislation concerning such problems;
6055 [(18)] (17) to conduct, encourage and maintain research and studies
6056 relating to industrial and commercial development; [(19)] (18) to
6057 prepare and review model ordinances and charters relating to these
6058 areas; [(20)] (19) to maintain an inventory of data and information and
6059 act as a clearinghouse and referral agency for information on state and
6060 federal programs and services relative to the purpose set forth herein.
6061 The inventory shall include information on all federal programs of
6062 financial assistance for defense conversion projects and other projects
6063 consistent with a defense conversion strategy and shall identify
6064 businesses which would be eligible for such assistance and provide
6065 notification to such business of such programs; [(21)] (20) to conduct,
6066 encourage and maintain research and studies and advise municipal
6067 officials about forms of cooperation between public and private
6068 agencies designed to advance economic development; [(22)] (21) to
6069 promote and assist the formation of municipal and other agencies
6070 appropriate to the purposes of this chapter; [(23)] (22) to require notice
6071 of the submission of all applications by municipalities and any agency
6072 thereof for federal and state financial assistance for economic
6073 development programs as relate to the purposes of this chapter; [(24)]
6074 (23) with the approval of the Commissioner of Administrative
6075 Services, to reimburse any employee of the department, including the
6076 commissioner, for reasonable business expenses, including but not
6077 limited to, mileage, travel, lodging, and entertainment of business
6078 prospects and other persons to the extent necessary or advisable to
6079 carry out the purposes of subdivisions (4), (7), (8) and (11) of this
6080 subsection and other provisions of this chapter; [(25)] (24) to assist in
6081 resolving solid waste management issues; [(26)] (25) (A) to serve as an

6082 information clearinghouse for various public and private programs
6083 available to assist businesses, (B) to identify specific micro businesses,
6084 as defined in section 32-344, whose growth and success could benefit
6085 from state or private assistance and contact such small businesses in
6086 order to (i) identify their needs, (ii) provide information about public
6087 and private programs for meeting such needs, including, but not
6088 limited to, technical assistance, job training and financial assistance,
6089 and (iii) arrange for the provision of such assistance to such businesses;
6090 **[**(27)**]** (26) to enhance and promote the digital media and motion
6091 picture industries in the state; **[**(28)**]** (27) by reallocating funding from
6092 other agency accounts or programs, to develop a marketing campaign
6093 that promotes Connecticut as a place of innovation; and **[**(29)**]** (28) by
6094 reallocating funding from other agency accounts or programs, to
6095 execute the steps necessary to implement the knowledge corridor
6096 agreement with Massachusetts to promote the biomedical device
6097 industry.

6098 Sec. 155. Subsection (a) of section 32-1e of the general statutes is
6099 repealed and the following is substituted in lieu thereof (*Effective July*
6100 *1, 2012*):

6101 (a) The Commissioner of Economic and Community Development,
6102 in consultation with the Connecticut Resources Recovery Authority
6103 and the Commissioner of Energy and Environmental Protection, shall
6104 prepare a plan for the support and promotion of industries that use,
6105 process or transport recycled materials. The plan shall outline ways
6106 existing programs of the Department of Economic and Community
6107 Development, the Connecticut Resources Recovery Authority and
6108 agencies such as the Department of Energy and Environmental
6109 Protection **[**, the Connecticut Development Authority**]** and Connecticut
6110 Innovations, Incorporated will be used to promote such industries.

6111 Sec. 156. Section 32-1k of the general statutes is repealed and the
6112 following is substituted in lieu thereof (*Effective July 1, 2012*):

6113 As used in sections 8-244b to 8-244d, inclusive, this section and

6114 section 32-1*l*, the following terms shall have the following meanings
6115 unless the context clearly indicates another meaning and intent:

6116 (1) "Department" means the Department of Economic and
6117 Community Development;

6118 (2) "Commissioner" means the Commissioner of Economic and
6119 Community Development;

6120 **[**(3) "CDA" means the Connecticut Development Authority, as
6121 created under chapter 579;**]**

6122 **[**(4)**]** (3) "CHFA" means the Connecticut Housing Finance Authority,
6123 as created under chapter 134;

6124 **[**(5)**]** (4) "CII" means Connecticut Innovations, Incorporated, as
6125 created under chapter 581; and

6126 **[**(6)**]** (5) "SHA" means the State Housing Authority as created under
6127 section 8-244b.

6128 Sec. 157. Subsection (a) of section 32-1o of the 2012 supplement to
6129 the general statutes is repealed and the following is substituted in lieu
6130 thereof (*Effective July 1, 2012*):

6131 (a) On or before July 1, 2009, and every five years thereafter, the
6132 Commissioner of Economic and Community Development, within
6133 available appropriations, shall prepare an economic strategic plan for
6134 the state in consultation with the Secretary of the Office of Policy and
6135 Management, the Commissioners of Energy and Environmental
6136 Protection and Transportation, the Labor Commissioner, the
6137 chairperson of the Culture and Tourism Advisory Committee, the
6138 executive directors of the Connecticut Housing Finance Authority, **[**the
6139 Connecticut Development Authority,**]** Connecticut Innovations,
6140 Incorporated, and the Connecticut Health and Educational Facilities
6141 Authority, or their respective designees, and any other agencies the
6142 Commissioner of Economic and Community Development deems

6143 appropriate.

6144 Sec. 158. Section 32-4h of the general statutes is repealed and the
6145 following is substituted in lieu thereof (*Effective July 1, 2012*):

6146 Not later than August 1, 1997, and annually thereafter, **[**the
6147 chairperson of the board of directors of the Connecticut Development
6148 Authority and**]** the chairperson of the board of directors of Connecticut
6149 Innovations, Incorporated shall submit a report to the joint standing
6150 committee of the General Assembly having cognizance of matters
6151 relating to the Department of Economic and Community
6152 Development, in accordance with the provisions of section 11-4a,
6153 which details the amount of bond funds expended during the previous
6154 fiscal year on each economic cluster in the state by the quasi-public
6155 agency administered by such chairperson.

6156 Sec. 159. Section 32-23e of the general statutes is repealed and the
6157 following is substituted in lieu thereof (*Effective July 1, 2012*):

6158 To accomplish the purposes of the **[**authority, as defined in
6159 subsection (t) of section 32-23d**]** corporation, which are hereby
6160 determined to be public purposes for which public funds may be
6161 expended, and in addition to any other powers provided by law, the
6162 **[**authority**]** corporation shall have power to: (1) Determine the location
6163 and character of any project to be financed under the provisions of said
6164 chapters and sections, provided any financial assistance shall be
6165 approved in accordance with written procedures prepared pursuant to
6166 subdivision (14) of this section; (2) purchase, receive, by gift or
6167 otherwise, lease, exchange, or otherwise acquire, and construct,
6168 reconstruct, improve, maintain, equip and furnish one or more
6169 projects, including all real and personal property which the **[**authority**]**
6170 corporation may deem necessary in connection therewith, and to enter
6171 into a contract with a person therefor upon such terms and conditions
6172 as the **[**authority**]** corporation shall determine to be reasonable,
6173 including but not limited to reimbursement for the planning,
6174 designing, financing, construction, reconstruction, improvement,

6175 equipping, furnishing, operation and maintenance of the project and
6176 any claims arising therefrom and establishment and maintenance of
6177 reserve and insurance funds with respect to the financing of the
6178 project; (3) insure any or all payments to be made by the borrower
6179 under the terms of any agreement for the extension of credit or making
6180 of a loan by the [authority] corporation in connection with any
6181 economic development project to be financed, wholly or in part,
6182 through the issuance of bonds or mortgage payments of any mortgage
6183 which is given by a mortgagor to the mortgagee who has provided the
6184 mortgage for an economic development project upon such terms and
6185 conditions as the [authority] corporation may prescribe and as
6186 provided herein, and the faith and credit of the state are pledged
6187 thereto; (4) in connection with the insuring of payments of any
6188 mortgage, request for its guidance a finding of the municipal planning
6189 commission, or, if there is no planning commission, a finding of the
6190 municipal officers, of the municipality in which the economic
6191 development project is proposed to be located, or of the regional
6192 planning agency of which such municipality is a member, as to the
6193 expediency and advisability of the economic development project; (5)
6194 sell or lease to any person, all or any portion of a project, purchase
6195 from eligible financial institutions mortgages with respect to economic
6196 development projects, purchase or repurchase its own bonds, and sell,
6197 pledge or assign to any person any such bonds, mortgages, or other
6198 loans, notes, revenues or assets of the [authority] corporation, or any
6199 interest therein, for such consideration and upon such terms as the
6200 [authority] corporation may determine to be reasonable; (6) mortgage
6201 or otherwise encumber all or any portion of a project whenever it shall
6202 find such action to be in furtherance of the purposes of said chapters
6203 and sections; (7) enter into agreements with any person, including
6204 prospective mortgagees and mortgagors, for the purpose of planning,
6205 designing, constructing, acquiring, altering and financing projects,
6206 providing liquidity or a secondary market for mortgages or other
6207 financial obligations incurred with respect to facilities which would
6208 qualify as a project under this chapter, purchasing loans made by

6209 regional corporations under section 32-276, or for any other purpose in
6210 furtherance of any other power of the [authority] corporation; (8) grant
6211 options to purchase or renew a lease for any of its projects on such
6212 terms as the [authority] corporation may determine to be reasonable;
6213 (9) employ or retain attorneys, accountants and architectural,
6214 engineering and financial consultants and such other employees and
6215 agents and to fix their compensation and to employ the Connecticut
6216 Development Credit Corporation on a cost basis as it shall deem
6217 necessary to assist it in carrying out the purposes of said [authority]
6218 corporation legislation; (10) [borrow money or accept gifts, grants or
6219 loans of funds, property or service from any source, public or private,
6220 and comply, subject to the provisions of said authority legislation, with
6221 the terms and conditions thereof; (11)] accept from a federal agency
6222 loans, grants or loan guarantees or otherwise participate in any loan,
6223 grant, loan guarantee or other financing or economic or project
6224 development program of a federal agency in furtherance of, and
6225 consistent with, the purposes of the [authority] corporation, and enter
6226 into agreements with such agency respecting any such loans, grants,
6227 loan guarantees or federal agency programs; [(12)] (11) provide tenant
6228 lease guarantees and performance guarantees, invest in, extend credit
6229 or make loans to any person for the planning, designing, financing,
6230 acquiring, constructing, reconstructing, improving, expanding,
6231 continuing in operation, equipping and furnishing of a project and for
6232 the refinancing of existing indebtedness with respect to any facility or
6233 part thereof which would qualify as a project in order to facilitate
6234 substantial improvements thereto, which guarantees, investments,
6235 credits or loans may be secured by loan agreements, lease agreements,
6236 installment sale agreements, mortgages, contracts and all other
6237 instruments or fees and charges, upon such terms and conditions as
6238 the [authority] corporation shall determine to be reasonable in
6239 connection with such loans, including provision for the establishment
6240 and maintenance of reserve and insurance funds and in the exercise of
6241 powers granted in this section in connection with a project for such
6242 person, to require the inclusion in any contract, loan agreement or

6243 other instrument, such provisions for the construction, use, operation
6244 and maintenance and financing of a project as the [authority]
6245 corporation may deem necessary or desirable; [(13)] (12) in connection
6246 with any application for assistance under said [authority] corporation
6247 legislation, or commitments therefor, to make and collect such fees and
6248 charges as the [authority] corporation shall determine to be reasonable;
6249 [(14)] (13) adopt procedures, in accordance with the provisions of
6250 section 1-121, to carry out the [provisions of said authority legislation]
6251 purposes of the corporation, which may give priority to applications
6252 for financial assistance based upon the extent the project will
6253 materially contribute to the economic base of the state by creating or
6254 retaining jobs, providing increased wages or benefits to employees,
6255 promoting the export of products or services beyond the boundaries of
6256 the state, encouraging innovation in products or services, encouraging
6257 defense-dependent business to diversify to nondefense production,
6258 promoting standards of participation adopted by the Connecticut
6259 partnership compact pursuant to section 33-374g of the general
6260 statutes, revision of 1958, revised to 1991, or will otherwise enhance
6261 existing activities that are important to the economic base of the state,
6262 provided regulation-making proceedings commenced before January
6263 1, 1989, shall be governed by sections 4-166 to 4-174, inclusive; [(15)
6264 adopt an official seal and alter the same at pleasure; (16)] (14) maintain
6265 an office at such place or places within the state as it may designate;
6266 [(17) sue and be sued in its own name and plead and be impleaded,
6267 service of process in any action to be made by service upon the
6268 executive director of said authority either in hand or by leaving a copy
6269 of the process at the office of the authority with some person having
6270 charge thereof; (18) employ such assistants, agents and other
6271 employees as may be necessary or desirable for its purposes, which
6272 employees shall be exempt from the classified service and shall not be
6273 employees as defined in subsection (b) of section 5-270; establish all
6274 necessary or appropriate personnel practices and policies, including
6275 those relating to hiring, promotion, compensation, retirement and
6276 collective bargaining, which need not be in accordance with chapter 68

6277 and the authority shall not be an employer as defined in subsection (a)
6278 of section 5-270; contract for and engage appraisers of industrial
6279 machinery and equipment, consultants and property management
6280 services, and utilize the services of other governmental agencies; (19)]
6281 (15) when it becomes necessary or feasible for the [authority]
6282 corporation to safeguard itself from losses, acquire, purchase, manage
6283 and operate, hold and dispose of real and personal property, take
6284 assignments of rentals and leases and make and enter into all
6285 contracts, leases, agreements and arrangements necessary or incidental
6286 to the performance of its duties; [(20)] (16) in order to further the
6287 purposes of [said authority legislation] the corporation, or to assure the
6288 payment of the principal and interest on bonds or notes of the
6289 [authority] corporation or to safeguard the mortgage insurance fund,
6290 purchase, acquire and take assignments of notes, mortgages and other
6291 forms of security and evidences of indebtedness, purchase, acquire,
6292 attach, seize, accept or take title to any project by conveyance or, by
6293 foreclosure, and sell, lease or rent any project for a use specified in said
6294 chapters and sections or in this chapter; [(21) adopt rules for the
6295 conduct of its business; (22) invest any funds not needed for immediate
6296 use or disbursement, including any funds held in reserve, in
6297 obligations issued or guaranteed by the United States of America or
6298 the state of Connecticut and in other obligations which are legal
6299 investments for savings banks in this state; (23)] (17) do, or delegate,
6300 any and all things necessary or convenient to carry out the purposes
6301 and to exercise the powers given and granted [in said authority
6302 legislation; provided, in all matters concerning the internal
6303 administrative functions of the authority which are funded by
6304 amounts appropriated by the state to the authority or to the
6305 department, the procedures of the state relating to office space,
6306 supplies, facilities, materials, equipment and professional services shall
6307 be followed, and provided further, that in the acquisition by the
6308 authority of real estate involving the use of appropriated funds or
6309 bonds supported by the full faith and credit of the state, the authority
6310 shall be subject to the provisions of section 4b-23; (24)] to the

6311 corporation; (18) to accept from the department: (A) Financial
6312 assistance, (B) revenues or the right to receive revenues with respect to
6313 any program under the supervision of the department, and (C) loan
6314 assets or equity interests in connection with any program under the
6315 supervision of the department; to make advances to and reimburse the
6316 department for any expenses incurred or to be incurred by it in the
6317 delivery of such assistance, revenues, rights, assets or amounts; to
6318 enter into agreements for the delivery of services by the [authority]
6319 corporation, in consultation with the department [,] and the
6320 Connecticut Housing Finance Authority, [and Connecticut
6321 Innovations, Incorporated,] to third parties which agreements may
6322 include provisions for payment by the department to the [authority]
6323 corporation for the delivery of such services; and to enter into
6324 agreements with the department or with the Connecticut Housing
6325 Finance Authority [or Connecticut Innovations, Incorporated] for the
6326 sharing of assistants, agents and other consultants, professionals and
6327 employees, and facilities and other real and personal property used in
6328 the conduct of the [authority's] corporation's affairs; and [(25)] (19) to
6329 transfer to the department: (A) Financial assistance, (B) revenues or the
6330 right to receive revenues with respect to any program under the
6331 supervision of the [authority] corporation, and (C) loan assets or equity
6332 interests in connection with any program under the supervision of the
6333 [authority] corporation, provided the transfer of such financial
6334 assistance, revenues, rights, assets or interests is determined by the
6335 [authority] corporation to be practicable, within the constraints and not
6336 inconsistent with the fiduciary obligations of the [authority]
6337 corporation imposed upon or established upon the [authority]
6338 corporation by any provision of the general statutes, the [authority's]
6339 corporation's bond resolutions or any other agreement or contract of
6340 the authority and to have no adverse effect on the tax-exempt status of
6341 any bonds of the [authority] corporation or the state.

6342 Sec. 160. Subdivision (34) of section 32-39 of the 2012 supplement to
6343 the general statutes is repealed and the following is substituted in lieu
6344 thereof (*Effective July 1, 2012*):

6345 (34) To accept from the department: (A) Financial assistance, (B)
6346 revenues or the right to receive revenues with respect to any program
6347 under the supervision of the department, and (C) loan assets or equity
6348 interests in connection with any program under the supervision of the
6349 department; to make advances to and reimburse the department for
6350 any expenses incurred or to be incurred by it in the delivery of such
6351 assistance, revenues, rights, assets, or interests; to enter into
6352 agreements for the delivery of services by the corporation, in
6353 consultation with the department **[**,**]** and the Connecticut Housing
6354 Finance Authority, **[**and the Connecticut Development Authority,**]** to
6355 third parties, which agreements may include provisions for payment
6356 by the department to the corporation for the delivery of such services;
6357 and to enter into agreements with the department or with the
6358 **[**Connecticut Development Authority or**]** Connecticut Housing Finance
6359 Authority for the sharing of assistants, agents and other consultants,
6360 professionals and employees, and facilities and other real and personal
6361 property used in the conduct of the corporation's affairs;

6362 Sec. 161. Subdivision (1) of section 32-450 of the general statutes is
6363 repealed and the following is substituted in lieu thereof (*Effective July*
6364 *1, 2012*):

6365 (1) "Awarding authority" means the Commissioner of Economic and
6366 Community Development **[**,**]** and the board of directors of **[**the
6367 Connecticut Development Authority and the board of directors of**]**
6368 Connecticut Innovations, Incorporated.

6369 Sec. 162. Subdivision (1) of subsection (a) of section 32-462 of the
6370 general statutes is repealed and the following is substituted in lieu
6371 thereof (*Effective July 1, 2012*):

6372 (1) "Agency" means the Department of Economic and Community
6373 Development **[**, the Connecticut Development Authority**]** or
6374 Connecticut Innovations, Incorporated.

6375 Sec. 163. Section 32-479 of the general statutes is repealed and the

6376 following is substituted in lieu thereof (*Effective July 1, 2012*):

6377 Not later than July 1, 1996, the Commissioner of Economic and
6378 Community Development, the Labor Commissioner **[**, the Connecticut
6379 Development Authority**]** and Connecticut Innovations, Incorporated
6380 shall jointly develop goals and objectives and quantifiable outcome
6381 measures related to the percentage of financial assistance which is
6382 being provided to high performance work organizations. The Labor
6383 Commissioner **[**, the Connecticut Development Authority**]** and
6384 Connecticut Innovations, Incorporated shall submit an annual report
6385 concerning such goals, objectives and measures to the joint standing
6386 committee of the General Assembly having cognizance of matters
6387 relating to labor and public employees and the joint standing
6388 committee having cognizance of matters relating to commerce.

6389 Sec. 164. Section 32-480 of the general statutes is repealed and the
6390 following is substituted in lieu thereof (*Effective July 1, 2012*):

6391 The Department of Economic and Community Development, the
6392 Labor Department **[**, the Connecticut Development Authority**]** and
6393 Connecticut Innovations, Incorporated shall, when appropriate,
6394 encourage persons, firms and corporations which contact said
6395 departments or authorities for financial assistance to utilize high
6396 performance work practices in their business operations.

6397 Sec. 165. Subdivision (1) of section 32-700 of the general statutes is
6398 repealed and the following is substituted in lieu thereof (*Effective July*
6399 *1, 2012*):

6400 (1) "Awarding authority" means the Commissioner of Economic and
6401 Community Development, **[**the board of directors of the Connecticut
6402 Development Authority,**]** the board of directors of Connecticut
6403 Innovations, Incorporated, and the head of any other quasi-public
6404 agency, as defined in section 1-120, <u>as amended by this act,</u> and any
6405 state agency authorized to award state assistance, as defined in
6406 subdivision (2) of this section.

6407 Sec. 166. Subsection (a) of section 32-701 of the general statutes is
6408 repealed and the following is substituted in lieu thereof (*Effective July*
6409 *1, 2012*):

6410 (a) The terms and conditions of any agreement for state assistance
6411 under any program of the general statutes to a business entity
6412 operated for profit administered by the Department of Economic and
6413 Community Development **[**, Connecticut Development Authority**]** and
6414 Connecticut Innovations, Incorporated, shall include provisions for (1)
6415 specific goals for the creation and retention of full-time and part-time
6416 jobs and for periodic reports by the recipient on progress in achieving
6417 such goals if the primary purpose of the state assistance is job creation
6418 or retention, and (2) a requirement that an applicant for **[**any type of**]**
6419 state assistance, except equity investments, grants and loans of a term
6420 of less than one year, provide the agency with **[**appropriate**]** security
6421 that is appropriate and reasonable in the circumstance for such
6422 financial assistance, including, but not limited to, a letter of credit, a
6423 lien on real property or a security interest in goods, equipment,
6424 inventory or other property of any kind and that the recipient of such
6425 state assistance will remain in substantial material compliance with
6426 state and federal law.

6427 Sec. 167. Subsections (a) and (b) of section 32-11a of the 2012
6428 supplement to the general statutes are repealed and the following is
6429 substituted in lieu thereof (*Effective July 1, 2012*):

6430 (a) There is hereby created as a body politic and corporate,
6431 constituting a public instrumentality and political subdivision of the
6432 state created for the performance of an essential public and
6433 governmental function, **[**the Connecticut Development Authority**]**
6434 Connecticut Innovations, Incorporated, which is empowered to carry
6435 out the purposes of the **[**authority, as defined in subsection (t) of
6436 section 32-23d**]** corporation, which are hereby determined to be public
6437 purposes for which public funds may be expended. **[**The Connecticut
6438 Development Authority**]** Connecticut Innovations, Incorporated, shall

6439 not be construed to be a department, institution or agency of the state.

6440 (b) All notes, bonds or other obligations issued by the Connecticut
6441 Development Authority or the Connecticut Development Commission
6442 for the financing of any project or projects shall be in accordance with
6443 their terms of full force and effect and valid and binding upon [the
6444 authority] Connecticut Innovations, Incorporated, as the successor to
6445 the Connecticut Development [Commission] Authority and with
6446 respect to any resolution, contract, deed, trust agreement, mortgage,
6447 conditional sale or loan agreement, commitment, obligation or liability
6448 or other such document, public record, right, remedy, special act or
6449 public act, obligation, liability or responsibility pertaining thereto, the
6450 [authority] corporation shall be, and shall be deemed to be, the
6451 successor to the Connecticut Development [Commission] Authority.
6452 All properties, rights in land, buildings and equipment and any funds,
6453 moneys, revenues and receipts or assets of such commission pledged
6454 or otherwise securing any such notes, bonds or other obligations shall
6455 belong to the [authority] corporation as successor to the Connecticut
6456 Development [Commission] Authority, subject to such pledges and
6457 other security arrangements and to agreements with the holders of the
6458 outstanding notes, bonds or other obligations. Any resolution with
6459 respect to the issuance of bonds of the commission for the purposes of
6460 the act and any other action taken by the commission with respect to
6461 assisting in the financing of any project shall be, or shall be deemed to
6462 be, a resolution of the [authority] corporation or an action taken by the
6463 [authority] corporation subject only to any agreements with the
6464 holders of outstanding notes, bonds or other obligations of the
6465 commission.

6466 Sec. 168. Section 32-23k of the general statutes is repealed and the
6467 following is substituted in lieu thereof (*Effective July 1, 2012*):

6468 The state of Connecticut does hereby pledge to and agree with the
6469 holders of any bonds and notes issued under the provisions of [the
6470 authority legislation, as defined in subsection (hh) of section 32-23d]

6471 section 32-23f, as amended by this act, and with those parties who may
6472 enter into contracts with [the Connecticut Development Authority]
6473 Connecticut Innovations, Incorporated, or its successor agency,
6474 [pursuant to the provisions of such authority legislation,] that the state
6475 will not limit or alter the rights hereby vested in the [authority]
6476 corporation until such obligations, together with the interest thereon,
6477 are fully met and discharged and such contracts are fully performed
6478 on the part of the [authority] corporation, provided nothing contained
6479 herein shall preclude such limitation or alteration if and when
6480 adequate provision shall be made by law for the protection of the
6481 holders of such bonds and notes of the [authority] corporation or those
6482 entering into such contracts with the [authority] corporation. The
6483 [authority] corporation is authorized to include this pledge and
6484 undertaking for the state in such bonds and notes or contracts.

6485 Sec. 169. Section 32-23h of the general statutes is repealed and the
6486 following is substituted in lieu thereof (*Effective July 1, 2012*):

6487 The exercise of the powers granted [by the authority legislation, as
6488 defined in subsection (hh) of section 32-23d,] to the corporation shall
6489 constitute the performance of an essential governmental function and
6490 the [authority] corporation shall not be required to pay any taxes or
6491 assessments upon or in respect of a project, or any property or moneys
6492 of the [authority] corporation, levied by any municipality or political
6493 subdivision or special district having taxing powers of the state, nor
6494 shall the [authority] corporation be required to pay state taxes of any
6495 kind, and the [authority] corporation, its projects, property and
6496 moneys and any bonds and notes issued under the provisions of said
6497 chapters and sections, their transfer and the income therefrom,
6498 including any profit made on the sale thereof, shall at all times be free
6499 from taxation of every kind by the state except for estate or succession
6500 taxes and by the municipalities and all other political subdivisions or
6501 special districts having taxing powers of the state; provided any
6502 person leasing a project from the [authority] corporation shall pay to
6503 the municipality, or other political subdivision or special district

6504 having taxing powers, in which such project is located, a payment in
6505 lieu of taxes which shall equal the taxes on real and personal property,
6506 including water and sewer assessments, which such lessee would have
6507 been required to pay had it been the owner of such property during
6508 the period for which such payment is made and neither the [authority]
6509 corporation nor its projects, properties, money or bonds and notes
6510 shall be obligated, liable or subject to lien of any kind for the
6511 enforcement, collection or payment thereof. The sale of tangible
6512 personal property or services by the [authority] corporation is exempt
6513 from the sales tax under chapter 219, and the storage, use or other
6514 consumption in this state of tangible personal property or services
6515 purchased from the [authority] corporation is exempt from the use tax
6516 under chapter 219. If and to the extent the proceedings [under which
6517 the bonds authorized to be issued under the provisions of said
6518 chapters and sections] by the corporation so provide, the [authority]
6519 corporation may agree to cooperate with the lessee of a project in
6520 connection with any administrative or judicial proceedings for
6521 determining the validity or amount of such payments and may agree
6522 to appoint or designate and reserve the right in and for such lessee to
6523 take all action which the [authority] corporation may lawfully take in
6524 respect of such payments and all matters relating thereto, provided
6525 such lessee shall bear and pay all costs and expenses of the [authority]
6526 corporation thereby incurred at the request of such lessee or by reason
6527 of any such action taken by such lessee on behalf of the [authority]
6528 corporation. Any lessee of a project which has paid the amounts in lieu
6529 of taxes required by this section to be paid shall not be required to pay
6530 any such taxes in which a payment in lieu thereof has been made to the
6531 state or to any such municipality or other political subdivision or
6532 special district having taxing powers, any other statute to the contrary
6533 notwithstanding. Any industrial pollution control facility financed
6534 [under said chapters and sections] by the corporation shall be subject
6535 to such approvals, as may be required by law, of any agency of the
6536 state and any agency of the United States having jurisdiction in the
6537 matter and, in the discretion of the [authority] corporation, may be

6538 acquired, constructed or improved as part of or jointly with a pollution
6539 control facility undertaken by a municipality or political subdivision or
6540 special district having taxing powers in the state and the [authority]
6541 corporation is authorized to cooperate and execute contracts with such
6542 a municipality or political subdivision or special district.

6543 Sec. 170. Section 32-46 of the general statutes is repealed and the
6544 following is substituted in lieu thereof (*Effective July 1, 2012*):

6545 (a) The corporation shall [be and is hereby declared exempt from all
6546 franchise, corporate business, property and income taxes levied by the
6547 state or any municipality, provided nothing herein shall be construed
6548 to exempt from any such taxes, or from any taxes levied in connection
6549 with the manufacture or sale of any products which are the subject of
6550 any agreement made by the corporation, any person entering into any
6551 agreement with the corporation] have the tax exemptions provided
6552 under section 32-23h, as amended by this act.

6553 (b) Sales of and the storage, use or other consumption of any
6554 tangible personal property or services acquired for incorporation into
6555 or used and consumed in connection with the development,
6556 construction, rehabilitation, renovation or repair of a project, as
6557 defined in subsection (d) of section 32-23d, as amended by this act,
6558 which project has been approved by the board of directors of the
6559 corporation for sales and use tax relief in accordance with procedures
6560 adopted by the board shall, subject to any limitations or conditions of
6561 such approval, be exempt from sales and use taxes imposed by chapter
6562 219. The corporation may deliver a certificate to the effect that the sale
6563 of such tangible property or services is exempt from sales and use
6564 taxes imposed by said chapter 219, which certificate may be used in the
6565 purchase of such tangible personal property or services and on which
6566 certificate each seller of such tangible personal property or services
6567 may rely. The corporation shall develop any such certificate in
6568 collaboration and consultation with the Commissioner of Revenue
6569 Services.

6570 Sec. 171. Section 32-5a of the general statutes is repealed and the
6571 following is substituted in lieu thereof (*Effective July 1, 2012*):

6572 The Commissioner of Economic and Community Development and
6573 the board of directors of **[**the Connecticut Development Authority**]**
6574 Connecticut Innovations, Incorporated shall require, as a condition of
6575 any financial assistance provided on and after June 23, 1993, under any
6576 program administered by the Department of Economic and
6577 Community Development or such **[**authority**]** corporation to any
6578 business organization, that such business organization: (1) Shall not
6579 relocate outside of the state for ten years after receiving such assistance
6580 or during the term of a loan or loan guarantee, whichever is longer,
6581 unless the full amount of the assistance is repaid to the state and a
6582 penalty equal to five per cent of the total assistance received is paid to
6583 the state, except that this subdivision shall not be applicable to
6584 financial assistance by the corporation in the form of an equity
6585 investment or other financial assistance, including a convertible or
6586 seed loan, with predominantly equity charateristics, and (2) shall, if the
6587 business organization relocates within the state during such period,
6588 offer employment at the new location to its employees from the
6589 original location if such employment is available. For the purposes of
6590 subdivision (1) of this section, the value of a guarantee shall be equal to
6591 the amount of the state's liability under the guarantee. As used in this
6592 section, "relocate" means the physical transfer of the operations of a
6593 business in its entirety or of any division of a business which
6594 independently receives any financial assistance from the state from the
6595 location such business or division occupied at the time it accepted the
6596 financial assistance to another location. Notwithstanding the
6597 provisions of this section, the Commissioner of Economic and
6598 Community Development shall adopt regulations in accordance with
6599 chapter 54 to establish the terms and conditions of repayment,
6600 including specifying the conditions under which repayment may be
6601 deferred, following a determination by the commissioner of a
6602 legitimate hardship.

6603 Sec. 172. Section 32-23d of the general statutes is repealed and the
6604 following is substituted in lieu thereof (*Effective July 1, 2012*):

6605 For the purposes of this chapter, the following terms shall have the
6606 following meanings unless the context indicates another meaning and
6607 intent:

6608 (a) "Department" means the Department of Economic and
6609 Community Development or its successor agency.

6610 (b) "State" means the state of Connecticut.

6611 (c) "Municipality" means any town, city or borough in the state.

6612 (d) "Project" means any facility, plant, works, system, building,
6613 structure, utility, fixture or other real property improvement located in
6614 the state, any machinery, equipment, furniture, fixture or other
6615 personal property to be located in the state and the land on which it is
6616 located or which is reasonably necessary in connection therewith,
6617 which is of a nature or which is to be used or occupied by any person
6618 for purposes which would constitute it as an economic development
6619 project, information technology project, public service project, urban
6620 project, recreation project, commercial fishing project, health care
6621 project, the convention center project, as defined in subdivision (3) of
6622 section 32-600, <u>as amended by this act,</u> nonprofit project or
6623 remediation project, and any real property improvement reasonably
6624 related thereto. A project may be acquired (1) directly, or (2) indirectly
6625 through the purchase of all or substantially all of the stock of a
6626 corporation.

6627 (e) "Eligible financial institution" means any trust company, bank,
6628 savings bank, credit union, savings and loan association, insurance
6629 company, investment company, mortgage banker, trustee, executor,
6630 pension fund, retirement fund or other fiduciary or financial
6631 institution, the state or, to the extent otherwise permitted by law, any
6632 municipality, or any political subdivision, instrumentality, agency or

6633 body politic and corporate thereof, which is approved by the
6634 [authority] corporation to participate in the financing of a project.

6635 (f) "Cost of project" as determined by the [authority] corporation
6636 means the cost or fair market value of construction, lands, property
6637 rights, utility extensions, disposal facilities, access roads, easements,
6638 franchises, financing charges, interest, engineering and legal services,
6639 plans, specifications, surveys, cost estimates, studies and other
6640 expenses necessary or incident to the development, construction,
6641 financing and placing in operation of a project and, subject to the
6642 provisions of section 32-16, the cost or fair market value of machinery,
6643 equipment, furniture, fixtures or other personal property of a project.

6644 (g) "Insurance fund" means the Mortgage and Loan Insurance Fund
6645 created by section 32-14.

6646 (h) "Maturity date" means the date on which the mortgage
6647 indebtedness would be extinguished if paid in accordance with
6648 periodic payments provided for in the mortgage.

6649 (i) "Mortgage" means a mortgage or lien on a project together with
6650 credit instruments, if any, secured thereby, or any other agreement for
6651 the extension of credit or making of a loan related to the financing of a
6652 project or any portions thereof or interest therein, however evidenced,
6653 including financing by means of a lease or a conditional or installment
6654 sales agreement, or any pool of or interest in any of the foregoing
6655 financed from any source.

6656 (j) "Mortgagee" means the original lender or other provider of credit
6657 under the mortgage or participants therein, and their successors and
6658 assigns, approved by the [authority] corporation and may include, but
6659 is not limited to, all eligible financial institutions and, except as used in
6660 section 32-17a, the [authority] corporation as defined in subsection
6661 [(w)] (v) of this section.

6662 (k) "Mortgagor" includes the successors and assigns of the

6663 mortgagor.

6664 (l) "Mortgage payments" means payments called for by a mortgage,
6665 and may include, but is not limited to, interest, installments of
6666 principal, taxes and assessments, mortgage insurance premiums and
6667 hazard insurance premiums.

6668 (m) "Mortgage year" means the annual period measured by the date
6669 or the anniversary of the date of the execution of the mortgage.

6670 (n) "Principal obligation" means the sum total of all mortgage
6671 payments due from the mortgagor.

6672 (o) "Municipal planning commission" means a municipal planning
6673 commission created under chapter 126.

6674 (p) "Regional planning agency" means a regional planning agency
6675 created under chapter 127.

6676 (q) "Federal agency" means the United States, the president of the
6677 United States and any department of, or corporation, agency or
6678 instrumentality designated or established by, the United States.

6679 (r) "Revenues" means receipts, revenues, service charges, rentals or
6680 other payments to be received on account of lease, mortgage,
6681 conditional sale, sale or loan agreements and payments and any other
6682 income derived from the lease, sale or other disposition of a project,
6683 moneys in such reserve and insurance funds or accounts or other
6684 funds and accounts and income from the investment thereof,
6685 established in connection with the issuance of bonds, notes or other
6686 obligations for a project or projects, and fees, charges or other moneys
6687 to be received by the **[**authority**]** corporation in respect of projects and
6688 contracts with persons.

6689 (s) "Person" means any person, including individuals, firms,
6690 partnerships, associations, cooperatives, limited liability companies or
6691 corporations, public or private, for profit or nonprofit, organized or

6692 existing under the laws of the state or any other state, and, to the
6693 extent otherwise permitted by law, any municipality, district,
6694 including any special district having taxing powers, agency, authority,
6695 instrumentality, or other governmental entity or political subdivision
6696 in the state or any federal agency.

6697 **[**(t) "Purposes of the authority", means the purposes of the authority
6698 expressed in and pursuant to the authority legislation, including with
6699 respect to the promotion, planning and designing, developing,
6700 encouraging, assisting, acquiring, constructing, reconstructing,
6701 improving, maintaining and equipping and furnishing of a project and
6702 assisting directly or indirectly in the financing of the cost thereof.**]**

6703 **[**(u)**]** (t) "Economic development project" means any project which is
6704 to be used or occupied by any person for (1) manufacturing, industrial,
6705 research, office or product warehousing or distribution purposes or
6706 hydroponic or aquaponic food production purposes and which the
6707 authority determines will tend to maintain or provide gainful
6708 employment, maintain or increase the tax base of the economy, or
6709 maintain, expand or diversify industry in the state, or (2) controlling,
6710 abating, preventing or disposing land, water, air or other
6711 environmental pollution, including without limitation thermal,
6712 radiation, sewage, wastewater, solid waste, toxic waste, noise or
6713 particulate pollution, except resources recovery facilities, as defined in
6714 section 22a-219a, used for the principal purpose of processing
6715 municipal solid waste and which are not expansions or additions to
6716 resources recovery facilities operating on July 1, 1990, or (3) the
6717 conservation of energy or the utilization of cogeneration technology or
6718 solar, wind, hydro, biomass or other renewable sources to produce
6719 energy for any industrial or commercial application, or (4) any other
6720 purpose which the authority determines will materially contribute to
6721 the economic base of the state by creating or retaining jobs, promoting
6722 the export of products or services beyond state boundaries,
6723 encouraging innovation in products or services, or otherwise
6724 contributing to, supporting or enhancing existing activities that are

6725 important to the economic base of the state.

6726 [(v)] (u) "Commissioner" means the Commissioner of Economic and
6727 Community Development.

6728 [(w) "Authority"] (v) "Corporation" means [the Connecticut
6729 Development Authority or its successor as established and created
6730 under section 32-11a] Connecticut Innovations, Incorporated, as
6731 established and created pursuant to section 32-35, as amended by this
6732 act.

6733 [(x)] (w) "Capital reserve fund bond" means any bond of the
6734 authority secured by a special capital reserve fund established
6735 pursuant to this chapter.

6736 [(y)] (x) "Recreation project" means any project which is to be
6737 primarily available for the use of the general public including without
6738 limitation stadiums, sports complexes, amusement parks, museums,
6739 theaters, civic, concert, cultural and exhibition centers, centers for the
6740 visual and performing arts, hotels, motels, resorts, inns and other
6741 public lodging accommodations and which the authority determines
6742 will tend to (1) promote tourism, (2) provide a special enhancement of
6743 recreation facilities in the state or (3) contribute to the business or
6744 industrial development of the state.

6745 [(z)] (y) "Public service project" means any project which is to be
6746 used or occupied by a common carrier or public utility to provide bus,
6747 truck, rail, limousine, water or air transportation services or water,
6748 sewer, gas, electricity, or telephone utility services, and which the
6749 authority determines will tend to assist the common carrier or public
6750 utility in providing service to the general public in the state. A public
6751 service project may include ferry boats or railroad rolling stock, but
6752 may not include any other vehicle, aircraft or watercraft.

6753 [(aa)] (z) "Urban project" means any project which is to be used or
6754 occupied by any person for commercial or retail sales or service

6755 purposes located wholly or partly within an urban municipality in the
6756 state and which the authority determines will tend (1) to maintain or
6757 provide gainful construction or permanent employment, maintain or
6758 expand the tax base of the economy or maintain, expand or diversify
6759 industry in the state, or (2) to otherwise revitalize the economy of the
6760 urban municipality. An "urban municipality", for the purposes of this
6761 definition, means any municipality which is a "distressed
6762 municipality" as defined in subsection (b) of section 32-9p.

6763 **[**(bb)**]** (aa) "Commercial fishing project" means any project which is
6764 to be used or occupied by any person for commercial fishing purposes
6765 or for support, maintenance, storage, production, or manufacturing
6766 purposes reasonably related to commercial fishing activity, including
6767 without limitation commercial fishing vessels, docks, wharves, piers,
6768 land or floating processing facilities, transportation terminals, facilities
6769 for the maintenance, storage, and construction of vessels and
6770 equipment, and fish storage and handling facilities.

6771 **[**(cc)**]** (bb) "Health care project" means any project which is to be
6772 used or occupied by any person for the providing of services in any
6773 residential care home, nursing home or rest home, as defined in
6774 subsection (c) of section 19a-490, or for the providing of living space
6775 for physically handicapped persons or persons sixty years of age or
6776 older.

6777 **[**(dd)**]** (cc) "Nonprofit project" means any project which (1) is to be
6778 used or occupied by any person organized and operated not for profit
6779 but exclusively for health, educational, charitable, community,
6780 cultural, agricultural, consumer or other purposes benefiting the
6781 citizens of the state, or as an agricultural or hospital cooperative or
6782 service organization or as a chamber of commerce or trade or
6783 professional association and (2) which the authority determines
6784 satisfies a public need not adequately met by businesses operating for
6785 profit.

6786 **[**(ee)**]** (dd) "Information technology project" means any project (1)

6787 providing information technology intensive office or laboratory space,
6788 including, but not limited to, smart buildings, incubator facilities, or
6789 any project that is to be used or occupied by any person specializing in
6790 e-commerce technologies or other technologies using high-speed
6791 communications infrastructure, and (2) which the authority deems will
6792 materially contribute to the economic base of the state by creating or
6793 retaining jobs, promoting the export of products or services beyond
6794 state borders, encouraging innovation in products or services, or
6795 otherwise contributing to, supporting or enhancing existing activities
6796 that are important to the economic base of the state.

6797 **[**(ff)**]** (ee) "Incubator facilities" has the same meaning as incubator
6798 facilities in subdivision (5) of section 32-34.

6799 **[**(gg)**]** (ff) "Smart building" means a building that houses, for use by
6800 its tenants, an information or communications infrastructure capable of
6801 transmitting digital video, voice and data content over a high-speed
6802 wired, wireless or other communications intranet and provides the
6803 capability of delivering and receiving high-speed digital video, voice
6804 and data transmissions over the Internet.

6805 **[**(hh) "Authority legislation" means this chapter, chapters 578, 584,
6806 588*l*, 588n, 588r and 588u, sections 8-134, 8-134a, 8-192, 8-192a, 25-33a,
6807 32-23zz and 32-68a, and any other provisions of the general statutes or
6808 any public or special act setting forth or governing the powers and
6809 duties of the authority.**]**

6810 **[**(ii)**]** (gg) "Remediation project" means any project (1) involving the
6811 development, redevelopment or productive reuse of real property
6812 within this state that (A) has been subject to a spill, as defined in
6813 section 22a-452c, (B) is an establishment, as defined in subdivision (3)
6814 of section 22a-134, (C) is a facility, as defined in 42 USC 9601(9), or (D)
6815 is eligible to be treated as polluted real property for purposes of
6816 section 22a-133m or contaminated real property for purposes of section
6817 22a-133aa or section 22a-133bb, provided the development,
6818 redevelopment or productive reuse is undertaken pursuant to a

6819 remediation plan meeting all applicable standards and requirements of
6820 the Department of Energy and Environmental Protection, (2) that the
6821 authority determines will add or support significant new economic
6822 activity or employment in the municipality in which such project is
6823 located or will otherwise materially contribute to the economic base of
6824 the state or the municipality or will provide a residential or mixed-use
6825 development pursuant to chapter 828, and (3) for which assistance
6826 from the authority will be needed to attract necessary private
6827 investment.

6828 Sec. 173. Section 32-40 of the general statutes is repealed and the
6829 following is substituted in lieu thereof (*Effective July 1, 2012*):

6830 (a) All applications for financial aid shall be forwarded, together
6831 with an application fee prescribed by the corporation, to the **[**executive
6832 director**]** chief executive officer of the corporation. Each such
6833 application shall be processed in accordance with the written
6834 procedures adopted by the corporation under subdivision (5) of
6835 subsection (d) of section 32-35. The **[**finance committee of the
6836 corporation**]** board of directors or a duly constituted committee thereof
6837 shall approve or deny each application recommended by the
6838 **[**executive director**]** chief executive officer. If the **[**finance**]** board of
6839 directors or any such committee approves an application, the board or
6840 such committee may authorize the corporation to enter into an
6841 agreement or agreements on behalf of the corporation to provide
6842 financial aid to the applicant. The applicant shall be promptly notified
6843 of such action by the corporation.

6844 (b) In making the decision as to approval or denial of an application,
6845 the **[**finance**]** board or any committee of the **[**corporation**]** board shall
6846 give priority to those applicants (1) whose businesses are defense-
6847 dependent, or are located in municipalities which the Commissioner of
6848 Economic and Community Development has declared have been
6849 severely impacted by prime defense contract cutbacks pursuant to
6850 section 32-56, and (2) whose proposed research and development

6851 activity, technology, product or invention is to be used to convert all or
6852 a portion of the applicant's business to non-defense-related industrial
6853 or commercial activity, or to create a new non-defense-related
6854 industrial or commercial business. For purposes of this section, a
6855 defense-dependent business is any business that derives over fifty per
6856 cent of its gross income, generated from operations within the state,
6857 from prime defense contracts or from subcontracts entered into in
6858 connection with prime defense contracts, a significant portion of
6859 whose facilities and equipment are designed specifically for defense
6860 production and cannot be converted to nondefense uses without
6861 substantial investment.

6862 (c) All financial and credit information and all trade secrets
6863 contained in any application for financial aid submitted to the
6864 corporation or obtained by the corporation concerning any applicant,
6865 project, activity, technology, product or invention shall be exempt
6866 from the provisions of subsection (a) of section 1-210.

6867 Sec. 174. Section 32-23f of the general statutes is repealed and the
6868 following is substituted in lieu thereof (*Effective July 1, 2012*):

6869 (a) Subject to the approval of the Treasurer of the state or the
6870 Treasurer's deputy appointed pursuant to section 3-12, and other
6871 applicable limitations of the **[**authority legislation, as defined in
6872 subsection (hh) of section 32-23d**]** general statutes, the **[**authority**]**
6873 corporation may borrow money and issue its bonds and notes from
6874 time to time and use the proceeds thereof for the purposes of the
6875 **[**authority, as defined in subsection (t) of section 32-23d, and in order**]**
6876 corporation and to carry out its powers **[**under said authority
6877 legislation**]** and to pay all other expenditures of the **[**authority**]**
6878 corporation incident to and necessary in connection with such
6879 purposes including providing funds to be paid into any fund or funds
6880 to secure such bonds or notes. All such bonds issued by the **[**authority**]**
6881 corporation, secured by a special capital reserve fund within the
6882 meaning of subsection (b) of section 32-23j, as amended by this act,

6883 shall be general obligations of the [authority] corporation payable out
6884 of any revenues or other receipts, funds, or moneys of the [authority]
6885 corporation, subject only to any agreements with the holders of
6886 particular notes or bonds pledging any particular revenues, receipts,
6887 funds or moneys, provided the [authority] corporation may issue
6888 general obligation bonds of the [authority] corporation without the
6889 security of a special capital reserve fund. Any other such bonds or
6890 notes not issued in anticipation of the issuance of bonds referred to in
6891 the preceding sentence shall be special obligations of the [authority]
6892 corporation payable solely out of any revenues or other receipts, funds
6893 or moneys of the [authority] corporation pledged therefor. All such
6894 notes and such bonds may be executed and delivered in such manner
6895 and at such times, may be in such form and denominations and of such
6896 tenor and maturity or maturities, may be in bearer or registered form,
6897 as to principal and interest or as to principal alone, may be payable at
6898 such time or times not exceeding forty years from the date thereof,
6899 may be payable at such place or places whether within or without the
6900 state, may bear interest at such rate or rates payable at such time or
6901 times and at such place or places and evidenced in such manner, and
6902 may contain such provisions not inconsistent with said chapters and
6903 sections, as shall be provided in the resolution of the [authority]
6904 corporation authorizing the issuance of the bonds and notes.

6905 (b) Issuance by the [authority] corporation of one or more series of
6906 bonds or notes for one or more purposes shall not preclude it from
6907 issuing other bonds or notes in connection with the same project or
6908 any other projects, but the proceeding wherein any subsequent bonds
6909 or notes may be issued shall recognize and protect any prior pledge or
6910 mortgage made for any prior issue of bonds or notes unless in the
6911 resolution authorizing such prior issue the right is reserved to issue
6912 subsequent bonds on a parity with such prior issue.

6913 (c) Subject to the approval of the Treasurer of the state or his deputy
6914 appointed pursuant to section 3-12, any bonds or notes of the
6915 [authority] corporation may be sold at such price or prices, at public or

6916 private sale, in such manner and from time to time as may be
6917 determined by the [authority] corporation, and the [authority]
6918 corporation may pay all expenses, premiums and commissions which
6919 it may deem necessary or advantageous in connection with the
6920 issuance and sale thereof; and any moneys of the [authority]
6921 corporation, including proceeds from the sale of any bonds and notes,
6922 and revenues, receipts and income from any of its projects, may be
6923 invested and reinvested in such obligations, securities and other
6924 investments, including time deposits or certificates of deposit, or
6925 deposited or redeposited in such bank or banks as shall be provided in
6926 the resolution or resolutions authorizing the issuance of the bonds and
6927 notes.

6928 (d) The [authority] corporation is authorized to provide for the
6929 issuance of its bonds for the purpose of refunding any bonds of the
6930 [authority] corporation then outstanding, including the payment of
6931 any redemption premium thereon and any interest accrued or to
6932 accrue to the earliest or subsequent date of redemption, purchase or
6933 maturity of such bonds, and, if deemed advisable by the [authority]
6934 corporation, for the additional purpose of paying all or any part of the
6935 cost of constructing and acquiring additions, improvements,
6936 extensions or enlargements of a project or any portion thereof. The
6937 proceeds of any such bonds issued for the purpose of refunding
6938 outstanding bonds may, in the discretion of the [authority]
6939 corporation, be applied to the purchase or retirement at maturity or
6940 redemption of such outstanding bonds either on their earliest or any
6941 subsequent redemption date, and may, pending such application, be
6942 placed in escrow to be applied to such purchase or retirement at
6943 maturity or redemption on such date as may be determined by the
6944 [authority] corporation.

6945 (e) Whether or not the bonds or notes are of such form and character
6946 as to be negotiable instruments under article eight of title 42a, the
6947 bonds or notes shall be and are hereby made negotiable instruments
6948 within the meaning of and for all the purposes of article eight of said

6949 title 42a, subject only to the provisions of the bonds or notes for
6950 registration.

6951 (f) The principal of and interest on bonds or notes issued by the
6952 [authority] corporation may be secured by a pledge of any revenues
6953 and receipts of the [authority] corporation derived from any project
6954 and may be additionally secured by a mortgage or deed of trust
6955 covering all or any part of a project, including any additions,
6956 improvements, extensions to or enlargements of any projects thereafter
6957 made. Such bonds or notes may also be secured by a pledge or
6958 assignment of a loan agreement, conditional sale agreement or
6959 agreement of sale or by an assignment of the lease of any project for
6960 the construction and acquisition of which said bonds or notes are
6961 issued and by an assignment of the revenues and receipts derived by
6962 the [authority] corporation from such project. The payments of
6963 principal and interest on such bonds or notes may be additionally
6964 secured by a pledge of any other property, revenues, moneys, or funds
6965 available to the [authority] corporation for such purpose. The
6966 resolution authorizing the issuance of any such bonds or notes and any
6967 such mortgage or deed of trust or lease or loan agreement, conditional
6968 sale agreement or agreement of sale or credit agreement may contain
6969 agreements and provisions respecting the establishment of reserves to
6970 secure such bonds or notes, the maintenance and insurance of the
6971 projects covered thereby, the fixing and collection of rents for any
6972 portion thereof leased by the [authority] corporation to others or the
6973 sums to be paid under any conditional sale agreement or agreement of
6974 sale entered into by the [authority] corporation with others, the
6975 creation and maintenance of special funds from such revenues and the
6976 rights and remedies available in the event of default, the vesting in a
6977 trustee or trustees of such property, rights, powers and duties in trust
6978 as the [authority] corporation may determine, which may include any
6979 or all of the rights, powers and duties of any trustee appointed by the
6980 holders of any bonds and notes and limiting or abrogating the right of
6981 the holders of any bonds and notes of the [authority] corporation to
6982 appoint a trustee under this chapter, chapter 578 and subsection (a) of

6983 section 10-409, or limiting the rights, powers and duties of such
6984 trustee; provision for a trust agreement by and between the [authority]
6985 corporation and a corporate trust which may be any trust company or
6986 bank having the powers of a trust company within or without the
6987 state, which agreement may provide for the pledging or assigning of
6988 any revenues or assets or income from assets to which or in which the
6989 [authority] corporation has any rights or interest, and may further
6990 provide for such other rights and remedies exercisable by the trustee
6991 as may be proper for the protection of the holders of any bonds or
6992 notes and not otherwise in violation of law, and such agreement may
6993 provide for the restriction of the rights of any individual holder of
6994 bonds or notes of the [authority] corporation and may contain any
6995 further provisions which are reasonable to delineate further the
6996 respective rights, duties, safeguards, responsibilities and liabilities of
6997 the [authority] corporation; persons and collective holders of bonds or
6998 notes of the [authority] corporation and the trustee; and covenants to
6999 do or refrain from doing such acts and things as may be necessary or
7000 convenient or desirable in order to better secure any bonds or notes of
7001 the [authority] corporation, or which, in the discretion of the
7002 [authority] corporation, will tend to make any bonds or notes to be
7003 issued more marketable notwithstanding that such covenants, acts or
7004 things may not be enumerated herein; and any other matters of like or
7005 different character, which in any way affect the security or protection
7006 of the bonds or notes, all as the [authority] corporation shall deem
7007 advisable and not in conflict with the provisions hereof. Each pledge,
7008 agreement, mortgage and deed of trust made for the benefit or security
7009 of any of the bonds or notes of the [authority] corporation shall be in
7010 effect until the principal of and interest on the bonds or notes for the
7011 benefit of which the same were made have been fully paid, or until
7012 provision has been made for payment in the manner provided in the
7013 resolution or resolutions authorizing their issuance. Any pledge made
7014 in respect of such bonds or notes shall be valid and binding from the
7015 time when the pledge is made; the revenues, money or property so
7016 pledged and thereafter received by the [authority] corporation shall

7017 immediately be subject to the lien of such pledge without any physical
7018 delivery thereof or further act; and the lien of any such pledge shall be
7019 valid and binding as against all parties having claims of any kind in
7020 tort, contract or otherwise against the [authority] corporation
7021 irrespective of whether such parties have notice thereof. Neither the
7022 resolution, trust indenture nor any other instrument by which a pledge
7023 is created need be recorded. The resolution authorizing the issuance of
7024 such bonds or notes may provide for the enforcement of any such
7025 pledge or security in any lawful manner. The [authority] corporation
7026 may elect to have the provisions of title 42a, the Connecticut uniform
7027 commercial code, apply to any pledge made by or to the [authority]
7028 corporation to secure its bonds or notes by filing a financing statement
7029 with respect to the security interest created by the pledge and, in such
7030 case, the financing statement shall be filed as if the debtor were located
7031 in this state.

7032 (g) The [authority] corporation may provide in any resolution
7033 authorizing the issuance of bonds or notes that any project or part
7034 thereof or any addition, improvement, extension or enlargement
7035 thereof, may be constructed by the [authority] corporation or the lessee
7036 or any designee of the [authority] corporation, and may also provide in
7037 such proceedings for the time and manner of and requisites for
7038 disbursements to be made for the cost of such construction and
7039 disbursements as the [authority] corporation shall deem necessary or
7040 appropriate.

7041 (h) The [authority] corporation may issue notes and bonds in
7042 accordance herewith for one or more projects or to provide funds to be
7043 used for the purposes of the [authority, as defined in subsection (t) of
7044 section 32-23d] corporation, without reference to a particular project or
7045 projects.

7046 (i) The [authority] corporation is further authorized and empowered
7047 to issue bonds, notes or other obligations under this section the interest
7048 on which may be includable in the gross income of the holder or

7049 holders thereof under the Internal Revenue Code of 1986, or any
7050 subsequent corresponding Internal Revenue Code of the United States,
7051 as from time to time amended, to the same extent and in the same
7052 manner that interest on bills, notes, bonds or other obligations of the
7053 United States is includable in the gross income of the holder or holders
7054 thereof under any such Internal Revenue Code. Any such bonds, notes
7055 or other obligations may be issued only upon a finding by the
7056 [authority] corporation that such issuance is necessary, is in the public
7057 interest, and is in furtherance of the purposes and powers of the
7058 [authority] corporation. The state hereby consents to such inclusion
7059 only for the bonds, notes or other obligations of the [authority]
7060 corporation so authorized.

7061 Sec. 175. Section 32-23i of the general statutes is repealed and the
7062 following is substituted in lieu thereof (*Effective July 1, 2012*):

7063 Bonds issued by the [authority] corporation under the provisions of
7064 [the authority legislation, as defined in subsection (hh) of section 32-
7065 23d,] section 32-23f, as amended by this act, are hereby made securities
7066 in which all public officers and public bodies of the state and its
7067 political subdivisions, all insurance companies, credit unions, building
7068 and loan associations, investment companies, savings banks, banking
7069 associations, trust companies, executors, administrators, trustees and
7070 other fiduciaries and pension, profit-sharing and retirement funds may
7071 properly and legally invest funds, including capital in their control or
7072 belonging to them. Such bonds are hereby made securities which may
7073 properly and legally be deposited with and received by any state or
7074 municipal officer or any agency or municipality of the state for any
7075 purpose for which the deposit of bonds or obligations of the state is
7076 now or may hereafter be authorized by law. The corporation and any
7077 subsidiary thereof may purchase and hold bonds or notes issued by
7078 the corporation or any such subsidiary.

7079 Sec. 176. Section 32-23j of the general statutes is repealed and the
7080 following is substituted in lieu thereof (*Effective July 1, 2012*):

7081 (a) Bonds or notes of the [authority] corporation issued under the
7082 provisions of [the authority legislation, as defined in subsection (hh) of
7083 section 32-23d] section 32-23f, as amended by this act, shall not be
7084 deemed to constitute a debt or liability of the state or of any
7085 municipality thereof or a pledge of the faith and credit of the state or of
7086 any such municipality and shall not constitute bonds or notes issued or
7087 guaranteed by the state within the meaning of section 3-21, but shall be
7088 payable solely from the revenues and funds herein provided therefor.
7089 All such bonds or notes shall contain on the face thereof a statement to
7090 the effect that neither the state of Connecticut nor any municipality
7091 thereof other than the [authority] corporation shall be obligated to pay
7092 the same or the interest thereon and that neither the faith and credit
7093 nor the taxing power of the state of Connecticut or of any municipality
7094 is pledged to the payment of the principal of or the interest on such
7095 bonds or notes.

7096 (b) The [authority] corporation may create and establish one or
7097 more reserve funds to be known as special capital reserve funds and
7098 may pay into such special capital reserve funds (1) any moneys
7099 appropriated and made available by the state for the purposes of such
7100 funds, (2) any proceeds of sale of notes or bonds, to the extent
7101 provided in the resolution of the [authority] corporation authorizing
7102 the issuance thereof, and (3) any other moneys which may be made
7103 available to the [authority] corporation for the purpose of such funds
7104 from any other source or sources. The moneys held in or credited to
7105 any special capital reserve fund established under this section, except
7106 as hereinafter provided, shall be used solely for the payment of the
7107 principal of bonds of the [authority] corporation secured by such
7108 special capital reserve fund as the same become due, the purchase of
7109 such bonds of the [authority] corporation, the payment of interest on
7110 such bonds of the [authority] corporation or the payment of any
7111 redemption premium required to be paid when such bonds are
7112 redeemed prior to maturity; provided, the [authority] corporation shall
7113 have power to provide that moneys in any such fund shall not be
7114 withdrawn therefrom at any time in such amount as would reduce the

7115 amount of such funds to less than the maximum amount of principal
7116 and interest becoming due by reason of maturity or a required sinking
7117 fund installment in the succeeding calendar year on the bonds of the
7118 [authority] corporation then outstanding and secured by such special
7119 capital reserve fund or such lesser amount specified by the [authority]
7120 corporation in its resolution authorizing the issuance of any such
7121 bonds, such amount being herein referred to as the "required
7122 minimum capital reserve", except for the purpose of paying such
7123 principal of, redemption premium and interest on such bonds of the
7124 [authority] corporation secured by such special capital reserve
7125 becoming due and for the payment of which other moneys of the
7126 [authority] corporation are not available. The [authority] corporation
7127 may provide that it shall not issue bonds at any time if the required
7128 minimum capital reserve on the bonds outstanding and the bonds then
7129 to be issued and secured by a special capital reserve fund will exceed
7130 the amount of such special capital reserve fund at the time of issuance,
7131 unless the [authority] corporation, at the time of the issuance of such
7132 bonds, shall deposit in such special capital reserve fund from the
7133 proceeds of the bonds so to be issued, or otherwise, an amount which,
7134 together with the amount then in such special capital reserve fund, will
7135 be not less than the required minimum capital reserve. On or before
7136 December first, annually, there is deemed to be appropriated from the
7137 state General Fund such sums, if any, as shall be certified by the
7138 commissioner to the Secretary of the Office of Policy and Management
7139 and Treasurer of the state, as necessary to restore each such special
7140 capital reserve fund to the amount equal to the required minimum
7141 capital reserve of such fund, and such amounts shall be allotted and
7142 paid to the [authority] corporation. For the purpose of evaluation of
7143 any such special capital reserve fund, obligations acquired as an
7144 investment for any such fund shall be valued at amortized cost.
7145 Nothing contained in this section shall preclude the [authority]
7146 corporation from establishing and creating other debt service reserve
7147 funds in connection with the issuance of bonds or notes of the
7148 [authority] corporation. Subject to any agreement or agreements with

7149 holders of outstanding notes and bonds of the [authority] corporation,
7150 any amount or amounts allotted and paid to the [authority]
7151 corporation by the state pursuant to this section shall be repaid to the
7152 state from moneys of the [authority] corporation at such time as such
7153 moneys are not required for any other of its corporate purposes and in
7154 any event shall be repaid to the state on the date one year after all
7155 bonds and notes of the [authority] corporation theretofore issued on
7156 the date or dates such amount or amounts are allotted and paid to the
7157 [authority] corporation or thereafter issued, together with interest on
7158 such bonds and notes, with interest on any unpaid installments of
7159 interest and all costs and expenses in connection with any action or
7160 proceeding by or on behalf of the holders thereof, are fully met and
7161 discharged. Notwithstanding any other provisions contained in said
7162 chapters and sections, the aggregate amount of bonds secured by such
7163 special capital reserve funds authorized to be created and established
7164 by this section, shall not exceed four hundred fifty million dollars.
7165 Only economic development projects may be assisted or financed by
7166 such bonds and the proceeds of such bonds shall not be used for such
7167 purpose unless the [authority] corporation is of the opinion and
7168 determines that the revenues derived from the economic development
7169 project or projects shall be sufficient (1) to pay the applicable principal
7170 of and interest on the bonds, the proceeds of which are used to finance
7171 the economic development project or projects, (2) to establish, increase
7172 and maintain any reserves deemed by the [authority] corporation to be
7173 advisable to secure the payment of the principal of and interest on
7174 such bonds, (3) unless the contract with the person obligates the
7175 person to pay for the maintenance and insurance of the economic
7176 development project, to pay the cost of maintaining the economic
7177 development project in good repair and keeping it properly insured,
7178 and (4) to pay such other costs or taxes on the economic development
7179 project as may be required and that such person is found by the
7180 [authority] corporation to be financially responsible and
7181 presumptively able to comply with the terms and conditions of any
7182 lease, conditional sale or credit agreement or loan agreement,

7183 agreement of sale, mortgage or other agreement as made by it with the
7184 [authority] corporation with respect to the industrial project; in making
7185 these determinations and this finding, the authority shall consider all
7186 information reasonably available to it including information as to the
7187 business reputation of such person, the character and ability of its
7188 management, the adequacy of its financial resources, the market
7189 demand for its products, the adequacy of its distribution methods, its
7190 past earnings and the likelihood that it can successfully meet any
7191 required payments under such lease, mortgage, loan agreement or
7192 other agreement out of current income.

7193 Sec. 177. Section 32-38 of the general statutes is repealed and the
7194 following is substituted in lieu thereof (*Effective July 1, 2012*):

7195 The board shall appoint [an executive director] a chief executive
7196 officer of the corporation who shall not be a member of the board and
7197 who shall serve at the pleasure of the board and shall receive such
7198 compensation as shall be determined by the board. The [executive
7199 director] chief executive officer shall direct and supervise
7200 administrative affairs and the general management of the corporation.
7201 The [executive director] chief executive officer may employ such other
7202 employees as shall be designated by the board of directors; shall attend
7203 all meetings of the board; keep a record of all proceedings and
7204 maintain and be custodian of all books, documents and papers filed
7205 with the corporation and of the minute book of the corporation and of
7206 its official seal. The [executive director] chief executive officer may
7207 cause copies to be made of all minutes and other records and
7208 documents of the corporation and may give certificates under the
7209 official seal of the corporation to the effect that such copies are true
7210 copies, and all persons dealing with the corporation may rely upon
7211 such certificates. The [executive director] chief executive officer or the
7212 [executive director's] chief executive officer's designee may serve as a
7213 member of such other boards or committees as may be necessary or
7214 desirable to carry out the purposes of the corporation.

7215 Sec. 178. Section 32-41a of the general statutes is repealed and the
7216 following is substituted in lieu thereof (*Effective July 1, 2012*):

7217 (a) There is hereby created a "Connecticut Innovations, Incorporated
7218 Fund". Proceeds from the sale of bonds authorized by the State Bond
7219 Commission in accordance with section 32-41, as amended by this act,
7220 and section 32-41b shall be paid directly to the Treasurer of the state as
7221 agent of the corporation and the Treasurer shall deposit all such
7222 amounts in the Connecticut Innovations, Incorporated Fund. The
7223 moneys in said fund shall be paid by checks signed by the Treasurer of
7224 the state or by his deputy appointed pursuant to section 3-12 on
7225 requisition of the **[**executive director**]** chief executive officer of the
7226 corporation or his designee.

7227 (b) Any funds or revenues of Connecticut Innovations, Incorporated
7228 derived from application fees, royalty payments, investment income,
7229 **[**and**]** sale and disposition of investments, license fees, lease payments,
7230 application, commitment or financing fees, loan repayments or any
7231 other source received by the corporation in connection with its
7232 programs shall, subject to the applicable terms of any indenture,
7233 resolution or other agreement pursuant to which notes, bonds or other
7234 obligations of the corporation or its predecessor, the Connecticut
7235 Development Authority, were issued or of any pledge or assignment
7236 of such funds or revenues granted in connection therewith, be held,
7237 administered and invested by the corporation or deposited with and
7238 invested by any institution as may be designated by the corporation at
7239 its sole discretion and paid as the corporation shall direct. All moneys
7240 in such accounts shall be used and applied to carry out the purposes of
7241 the corporation. Any such funds, revenues or other income which are
7242 pledged or assigned for the benefit of holders of notes, bonds or other
7243 obligations of the corporation, shall be received, administered, held,
7244 invested and applied subject to and in accordance with the applicable
7245 terms of the indenture, resolution or other agreement pursuant to
7246 which such notes, bonds or other obligations were issued or such
7247 pledge or assignment granted. Any such funds, revenues or other

7248 income of the corporation not so pledged or assigned, and any such
7249 funds, revenues or other income of the corporation remaining after all
7250 covenants relating to any such pledge or assignment have been
7251 satisfied, shall be deemed unrestricted funds of the corporation. The
7252 corporation may make payments from such accounts to the Treasurer
7253 of the state for deposit in the Connecticut Innovations, Incorporated
7254 Fund for use in accordance with subsection (c) of this section.

7255 (c) The moneys in the Connecticut Innovations, Incorporated Fund
7256 (1) shall be used to carry out the purposes of the corporation and for
7257 the repayment of state bonds in such amounts as may be required by
7258 the State Bond Commission pursuant to said section 32-41, as amended
7259 by this act, and section 32-41b and (2) may be used as state matching
7260 funds for federal funds available to the state for defense conversion
7261 projects or other projects consistent with a defense conversion strategy.

7262 Sec. 179. Subsection (f) of section 32-9p of the 2012 supplement to
7263 the general statutes is repealed and the following is substituted in lieu
7264 thereof (*Effective July 1, 2012*):

7265 (f) [**"Authority", "capital]** "Capital reserve fund bond",
7266 "commissioner", "department", "industrial project" and "insurance
7267 fund" shall have the meaning such words and terms are given in
7268 section 32-23d, as amended by this act.

7269 Sec. 180. Section 32-23zz of the 2012 supplement to the general
7270 statutes is repealed and the following is substituted in lieu thereof
7271 (*Effective July 1, 2012*):

7272 (a) For the purpose of assisting (1) any information technology
7273 project, as defined in subsection [(ee)] (dd) of section 32-23d, as
7274 amended by this act, which is located in an eligible municipality, as
7275 defined in subdivision (12) of subsection (a) of section 32-9t, or (2) any
7276 remediation project, as defined in subsection [(ii)] (gg) of section 32-
7277 23d, as amended by this act, [the Connecticut Development Authority]
7278 Connecticut Innovations, Incorporated, may, upon a resolution of the

7279 legislative body of a municipality, issue and administer bonds which
7280 are payable solely or in part from and secured by: (A) A pledge of and
7281 lien upon any and all of the income, proceeds, revenues and property
7282 of such a project, including the proceeds of grants, loans, advances or
7283 contributions from the federal government, the state or any other
7284 source, including financial assistance furnished by the municipality or
7285 any other public body, (B) taxes or payments or grants in lieu of taxes
7286 allocated to and payable into a special fund of [the Connecticut
7287 Development Authority] Connecticut Innovations, Incorporated,
7288 pursuant to the provisions of subsection (b) of this section, or (C) any
7289 combination of the foregoing. Any such bonds of [the Connecticut
7290 Development Authority] Connecticut Innovations, Incorporated, shall
7291 mature at such time or times not exceeding thirty years from their date
7292 of issuance and shall be subject to the general terms and provisions of
7293 law applicable to the issuance of bonds by [the Connecticut
7294 Development Authority] Connecticut Innovations, Incorporated,
7295 except that such bonds shall be issued without a special capital reserve
7296 fund as provided in subsection (b) of section 32-23j, as amended by
7297 this act, and, for purposes of section 32-23f, as amended by this act,
7298 only the approval of the board of directors of the [authority]
7299 corporation shall be required for the issuance and sale of such bonds.
7300 Any pledge made by the municipality or [the Connecticut
7301 Development Authority] Connecticut Innovations, Incorporated, for
7302 bonds issued as provided in this section shall be valid and binding
7303 from the time when the pledge is made, and revenues and other
7304 receipts, funds or moneys so pledged and thereafter received by the
7305 municipality or [the Connecticut Development Authority] Connecticut
7306 Innovations, Incorporated, shall be subject to the lien of such pledge
7307 without any physical delivery thereof or further act. The lien of such
7308 pledge shall be valid and binding against all parties having claims of
7309 any kind in tort, contract or otherwise against the municipality or [the
7310 Connecticut Development Authority] Connecticut Innovations,
7311 Incorporated, even if the parties have no notice of such lien. Recording
7312 of the resolution or any other instrument by which such a pledge is

7313 created shall not be required. In connection with any such assignment
7314 of taxes or payments in lieu of taxes, [the Connecticut Development
7315 Authority] Connecticut Innovations, Incorporated, may, if the
7316 resolution so provides, exercise the rights provided for in section 12-
7317 195h of an assignee for consideration of any lien filed to secure the
7318 payment of such taxes or payments in lieu of taxes. All expenses
7319 incurred in providing such assistance may be treated as project costs.

7320 (b) Any proceedings authorizing the issuance of bonds under this
7321 section may contain a provision that taxes or a specified portion
7322 thereof, if any, identified in such authorizing proceedings and levied
7323 upon taxable real or personal property, or both, in a project each year,
7324 or payments or grants in lieu of such taxes or a specified portion
7325 thereof, by or for the benefit of any one or more municipalities,
7326 districts or other public taxing agencies, as the case may be, shall be
7327 divided as follows: (1) In each fiscal year that portion of the taxes or
7328 payments or grants in lieu of taxes which would be produced by
7329 applying the then current tax rate of each of the taxing agencies to the
7330 total sum of the assessed value of the taxable property in the project on
7331 the date of such authorizing proceedings, adjusted in the case of grants
7332 in lieu of taxes to reflect the applicable statutory rate of
7333 reimbursement, shall be allocated to and when collected shall be paid
7334 into the funds of the respective taxing agencies in the same manner as
7335 taxes by or for said taxing agencies on all other property are paid; and
7336 (2) that portion of the assessed taxes or the payments or grants in lieu
7337 of taxes, or both, each fiscal year in excess of the amount referred to in
7338 subdivision (1) of this subsection shall be allocated to and when
7339 collected shall be paid into a special fund of [the Connecticut
7340 Development Authority] Connecticut Innovations, Incorporated, to be
7341 used in each fiscal year, in the discretion of [the Connecticut
7342 Development Authority] Connecticut Innovations, Incorporated, to
7343 pay the principal of and interest due in such fiscal year on bonds
7344 issued by [the Connecticut Development Authority] Connecticut
7345 Innovations, Incorporated, to finance, refinance or otherwise assist
7346 such project, to purchase bonds issued for such project, or to reimburse

7347 the provider of or reimbursement party with respect to any guarantee,
7348 letter of credit, policy of bond insurance, funds deposited in a debt
7349 service reserve fund, funds deposited as capitalized interest or other
7350 credit enhancement device used to secure payment of debt service on
7351 any bonds issued by [the Connecticut Development Authority]
7352 Connecticut Innovations, Incorporated, to finance, refinance or
7353 otherwise assist such project, to the extent of any payments of debt
7354 service made therefrom. Unless and until the total assessed valuation
7355 of the taxable property in a project exceeds the total assessed value of
7356 the taxable property in such project as shown by the last assessment
7357 list referred to in subdivision (1) of this subsection, all of the taxes
7358 levied and collected and all of the payments or grants in lieu of taxes
7359 due and collected upon the taxable property in such project shall be
7360 paid into the funds of the respective taxing agencies. When such bonds
7361 and interest thereof, and such debt service reimbursement to the
7362 provider of or reimbursement party with respect to such credit
7363 enhancement, have been paid in full, all moneys thereafter received
7364 from taxes or payments or grants in lieu of taxes upon the taxable
7365 property in such development project shall be paid into the funds of
7366 the respective taxing agencies in the same manner as taxes on all other
7367 property are paid. The total amount of bonds issued pursuant to this
7368 section which are payable from grants in lieu of taxes payable by the
7369 state shall not exceed an amount of bonds, the debt service on which in
7370 any state fiscal year is, in total, equal to one million dollars.

7371 (c) The [authority] corporation may make grants or provide loans or
7372 other forms of financial assistance from the proceeds of special or
7373 general obligation notes or bonds of the authority issued without the
7374 security of a special capital reserve fund within the meaning of
7375 subsection (b) of section 32-23j, as amended by this act, which bonds
7376 are payable from and secured by, in whole or in part, the pledge and
7377 security provided for in section 8-134, 8-192, 32-227 or this section, all
7378 on such terms and conditions, including such agreements with the
7379 municipality and the developer of the project, as the authority
7380 determines to be appropriate in the circumstances, provided any such

7381 project in an area designated as an enterprise zone pursuant to section
7382 32-70 receiving such financial assistance shall be ineligible for any
7383 fixed assessment pursuant to section 32-71, and the authority, as a
7384 condition of such grant, loan or other financial assistance, may require
7385 the waiver, in whole or in part, of any property tax exemption with
7386 respect to such project otherwise available under subsection (59) or
7387 (60) of section 12-81.

7388 (d) As used in this section, "bonds" means any bonds, including
7389 refunding bonds, notes, temporary notes, interim certificates,
7390 debentures or other obligations; "legislative body" has the meaning
7391 provided in subsection (w) of section 32-222; and "municipality" means
7392 a town, city, consolidated town or city or consolidated town and
7393 borough.

7394 (e) For purposes of this section, references to **[**the Connecticut
7395 Development Authority**]** Connecticut Innovations, Incorporated, shall
7396 include any subsidiary of **[**the Connecticut Development Authority**]**
7397 Connecticut Innovations, Incorporated, established pursuant to
7398 **[**subsection (l) of section 32-11a**]** section 150 of this act, and a
7399 municipality may act by and through its implementing agency, as
7400 defined in subsection (k) of section 32-222.

7401 (f) In the case of a remediation project, as defined in subsection **[**(ii)**]**
7402 (gg) of section 32-23d, as amended by this act, that involves buildings
7403 that are vacant, underutilized or in deteriorating condition and as to
7404 which municipal real property taxes are delinquent, in whole or in
7405 part, for more than one fiscal year, the amount determined in
7406 accordance with subdivision (1) of subsection (b) of this section may, if
7407 the resolution of the municipality so provides, be established at an
7408 amount less than the amount so determined, but not less than the
7409 amount of municipal property taxes actually paid during the most
7410 recently completed fiscal year. If **[**the Connecticut Development
7411 Authority**]** Connecticut Innovations, Incorporated, issues bonds for the
7412 remediation project, the amount established in the resolution shall be

7413 used for all purposes of subsection (a) of this section.

7414 Sec. 181. Subsection (b) of section 1-210 of the 2012 supplement to
7415 the general statutes is repealed and the following is substituted in lieu
7416 thereof (*Effective July 1, 2012*):

7417 (b) Nothing in the Freedom of Information Act shall be construed to
7418 require disclosure of:

7419 (1) Preliminary drafts or notes provided the public agency has
7420 determined that the public interest in withholding such documents
7421 clearly outweighs the public interest in disclosure;

7422 (2) Personnel or medical files and similar files the disclosure of
7423 which would constitute an invasion of personal privacy;

7424 (3) Records of law enforcement agencies not otherwise available to
7425 the public which records were compiled in connection with the
7426 detection or investigation of crime, if the disclosure of said records
7427 would not be in the public interest because it would result in the
7428 disclosure of (A) the identity of informants not otherwise known or the
7429 identity of witnesses not otherwise known whose safety would be
7430 endangered or who would be subject to threat or intimidation if their
7431 identity was made known, (B) signed statements of witnesses, (C)
7432 information to be used in a prospective law enforcement action if
7433 prejudicial to such action, (D) investigatory techniques not otherwise
7434 known to the general public, (E) arrest records of a juvenile, which
7435 shall also include any investigatory files, concerning the arrest of such
7436 juvenile, compiled for law enforcement purposes, (F) the name and
7437 address of the victim of a sexual assault under section 53a-70, 53a-70a,
7438 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or risk of injury, or
7439 impairing of morals under section 53-21, or of an attempt thereof, or
7440 (G) uncorroborated allegations subject to destruction pursuant to
7441 section 1-216;

7442 (4) Records pertaining to strategy and negotiations with respect to

7443 pending claims or pending litigation to which the public agency is a
7444 party until such litigation or claim has been finally adjudicated or
7445 otherwise settled;

7446 (5) (A) Trade secrets, which for purposes of the Freedom of
7447 Information Act, are defined as information, including formulas,
7448 patterns, compilations, programs, devices, methods, techniques,
7449 processes, drawings, cost data, customer lists, film or television scripts
7450 or detailed production budgets that (i) derive independent economic
7451 value, actual or potential, from not being generally known to, and not
7452 being readily ascertainable by proper means by, other persons who can
7453 obtain economic value from their disclosure or use, and (ii) are the
7454 subject of efforts that are reasonable under the circumstances to
7455 maintain secrecy; and

7456 (B) Commercial or financial information given in confidence, not
7457 required by statute;

7458 (6) Test questions, scoring keys and other examination data used to
7459 administer a licensing examination, examination for employment or
7460 academic examinations;

7461 (7) The contents of real estate appraisals, engineering or feasibility
7462 estimates and evaluations made for or by an agency relative to the
7463 acquisition of property or to prospective public supply and
7464 construction contracts, until such time as all of the property has been
7465 acquired or all proceedings or transactions have been terminated or
7466 abandoned, provided the law of eminent domain shall not be affected
7467 by this provision;

7468 (8) Statements of personal worth or personal financial data required
7469 by a licensing agency and filed by an applicant with such licensing
7470 agency to establish the applicant's personal qualification for the
7471 license, certificate or permit applied for;

7472 (9) Records, reports and statements of strategy or negotiations with

7473 respect to collective bargaining;

7474 (10) Records, tax returns, reports and statements exempted by
7475 federal law or the general statutes or communications privileged by
7476 the attorney-client relationship, marital relationship, clergy-penitent
7477 relationship, doctor-patient relationship, therapist-patient relationship
7478 or any other privilege established by the common law or the general
7479 statutes, including any such records, tax returns, reports or
7480 communications that were created or made prior to the establishment
7481 of the applicable privilege under the common law or the general
7482 statutes;

7483 (11) Names or addresses of students enrolled in any public school or
7484 college without the consent of each student whose name or address is
7485 to be disclosed who is eighteen years of age or older and a parent or
7486 guardian of each such student who is younger than eighteen years of
7487 age, provided this subdivision shall not be construed as prohibiting the
7488 disclosure of the names or addresses of students enrolled in any public
7489 school in a regional school district to the board of selectmen or town
7490 board of finance, as the case may be, of the town wherein the student
7491 resides for the purpose of verifying tuition payments made to such
7492 school;

7493 (12) Any information obtained by the use of illegal means;

7494 (13) Records of an investigation or the name of an employee
7495 providing information under the provisions of section 4-61dd or
7496 sections 17b-301c to 17b-301g, inclusive;

7497 (14) Adoption records and information provided for in sections 45a-
7498 746, 45a-750 and 45a-751;

7499 (15) Any page of a primary petition, nominating petition,
7500 referendum petition or petition for a town meeting submitted under
7501 any provision of the general statutes or of any special act, municipal
7502 charter or ordinance, until the required processing and certification of

7503 such page has been completed by the official or officials charged with
7504 such duty after which time disclosure of such page shall be required;

7505 (16) Records of complaints, including information compiled in the
7506 investigation thereof, brought to a municipal health authority pursuant
7507 to chapter 368e or a district department of health pursuant to chapter
7508 368f, until such time as the investigation is concluded or thirty days
7509 from the date of receipt of the complaint, whichever occurs first;

7510 (17) Educational records which are not subject to disclosure under
7511 the Family Educational Rights and Privacy Act, 20 USC 1232g;

7512 (18) Records, the disclosure of which the Commissioner of
7513 Correction, or as it applies to Whiting Forensic Division facilities of the
7514 Connecticut Valley Hospital, the Commissioner of Mental Health and
7515 Addiction Services, has reasonable grounds to believe may result in a
7516 safety risk, including the risk of harm to any person or the risk of an
7517 escape from, or a disorder in, a correctional institution or facility under
7518 the supervision of the Department of Correction or Whiting Forensic
7519 Division facilities. Such records shall include, but are not limited to:

7520 (A) Security manuals, including emergency plans contained or
7521 referred to in such security manuals;

7522 (B) Engineering and architectural drawings of correctional
7523 institutions or facilities or Whiting Forensic Division facilities;

7524 (C) Operational specifications of security systems utilized by the
7525 Department of Correction at any correctional institution or facility or
7526 Whiting Forensic Division facilities, except that a general description
7527 of any such security system and the cost and quality of such system
7528 may be disclosed;

7529 (D) Training manuals prepared for correctional institutions and
7530 facilities or Whiting Forensic Division facilities that describe, in any
7531 manner, security procedures, emergency plans or security equipment;

7532 (E) Internal security audits of correctional institutions and facilities
7533 or Whiting Forensic Division facilities;

7534 (F) Minutes or recordings of staff meetings of the Department of
7535 Correction or Whiting Forensic Division facilities, or portions of such
7536 minutes or recordings, that contain or reveal information relating to
7537 security or other records otherwise exempt from disclosure under this
7538 subdivision;

7539 (G) Logs or other documents that contain information on the
7540 movement or assignment of inmates or staff at correctional institutions
7541 or facilities; and

7542 (H) Records that contain information on contacts between inmates,
7543 as defined in section 18-84, and law enforcement officers;

7544 (19) Records when there are reasonable grounds to believe
7545 disclosure may result in a safety risk, including the risk of harm to any
7546 person, any government-owned or leased institution or facility or any
7547 fixture or appurtenance and equipment attached to, or contained in,
7548 such institution or facility, except that such records shall be disclosed
7549 to a law enforcement agency upon the request of the law enforcement
7550 agency. Such reasonable grounds shall be determined (A) (i) by the
7551 Commissioner of Administrative Services, after consultation with the
7552 chief executive officer of an executive branch state agency, with respect
7553 to records concerning such agency; and (ii) by the Commissioner of
7554 Emergency Services and Public Protection, after consultation with the
7555 chief executive officer of a municipal, district or regional agency, with
7556 respect to records concerning such agency; (B) by the Chief Court
7557 Administrator with respect to records concerning the Judicial
7558 Department; and (C) by the executive director of the Joint Committee
7559 on Legislative Management, with respect to records concerning the
7560 Legislative Department. As used in this section, "government-owned
7561 or leased institution or facility" includes, but is not limited to, an
7562 institution or facility owned or leased by a public service company, as
7563 defined in section 16-1, a certified telecommunications provider, as

7564 defined in section 16-1, a water company, as defined in section 25-32a,
7565 or a municipal utility that furnishes electric, gas or water service, but
7566 does not include an institution or facility owned or leased by the
7567 federal government, and "chief executive officer" includes, but is not
7568 limited to, an agency head, department head, executive director or
7569 chief executive officer. Such records include, but are not limited to:

7570 (i) Security manuals or reports;

7571 (ii) Engineering and architectural drawings of government-owned
7572 or leased institutions or facilities;

7573 (iii) Operational specifications of security systems utilized at any
7574 government-owned or leased institution or facility, except that a
7575 general description of any such security system and the cost and
7576 quality of such system, may be disclosed;

7577 (iv) Training manuals prepared for government-owned or leased
7578 institutions or facilities that describe, in any manner, security
7579 procedures, emergency plans or security equipment;

7580 (v) Internal security audits of government-owned or leased
7581 institutions or facilities;

7582 (vi) Minutes or records of meetings, or portions of such minutes or
7583 records, that contain or reveal information relating to security or other
7584 records otherwise exempt from disclosure under this subdivision;

7585 (vii) Logs or other documents that contain information on the
7586 movement or assignment of security personnel;

7587 (viii) Emergency plans and emergency preparedness, response,
7588 recovery and mitigation plans, including plans provided by a person
7589 to a state agency or a local emergency management agency or official;
7590 and

7591 (ix) With respect to a water company, as defined in section 25-32a,

7592 that provides water service: Vulnerability assessments and risk
7593 management plans, operational plans, portions of water supply plans
7594 submitted pursuant to section 25-32d that contain or reveal
7595 information the disclosure of which may result in a security risk to a
7596 water company, inspection reports, technical specifications and other
7597 materials that depict or specifically describe critical water company
7598 operating facilities, collection and distribution systems or sources of
7599 supply;

7600 (20) Records of standards, procedures, processes, software and
7601 codes, not otherwise available to the public, the disclosure of which
7602 would compromise the security or integrity of an information
7603 technology system;

7604 (21) The residential, work or school address of any participant in the
7605 address confidentiality program established pursuant to sections 54-
7606 240 to 54-240o, inclusive;

7607 (22) The electronic mail address of any person that is obtained by
7608 the Department of Transportation in connection with the
7609 implementation or administration of any plan to inform individuals
7610 about significant highway or railway incidents;

7611 (23) The name or address of any minor enrolled in any parks and
7612 recreation program administered or sponsored by any public agency;

7613 (24) Responses to any request for proposals or bid solicitation issued
7614 by a public agency or any record or file made by a public agency in
7615 connection with the contract award process, until such contract is
7616 executed or negotiations for the award of such contract have ended,
7617 whichever occurs earlier, provided the chief executive officer of such
7618 public agency certifies that the public interest in the disclosure of such
7619 responses, record or file is outweighed by the public interest in the
7620 confidentiality of such responses, record or file;

7621 (25) The name, address, telephone number or electronic mail

7622 address of any person enrolled in any senior center program or any
7623 member of a senior center administered or sponsored by any public
7624 agency;

7625 (26) All records obtained during the course of inspection,
7626 investigation, examination and audit activities of an institution, as
7627 defined in section 19a-490, that are confidential pursuant to a contract
7628 between the Department of Public Health and the United States
7629 Department of Health and Human Services relating to the Medicare
7630 and Medicaid programs;

7631 (27) All records obtained by a state agency or a quasi-public agency
7632 related to a request for assistance from a business or organization
7633 seeking to expand or relocate to this state, provided the disclosure of
7634 such records could adversely affect the financial interest of the state,
7635 the business or organization.

7636 Sec. 182. Section 8-13q of the general statutes is repealed and the
7637 following is substituted in lieu thereof (*Effective July 1, 2012*):

7638 (a) Upon application by a municipality under section 8-13p, the
7639 Secretary of the Office of Policy and Management shall, not later than
7640 sixty days after receipt, issue, in writing, a preliminary determination
7641 of the eligibility of the municipality for the financial incentive
7642 payments set forth in section 8-13s, as amended by this act. At least
7643 thirty days before making such preliminary determination, the
7644 secretary shall electronically give notice of the application to all
7645 persons who have provided the secretary with a current electronic
7646 mail address and a written request to receive such notices. If the
7647 secretary determines that the application is incomplete or the proposed
7648 incentive housing zone is not eligible or does not comply with the
7649 provisions of sections 8-13m to 8-13x, inclusive, the secretary shall,
7650 within the sixty-day response period, notify the municipality, in
7651 writing, of the reasons for such determination. A municipality may
7652 thereafter reapply for approval after addressing the reasons for
7653 ineligibility. **[**The secretary's failure to issue**]** Nonissuance of a written

7654 response within sixty days of receipt shall be deemed to be
7655 disapproval, after which the municipality may reapply.

7656 (b) After a municipality has received from the secretary a
7657 preliminary letter of eligibility, the zoning commission of the
7658 municipality may adopt the incentive housing zone regulations and
7659 design standards as proposed to the secretary for preliminary
7660 approval. Not later than thirty days after receipt from the municipality
7661 of a written statement that its zoning commission has adopted the
7662 proposed regulations and standards, the secretary shall issue a letter of
7663 final approval of the incentive housing zone. **[**The secretary's failure to
7664 issue**]** Nonissuance of a letter of final approval not more than thirty
7665 days after receipt of the written statement shall be deemed disapproval
7666 of the zone after which the municipality may reapply for
7667 determination of eligibility under this section.

7668 (c) The secretary shall not approve any proposed incentive housing
7669 zone for which the proposed regulations or design standards have the
7670 intent or effect of discriminating against, making unavailable, denying
7671 or impairing the physical or financial feasibility of housing which is
7672 receiving or will receive financial assistance under any governmental
7673 program for the construction or substantial rehabilitation of low or
7674 moderate income housing, or any housing occupied by persons
7675 receiving rental assistance under chapter 319uu or Section 1437f of
7676 Title 42 of the United States Code.

7677 (d) Any amendment to the regulations or design standards
7678 approved by the secretary for preliminary or final eligibility shall be
7679 submitted to the secretary for approval as set forth in this section. The
7680 secretary shall approve or disapprove such amendment not more than
7681 sixty days after receipt of the amendment. **[**If the secretary fails**]**
7682 Nonissuance of the decision to approve or disapprove such
7683 amendment within such period, the amendment shall be deemed to be
7684 disapproved. Thereafter, the commission may reapply for approval of
7685 the amendment.

7686 (e) Nothing in this section or in section 8-13s, as amended by this
7687 act, shall preclude a municipality that has filed an application for
7688 preliminary determination of eligibility for a zone adoption payment
7689 pursuant to section 8-13p from waiving its right to receive such
7690 payment. Any municipality that intends to waive such right shall
7691 provide to the secretary a written notice of its intent with the statement
7692 that its zoning commission has adopted incentive housing zone
7693 regulations and design standards.

7694 Sec. 183. Section 8-13s of the general statutes is repealed and the
7695 following is substituted in lieu thereof (*Effective July 1, 2012*):

7696 (a) Upon the determination that (1) the housing incentive zone has
7697 been adopted; (2) the time for appeal of the final adoption of the
7698 regulations has expired or a final and unappealable judgment
7699 upholding such regulations has been issued in any civil action
7700 challenging or delaying such regulations; and (3) the municipality has
7701 otherwise complied with the requirements of sections 8-13m to 8-13x,
7702 inclusive, the Secretary of the Office of Policy and Management shall,
7703 subject to the availability of funds, make a zone adoption payment to
7704 the municipality of up to **[**two**]** fifty thousand dollars. **[**for each unit of
7705 housing that can, as-of-right, be built as part of an incentive housing
7706 development within such zone or zones based on the definition of
7707 developable land and the minimum as-of-right densities set forth in
7708 subdivision (3) of subsection (b) of section 8-13n.**]** If a municipality has
7709 received a zone adoption payment, such municipality shall not be
7710 eligible to receive a subsequent zone adoption payment until
7711 construction has started in the housing incentive zone for which the
7712 municipality has received the previous zone adoption payment.

7713 (b) Subject to the availability of funds, the secretary shall issue to the
7714 municipality a one-time building permit payment for each building
7715 permit for a residential housing unit in an approved incentive housing
7716 development upon submission by a municipality to the secretary of
7717 proof of issuance of such building permit and after determining that

7718 (1) no appeal from or challenge to such building permit has been filed
7719 or is pending, and (2) such building permit was issued for housing in
7720 an incentive housing development not later than five years after the
7721 date of the final adoption of incentive housing zone regulations by the
7722 zoning commission in accordance with the provisions of subsection (b)
7723 of section 8-13q, as amended by this act. The amount of payment shall
7724 be up to two thousand dollars for each multifamily housing unit,
7725 duplex unit or townhouse unit and up to five thousand dollars for
7726 each single-family detached unit. Such payment shall be made by the
7727 secretary [not more than sixty days] after receipt of proof of the
7728 issuance of building permits and verification of the absence of any
7729 appeal or challenge.

7730 (c) Residential units that are located within an approved incentive
7731 housing zone that are part of a development that constitutes housing
7732 for older persons permitted by the federal Fair Housing Act, 42 USC
7733 3607 or sections 46a-64c and 46a-64d shall not be eligible for payments
7734 under this section.

7735 Sec. 184. Subsection (l) of section 1-79 of the 2012 supplement to the
7736 general statutes, as amended by section 1 of public act 12-147, is
7737 repealed and the following is substituted in lieu thereof (*Effective July*
7738 *1, 2012*):

7739 (l) "Quasi-public agency" means [the Connecticut Development
7740 Authority,] Connecticut Innovations, Incorporated, and the
7741 Connecticut Health and Education Facilities Authority, Connecticut
7742 Higher Education Supplemental Loan Authority, Connecticut Housing
7743 Finance Authority, Connecticut Housing Authority, Connecticut
7744 Resources Recovery Authority, Lower Fairfield County Convention
7745 Center Authority, Capital Region Development Authority, Connecticut
7746 Lottery Corporation, Connecticut Airport Authority, Health
7747 Information Technology Exchange of Connecticut and Connecticut
7748 Health Insurance Exchange.

7749 Sec. 185. Subdivision (1) of section 1-120 of the 2012 supplement to

7750 the general statutes, as amended by section 2 of public act 12-147, is
7751 repealed and the following is substituted in lieu thereof (*Effective July*
7752 *1, 2012*):

7753 (1) "Quasi-public agency" means **[**the Connecticut Development
7754 Authority,**]** Connecticut Innovations, Incorporated, <u>and the</u>
7755 Connecticut Health and Educational Facilities Authority, Connecticut
7756 Higher Education Supplemental Loan Authority, Connecticut Housing
7757 Finance Authority, Connecticut Housing Authority, Connecticut
7758 Resources Recovery Authority, Capital Region Development
7759 Authority, Connecticut Lottery Corporation, Connecticut Airport
7760 Authority, Health Information Technology Exchange of Connecticut
7761 and Connecticut Health Insurance Exchange.

7762 Sec. 186. Section 1-124 of the 2012 supplement to the general
7763 statutes, as amended by section 3 of public act 12-147, is repealed and
7764 the following is substituted in lieu thereof (*Effective July 1, 2012*):

7765 (a) **[**The Connecticut Development Authority,**]** <u>Connecticut</u>
7766 <u>Innovations, Incorporated,</u> the Connecticut Health and Educational
7767 Facilities Authority, the Connecticut Higher Education Supplemental
7768 Loan Authority, the Connecticut Housing Finance Authority, the
7769 Connecticut Housing Authority, the Connecticut Resources Recovery
7770 Authority, the Health Information Technology Exchange of
7771 Connecticut, the Connecticut Airport Authority, the Capital Region
7772 Development Authority and the Connecticut Health Insurance
7773 Exchange shall not borrow any money or issue any bonds or notes
7774 which are guaranteed by the state of Connecticut or for which there is
7775 a capital reserve fund of any kind which is in any way contributed to
7776 or guaranteed by the state of Connecticut until and unless such
7777 borrowing or issuance is approved by the State Treasurer or the
7778 Deputy State Treasurer appointed pursuant to section 3-12. The
7779 approval of the State Treasurer or said deputy shall be based on
7780 documentation provided by the authority that it has sufficient
7781 revenues to (1) pay the principal of and interest on the bonds and notes

7782 issued, (2) establish, increase and maintain any reserves deemed by the
7783 authority to be advisable to secure the payment of the principal of and
7784 interest on such bonds and notes, (3) pay the cost of maintaining,
7785 servicing and properly insuring the purpose for which the proceeds of
7786 the bonds and notes have been issued, if applicable, and (4) pay such
7787 other costs as may be required.

7788 (b) To the extent **[**the Connecticut Development Authority,**]**
7789 Connecticut Innovations, Incorporated, and the Connecticut Higher
7790 Education Supplemental Loan Authority, Connecticut Housing
7791 Finance Authority, Connecticut Housing Authority, Connecticut
7792 Resources Recovery Authority, Connecticut Health and Educational
7793 Facilities Authority, the Health Information Technology Exchange of
7794 Connecticut, the Connecticut Airport Authority, the Capital Region
7795 Development Authority or the Connecticut Health Insurance Exchange
7796 is permitted by statute and determines to exercise any power to
7797 moderate interest rate fluctuations or enter into any investment or
7798 program of investment or contract respecting interest rates, currency,
7799 cash flow or other similar agreement, including, but not limited to,
7800 interest rate or currency swap agreements, the effect of which is to
7801 subject a capital reserve fund which is in any way contributed to or
7802 guaranteed by the state of Connecticut, to potential liability, such
7803 determination shall not be effective until and unless the State
7804 Treasurer or his or her deputy appointed pursuant to section 3-12 has
7805 approved such agreement or agreements. The approval of the State
7806 Treasurer or his or her deputy shall be based on documentation
7807 provided by the authority that it has sufficient revenues to meet the
7808 financial obligations associated with the agreement or agreements.

7809 Sec. 187. Section 1-125 of the 2012 supplement to the general
7810 statutes, as amended by section 4 of public act 12-147, is repealed and
7811 the following is substituted in lieu thereof (*Effective July 1, 2012*):

7812 The directors, officers and employees of **[**the Connecticut
7813 Development Authority,**]** Connecticut Innovations, Incorporated, and

7814 the Connecticut Higher Education Supplemental Loan Authority,
7815 Connecticut Housing Finance Authority, Connecticut Housing
7816 Authority, Connecticut Resources Recovery Authority, including ad
7817 hoc members of the Connecticut Resources Recovery Authority,
7818 Connecticut Health and Educational Facilities Authority, Capital
7819 Region Development Authority, the Health Information Technology
7820 Exchange of Connecticut, Connecticut Airport Authority, Connecticut
7821 Lottery Corporation and Connecticut Health Insurance Exchange and
7822 any person executing the bonds or notes of the agency shall not be
7823 liable personally on such bonds or notes or be subject to any personal
7824 liability or accountability by reason of the issuance thereof, nor shall
7825 any director or employee of the agency, including ad hoc members of
7826 the Connecticut Resources Recovery Authority, be personally liable for
7827 damage or injury, not wanton, reckless, wilful or malicious, caused in
7828 the performance of his or her duties and within the scope of his or her
7829 employment or appointment as such director, officer or employee,
7830 including ad hoc members of the Connecticut Resources Recovery
7831 Authority. The agency shall protect, save harmless and indemnify its
7832 directors, officers or employees, including ad hoc members of the
7833 Connecticut Resources Recovery Authority, from financial loss and
7834 expense, including legal fees and costs, if any, arising out of any claim,
7835 demand, suit or judgment by reason of alleged negligence or alleged
7836 deprivation of any person's civil rights or any other act or omission
7837 resulting in damage or injury, if the director, officer or employee,
7838 including ad hoc members of the Connecticut Resources Recovery
7839 Authority, is found to have been acting in the discharge of his or her
7840 duties or within the scope of his or her employment and such act or
7841 omission is found not to have been wanton, reckless, wilful or
7842 malicious.

7843 Sec. 188. Section 32-600 of the general statutes, as amended by
7844 section 8 of public act 12-147, is repealed and the following is
7845 substituted in lieu thereof (*Effective July 1, 2012*):

7846 As used in this chapter and sections 32-650 to 32-668, inclusive, as

7847 amended by this act, the following terms shall have the following
7848 meanings:

7849 (1) "Authority" means the Capital Region Development Authority
7850 created pursuant to section 32-601, as amended by [this act] public act
7851 12-147.

7852 (2) "Capital city project" means any or all of the following: (A) A
7853 convention center project as defined in subdivision (3) of this section;
7854 (B) a downtown higher education center; (C) the renovation and
7855 rejuvenation of the civic center and coliseum complex; (D) the
7856 development of the infrastructure and improvements to the riverfront;
7857 (E) (i) the creation of up to three thousand downtown housing units
7858 through rehabilitation and new construction, and (ii) the demolition or
7859 redevelopment of vacant buildings; (F) the addition to downtown
7860 parking capacity; [and] (G) development and redevelopment; and (H)
7861 the promotion of and attraction to in-state professional and amateur
7862 sports and sporting events in consultation with the Sports Advisory
7863 Board established under section 10-425. All capital city projects shall be
7864 located or constructed and operated in the capital city economic
7865 development district, as defined in subdivision (7) of this section,
7866 provided any project undertaken pursuant to subparagraph (G) of this
7867 subdivision may be located anywhere in the town and city of Hartford,
7868 [and] any project undertaken pursuant to subparagraph (D) or (E) (ii)
7869 of this subdivision may be located anywhere in the town and city of
7870 Hartford or town of East Hartford, and any project undertaken
7871 pursuant to subparagraph (H) of this subdivision may be located
7872 anywhere in the state.

7873 (3) "Convention center" means a convention facility constructed and
7874 operated in the capital city economic development district, including
7875 parking for such facility, in conjunction with a privately developed
7876 hotel, including ancillary facilities and infrastructure improvements as
7877 more particularly described in the master development plan.

7878 (4) "Convention center facilities" means (A) the convention center

7879 and the related parking facilities, as defined in section 32-651, as
7880 amended by [this act] public act 12-147, to the extent such related
7881 parking facilities are developed, owned or operated by the authority,
7882 (B) the on-site related private development, as defined in section 32-
7883 651, as amended by [this act] public act 12-147, to the extent any such
7884 on-site related private development is developed, owned or operated
7885 by the authority pursuant to a determination by the Secretary of the
7886 Office of Policy and Management and the authority that such
7887 development, ownership or operation by the authority is necessary
7888 and in the public interest, and (C) a central heating and cooling plant
7889 serving the convention center, the related parking facilities, the related
7890 private development and, to the extent of any surplus capacity, other
7891 users. "Convention center facilities" does not include the convention
7892 center hotel.

7893 (5) "Convention center hotel" means the privately developed hotel
7894 required to be constructed and operated in conjunction with the
7895 convention center, as more particularly described in the master
7896 development plan, as defined in section 32-651, as amended by [this
7897 act] public act 12-147, including the second phase of the convention
7898 center hotel as therein described.

7899 (6) "Convention center project" means the development, design,
7900 construction, finishing, furnishing and equipping of the convention
7901 center facilities and related site acquisition and site preparation.

7902 (7) "Capital city economic development district" means the area
7903 bounded and described as follows: The northerly side of Masseek
7904 Street from the intersection of Van Dyke Avenue proceeding westerly
7905 to the intersection of Van Block Avenue, proceeding northerly along
7906 Van Block to the intersection of Nepaquash Street, proceeding easterly
7907 to the intersection of Huyshope Avenue, proceeding northerly along
7908 Huyshope Avenue to the intersection of Charter Oak Avenue,
7909 proceeding westerly along Charter Oak Avenue to Wyllys Street,
7910 proceeding along Wyllys Street to Popieluszko Court, north on

7911 Popieluszko Court to Charter Oak Avenue proceeding westerly to
7912 Main Street, proceeding south along Main Street to Park Street, thence
7913 west along Park Street to the intersection of Laurel Street, proceeding
7914 north on Laurel Street to the intersection of Capitol Avenue,
7915 proceeding west on Capitol Avenue to the intersection of Forest Street,
7916 proceeding north on Forest Street to the intersection of Farmington
7917 Avenue, proceeding east on Farmington Avenue to the intersection of
7918 Asylum Avenue, proceeding east on Asylum Avenue, thence
7919 northwesterly along the Exit 48 on ramp to Interstate 84 northward to
7920 the railroad, now proceeding northeasterly along the railroad to its
7921 intersection with the southerly railroad spur, thence proceeding
7922 southeasterly along the railroad R. O. W. to the Bulkeley Bridge.
7923 Thence easterly to the city line. Proceeding south along city boundary
7924 to the point perpendicular with Masseek Street. Thence westerly to the
7925 point of beginning.

7926 (8) "Capital region" means the towns contiguous to the city of
7927 Hartford, including the town of East Hartford.

7928 (9) "Private development district" means any land on the Adriaen's
7929 Landing site that is designated jointly by the Secretary of the Office of
7930 Policy and Management and the authority as available for the purpose
7931 of on-site related private development and in need of inducement for
7932 private development and operation. Only land on which construction
7933 of a building or improvement is to commence on or after July 1, 2008,
7934 shall be so designated. Any land so designated shall remain part of the
7935 private development district during the term, including any
7936 extensions, of any agreement providing for payments to the authority
7937 in lieu of real property taxes entered into pursuant to subsection (e) of
7938 section 32-602, as amended by **[**this act**]** public act 12-147 and this act,
7939 and thereafter, until the Secretary of the Office of Policy and
7940 Management and the authority certify that such designation is no
7941 longer a needed inducement to private development and operation. As
7942 used in this subdivision, "land" includes an easement to use air space,
7943 whether or not contiguous to the surface of the ground.

7944 Sec. 189. Section 32-602 of the 2012 supplement to the general
7945 statutes, as amended by section 10 of public act 12-147, is repealed and
7946 the following is substituted in lieu thereof (*Effective July 1, 2012*):

7947 (a) The purpose of the Capital Region Development Authority shall
7948 be (1) to stimulate new investment within the capital region and
7949 provide support for multicultural destinations and the creation of a
7950 vibrant multidimensional downtown; (2) to work with the Department
7951 of Economic and Community Development to attract through a
7952 coordinated sales and marketing effort with the **[**capital region's**]**
7953 state's major sports, convention and exhibition venues large
7954 conventions, trade shows, exhibitions, conferences, consumer shows
7955 and events; (3) to encourage residential housing development; (4) to
7956 operate, maintain and market the convention center; (5) to stimulate
7957 family-oriented tourism, art, culture, history, education and
7958 entertainment through cooperation and coordination with city and
7959 regional organizations; (6) to manage facilities through contractual
7960 agreement or other legal instrument; (7) to stimulate economic
7961 development in the capital region; (8) upon request from the legislative
7962 body of a city or town within the capital region, to work with such city
7963 or town to assist in the development and redevelopment efforts to
7964 stimulate the economy of the region and increase tourism; (9) upon
7965 request of the Secretary of the Office of Policy and Management, may
7966 enter into an agreement for funding to facilitate the relocation of state
7967 offices within the capital city economic development district; (10) in
7968 addition to the authority set forth in subdivision (9) of section 32-600,
7969 as amended by **[**this act**]** public act 12-147 and this act, to develop and
7970 redevelop property within the town and city of Hartford; and (11) to
7971 market and develop the capital city economic development district as a
7972 multicultural destination and create a vibrant, multidimensional
7973 downtown.

7974 (b) For these purposes, the authority shall have the following
7975 powers: (1) To have perpetual succession as a body corporate and to
7976 adopt procedures for the regulation of its affairs and the conduct of its

7977 business as provided in subsection (f) of section 32-601, as amended by
7978 [this act] public act 12-147, to adopt a corporate seal and alter the same
7979 at its pleasure, and to maintain an office at such place or places within
7980 the city of Hartford as it may designate; (2) to sue and be sued, to
7981 contract and be contracted with; (3) to employ such assistants, agents
7982 and other employees as may be necessary or desirable to carry out its
7983 purposes, which employees shall be exempt from the classified service
7984 and shall not be employees, as defined in subsection (b) of section 5-
7985 270, to fix their compensation, to establish and modify personnel
7986 procedures as may be necessary from time to time and to negotiate and
7987 enter into collective bargaining agreements with labor unions; (4) to
7988 acquire, lease, hold and dispose of personal property for the purposes
7989 set forth in section 32-602, as amended by [this act] public act 12-147
7990 and this act; (5) to procure insurance against any liability or loss in
7991 connection with its property and other assets, in such amounts and
7992 from such insurers as it deems desirable and to procure insurance for
7993 employees; (6) to invest any funds not needed for immediate use or
7994 disbursement in obligations issued or guaranteed by the United States
7995 of America or the state of Connecticut, including the Short Term
7996 Investment Fund, and the Tax-Exempt Proceeds Fund, and in other
7997 obligations which are legal investments for savings banks in this state
7998 and in time deposits or certificates of deposit or other similar banking
7999 arrangements secured in such manner as the authority determines; (7)
8000 notwithstanding any other provision of the general statutes, upon
8001 request of the Secretary of the Office of Policy and Management, to
8002 enter into an agreement for funding to facilitate the relocation of state
8003 offices within the capital city economic development district; and (8) to
8004 do all acts and things necessary or convenient to carry out the
8005 purposes of and the powers expressly granted by this section.

8006 (c) In addition to the powers enumerated in subsections (b) and (d)
8007 of this section, with respect to the convention center project and the
8008 convention center facilities the authority shall have the following
8009 powers: (1) To acquire, by gift, purchase, condemnation, lease or
8010 transfer, lands or rights-in-land in connection with the convention

8011 center facilities, the convention center hotel, the other on-site related
8012 private development or related infrastructure improvements and to
8013 sell and lease or sublease, as lessor or lessee or sublessor or sublessee,
8014 any portion of its real property rights, including air space above or
8015 areas below the convention center facilities or the convention center
8016 hotel, and enter into related common area maintenance, easement,
8017 access, support and similar agreements, and own and operate the
8018 convention center facilities, provided that such activity is consistent
8019 with all applicable federal tax covenants of the authority, transfer or
8020 dispose of any property or interest therein acquired by it, at any time
8021 and to receive and accept aid or contributions, from any source, of
8022 money, labor, property or other things of value, to be held, used and
8023 applied to carry out the purposes of this section, subject to the
8024 conditions upon which such grants and contributions are made,
8025 including, but not limited to, gifts or grants from any department,
8026 agency or instrumentality of the United States or this state for any
8027 purpose consistent with this section; (2) to condemn properties which
8028 may be necessary or desirable to effectuate the purposes of the
8029 authority with respect to the convention center project and the
8030 convention center hotel to be exercised in accordance with the
8031 provisions of part I of chapter 835; (3) to formulate plans for, acquire,
8032 finance and develop, lease, purchase, construct, reconstruct, repair,
8033 improve, expand, extend, operate, maintain and market the convention
8034 center facilities, provided such activities are consistent with all
8035 applicable federal tax covenants of the authority and provided further
8036 that the authority shall retain control over naming rights with respect
8037 to the convention center, that any sale of such naming rights shall
8038 require the approval of the secretary and that the proceeds of any such
8039 sale of naming rights, to the extent not required for start-up or current
8040 operating expenses of the convention center, shall be used by the
8041 authority exclusively for the purpose of operating or capital
8042 replacement reserves for the convention center; (4) to contract and be
8043 contracted with provided, if management, operating or promotional
8044 contracts or agreements or other contracts or agreements are entered

8045 into with nongovernmental parties with respect to property financed
8046 with the proceeds of obligations the interest on which is excluded from
8047 gross income for federal income taxation, the board of directors shall
8048 ensure that such contracts or agreements are in compliance with the
8049 covenants of the authority upon which such tax exclusion is
8050 conditioned; (5) to enter into arrangements or contracts to either
8051 purchase or lease, on a fully completed turn key basis, the convention
8052 center, and arrangements with the secretary regarding the
8053 development, ownership and operation by the authority of the related
8054 parking facilities, and to enter into a contract or contracts with an
8055 entity, or entities, for operation and management thereof and, for
8056 purposes of section 31-57f relating to standard wage rates for certain
8057 service workers, any such contract for operation and management of
8058 the convention center shall be deemed to be a contract with the state;
8059 (6) to fix and revise, from time to time, and to charge and collect fees,
8060 rents and other charges for the use, occupancy or operation of such
8061 projects, and to establish and revise from time to time, procedures
8062 concerning the use, operation and occupancy of the convention center
8063 facilities, including parking rates, rules and procedures, provided such
8064 arrangements are consistent with all applicable federal tax covenants
8065 of the authority, and to utilize net revenues received by the authority
8066 from the operation of the convention center facilities, after allowance
8067 for operating expenses and other charges related to the ownership,
8068 operation or financing thereof, for other proper purposes of the
8069 authority, including, but not limited to, funding of operating
8070 deficiencies or operating or capital replacement reserves for either the
8071 convention center or the related parking facilities as determined to be
8072 appropriate by the authority; (7) to engage architects, engineers,
8073 attorneys, accountants, consultants and such other independent
8074 professionals as may be necessary or desirable to carry out its
8075 purposes; to contract for construction, development, concessions and
8076 the procurement of goods and services and to establish and modify
8077 procurement procedures from time to time to implement the foregoing
8078 in accordance with the provisions of section 32-603, as amended by

8079 [this act] public act 12-147; (8) to adopt procedures (A) which shall
8080 require that contractors or subcontractors engaged in the convention
8081 center project and the construction of the convention center hotel take
8082 affirmative action to provide equal opportunity for employment
8083 without discrimination as to race, creed, color, national origin or
8084 ancestry or gender, (B) to ensure that the wages paid on an hourly
8085 basis to any mechanic, laborer or workman employed by such
8086 contractor or subcontractor with respect to the convention center
8087 project or the construction of the convention center hotel shall be at a
8088 rate customary or prevailing for the same work in the same trade or
8089 occupation in the town and city of Hartford, unless otherwise
8090 established pursuant to a project labor agreement, and (C) which shall
8091 require the prime construction contractors for the convention center
8092 project and for the convention center hotel, and the principal facility
8093 managers of the convention center facilities and the convention center
8094 hotel to make reasonable efforts to hire or cause to be hired available
8095 and qualified residents of the city of Hartford and available and
8096 qualified members of minorities, as defined in section 32-9n, for
8097 construction and operation jobs at the convention center facilities and
8098 the convention center hotel at all levels of construction and operation;
8099 (9) to enter into a development agreement with the developer of the
8100 convention center hotel, which agreement shall prohibit any voluntary
8101 sale, transfer or other assignment of the interests of such developer, or
8102 any affiliate thereof, in the convention center hotel, including the rights
8103 under any ground lease, air rights or similar agreement with the state
8104 or the authority, for a minimum period of five years from the
8105 completion thereof except with the prior written consent of the
8106 authority given or withheld in its sole discretion, and thereafter except
8107 to a party which, in the reasonable judgment of the authority, is
8108 financially responsible and experienced in the ownership and
8109 operation of first class hotel properties in similar locations; (10) to
8110 borrow money and to issue bonds, notes and other obligations of the
8111 authority to the extent permitted under section 32-607, as amended by
8112 [this act] public act 12-147, to fund and refund the same and to provide

8113 for the rights of the holders thereof and to secure the same by pledge
8114 of assets, revenues, notes and state contract assistance as provided in
8115 section 32-608, as amended by [this act] public act 12-147; (11) to do
8116 anything necessary and desirable, including executing reimbursement
8117 agreements or similar agreements in connection with credit facilities,
8118 including, but not limited to, letters of credit or policies of bond
8119 insurance, remarketing agreements and agreements for the purpose of
8120 moderating interest rate fluctuations, to render any bonds to be issued
8121 pursuant to section 32-607, as amended by [this act] public act 12-147,
8122 more marketable; and (12) to engage in and contract for marketing and
8123 promotional activities to attract national, regional and local
8124 conventions, sports events, trade shows, exhibitions, banquets and
8125 other events to maximize the use of the convention center facilities.

8126 (d) In addition to the powers enumerated in subsections (b) and (c)
8127 of this section, with respect to capital city projects [within the capital
8128 city economic development district] the authority shall have the
8129 following powers: (1) To acquire, by gift, purchase, condemnation,
8130 lease or transfer, lands or rights-in-land and to sell and lease or
8131 sublease, as lessor or lessee or sublessor or sublessee, any portion of its
8132 real property rights, including air space above and enter into related
8133 common area maintenance, easement, access, support and similar
8134 agreements, and own and operate facilities, provided such activity is
8135 consistent with all applicable federal tax covenants of the authority,
8136 transfer or dispose of any property or interest therein acquired by it, at
8137 any time and to receive and accept aid or contributions, from any
8138 source, of money, labor, property or other thing of value, to be held,
8139 used and applied to carry out the purposes of this section, subject to
8140 the conditions upon which such grants and contributions are made,
8141 including, but not limited to, gifts or grants from any department,
8142 agency or instrumentality of the United States or this state for any
8143 purpose consistent with this section; (2) in consultation with the chief
8144 elected official of the town and city of Hartford, to condemn properties
8145 which may be necessary or desirable to effectuate the purposes of the
8146 authority to be exercised in accordance with the provisions of part I of

8147 chapter 835; (3) to formulate plans for, acquire, finance and develop,
8148 lease, purchase, construct, reconstruct, repair, improve, expand,
8149 extend, operate, maintain and market facilities, provided such
8150 activities are consistent with all applicable federal tax covenants of the
8151 authority; (4) to contract and be contracted with provided, if
8152 management, operating or promotional contracts or agreements or
8153 other contracts or agreements are entered into with nongovernmental
8154 parties with respect to property financed with the proceeds of
8155 obligations the interest on which is excluded from gross income for
8156 federal income taxation, the board of directors shall ensure that such
8157 contracts or agreements are in compliance with the covenants of the
8158 authority upon which such tax exclusion is conditioned; (5) to fix and
8159 revise, from time to time, and to charge and collect fees, rents and
8160 other charges for the use, occupancy or operation of such projects, and
8161 to establish and revise from time to time, procedures concerning the
8162 use, operation and occupancy of such facilities, including parking
8163 rates, rules and procedures, provided such arrangements are
8164 consistent with all applicable federal tax covenants of the authority,
8165 and to utilize net revenues received by the authority from the
8166 operation of such facilities, after allowance for operating expenses and
8167 other charges related to the ownership, operation or financing thereof,
8168 for other proper purposes of the authority, including, but not limited
8169 to, funding of operating deficiencies or operating or capital
8170 replacement reserves for either such facilities and related parking
8171 facilities as determined to be appropriate by the authority; (6) to
8172 engage architects, engineers, attorneys, accountants, consultants and
8173 such other independent professionals as may be necessary or desirable
8174 to carry out its purposes; (7) to contract for construction, development,
8175 concessions and the procurement of goods and services and to
8176 establish and modify procurement procedures, from time to time, to
8177 implement the foregoing in accordance with the provisions of section
8178 32-603, as amended by **[**this act**]** public act 12-147; (8) to borrow money
8179 and to issue bonds, notes and other obligations of the authority to the
8180 extent permitted under section 32-607, as amended by **[**this act**]** public

8181 act 12-147, to fund and refund the same and to provide for the rights of
8182 the holders thereof and to secure the same by pledge of assets,
8183 revenues, notes and state contract assistance, as provided in section 32-
8184 608, as amended by [this act] public act 12-147; (9) to do anything
8185 necessary and desirable, including executing reimbursement
8186 agreements or similar agreements in connection with credit facilities,
8187 including, but not limited to, letters of credit or policies of bond
8188 insurance, remarketing agreements and agreements for the purpose of
8189 moderating interest rate fluctuations, to render any bonds to be issued
8190 pursuant to section 32-607, as amended by [this act] public act 12-147
8191 and this act, more marketable; and (10) to engage in and contract for
8192 marketing and promotional activities to attract national, regional and
8193 local conventions, sporting events, trade shows, exhibitions, banquets
8194 and other events to maximize the use of exhibition, sporting and
8195 entertainment facilities under the operation or jurisdiction of the
8196 authority.

8197 (e) The authority shall have the power to negotiate, and, with the
8198 approval of the Secretary of the Office of Policy and Management, to
8199 enter into an agreement with any private developer, owner or lessee of
8200 any building or improvement located on land in a private
8201 development district, as defined in section 32-600, as amended by [this
8202 act] public act 12-147 and this act, providing for payments to the
8203 authority in lieu of real property taxes. Such an agreement shall be
8204 made a condition of any private right of development within the
8205 private development district, and shall include a requirement that such
8206 private developer, owner or lessee make good-faith efforts to hire, or
8207 cause to be hired, available and qualified minority business
8208 enterprises, as defined in section 4a-60g, to provide construction
8209 services and materials for improvements to be constructed within the
8210 private development district in an effort to achieve a minority business
8211 enterprise utilization goal of ten per cent of the total costs of
8212 construction services and materials for such improvements. Such
8213 payments to the authority in lieu of real property taxes shall have the
8214 same lien and priority, and may be enforced by the authority in the

8215 same manner, as provided for municipal real property taxes. Such
8216 payments as received by the authority shall be used to carry out the
8217 purposes of the authority set forth in subsection (a) of this section.

8218 (f) The authority and the Commissioner of Economic and
8219 Community Development may enter into a memorandum of
8220 understanding pursuant to which: (1) Administrative support and
8221 services, including all staff support, necessary for the operations of the
8222 authority may be provided by the Department of Economic and
8223 Community Development, (2) the Department of Economic and
8224 Community Development is authorized to administer contracts and
8225 accounts of the authority, and (3) provision is made for the
8226 coordination of management and operational activities at the
8227 convention center, sport, exhibition or coliseum facilities and the
8228 stadium facility, that may include: (A) Provision for joint procurement
8229 and contracting, (B) the sharing of services and resources, (C) the
8230 coordination of promotional and booking activities, and (D) other
8231 arrangements designed to enhance facility utilization and revenues,
8232 reduce operating costs or achieve operating efficiencies. The terms and
8233 conditions of such memorandum of understanding, including
8234 provisions with respect to the reimbursement by the authority to the
8235 Department of Economic and Community Development of the costs of
8236 such administrative support and services, shall be as the authority and
8237 the Commissioner of Economic and Community Development
8238 determine to be appropriate.

8239 Sec. 190. Section 16a-4c of the general statutes is repealed and the
8240 following is substituted in lieu thereof (*Effective from passage*):

8241 (a) On or before January 1, **[**2012**]** <u>2014</u>, and at least every twenty
8242 years thereafter, the Secretary of the Office of Policy and Management,
8243 within available appropriations, <u>and in consultation with regional</u>
8244 <u>planning organizations, as defined in section 4-124i, the Connecticut</u>
8245 <u>Conference of Municipalities, the Connecticut Council of Small Towns</u>
8246 <u>and the chairpersons and ranking members of the joint standing</u>

8247 committee of the General Assembly having cognizance of matters
8248 relating to planning and development, shall conduct an analysis of the
8249 boundaries of logical planning regions designated or redesignated
8250 under section 16a-4a. As part of such analysis, the secretary shall
8251 [develop criteria to evaluate the impact of urban centers on
8252 neighboring towns] evaluate opportunities for coordinated planning
8253 and the regional delivery of state and local services. Such [criteria]
8254 analysis shall include, but not be limited to, [criteria to (1) evaluate
8255 trends in economic development and the environment, including
8256 trends in housing patterns, employment levels, commuting patterns
8257 for the most common job classifications in the state, traffic patterns on
8258 major roadways, and local perceptions of social and historic ties; and
8259 (2)] an evaluation of (1) economic regions, including regional economic
8260 development districts established pursuant to chapter 588ff; (2)
8261 comprehensive economic development strategies developed by such
8262 regional economic development districts; (3) labor market areas and
8263 workforce investment regions; (4) natural boundaries, including
8264 watersheds, coastlines, ecosystems and habitats; (5) relationships
8265 between urban, suburban and rural areas, including central cities and
8266 areas outside of the state; (6) census and other demographic
8267 information; (7) political boundaries, including municipal boundaries
8268 and congressional, senate and assembly districts; (8) transportation
8269 corridors, connectivity and boundaries, including the boundaries of
8270 metropolitan planning agencies; (9) current federal, state and
8271 municipal service delivery regions, including, but not limited to,
8272 regions established to provide emergency, health, transportation or
8273 human services; and (10) the current capacity of each regional
8274 planning organization to deliver diverse state and local services. Such
8275 analysis shall also establish a minimum size for logical planning areas
8276 that takes into consideration the number of municipalities, total
8277 population, [and the] total square mileage and whether the proposed
8278 planning region will have the capacity to successfully deliver
8279 necessary regional services. The secretary may enter into such
8280 contractual agreements as may be necessary to carry out the purposes

8281 of this subsection.

8282 (b) Any two or more contiguous planning regions that contain a
8283 total of fourteen or more municipalities and voluntarily consolidate to
8284 form a single regional council of governments or regional council of
8285 elected officials shall be exempt from redesignation pursuant to
8286 subsection (a) of this section, provided the Secretary of the Office of
8287 Policy and Management formally redesignates such planning regions
8288 prior to January 1, 2014. The secretary may, in his or her discretion,
8289 waive the requirement that such redesignated planning region contain
8290 a total of fourteen or more municipalities.

8291 [(b)] (c) (1) The secretary shall, not later than January 1, [2012] 2014,
8292 notify the chief executive officer of each municipality located in a
8293 planning region in which the boundaries are proposed for
8294 redesignation. If the legislative body of the municipality objects to such
8295 proposed redesignation, the chief executive officer of the municipality
8296 may, not later than thirty days after the date of receipt of the notice of
8297 redesignation, petition the secretary to attend a meeting of such
8298 legislative body. The petition shall specify the location, date and time
8299 of the meeting. The meeting shall be held not later than [forty-five]
8300 sixty days after the date of the petition. The secretary shall make a
8301 reasonable attempt to appear at the meeting, or at a meeting on
8302 another date within the [forty-five-day] sixty-day period. If the
8303 secretary is unable to attend a meeting within the [forty-five-day]
8304 sixty-day period, the secretary and the chief executive officer of the
8305 municipality shall jointly schedule a date and time for the meeting,
8306 provided such meeting shall be held not later than [one hundred
8307 twenty] two hundred ten days after the date of the notice to the chief
8308 executive officer. At such meeting, the legislative body of the
8309 municipality shall inform the secretary of the objections to the
8310 proposed redesignation of the planning area boundaries. The secretary
8311 shall consider fully the oral and written objections of the legislative
8312 body and may redesignate the boundaries. Not later than [forty-five]
8313 sixty days after the date of the meeting, the secretary shall notify the

8314 chief executive officer of the determination concerning the proposed
8315 redesignation. The notice of determination shall include the reasons for
8316 such determination. As used in this subsection, "municipality" means a
8317 town, city or consolidated town and borough; "legislative body" means
8318 the board of selectmen, town council, city council, board of alderman,
8319 board of directors, board of representatives or board of the **[**major**]**
8320 warden and burgesses of a municipality; and "secretary" means the
8321 **[**secretary**]** Secretary of the Office of Policy and Management or the
8322 designee of the secretary.

8323 (2) Any revision to the boundaries of a planning area, based on the
8324 analysis completed pursuant to subsection (a) of this section or due to
8325 a modification by the secretary in accordance with this subsection,
8326 shall be effective on **[**the first day of July following the date of
8327 completion such analysis or modification**]** January 1, 2015.

8328 Sec. 191. Section 4-66k of the 2012 supplement to the general statutes
8329 is repealed and the following is substituted in lieu thereof (*Effective July*
8330 *1, 2012*)*:*

8331 There is established an account to be known as the "regional
8332 performance incentive account" which shall be a separate, nonlapsing
8333 account within the General Fund. The account shall contain any
8334 moneys required by law to be deposited in the account. Moneys in the
8335 account shall be expended by the Secretary of the Office of Policy and
8336 Management for the purposes of (1) providing grants under the
8337 regional performance incentive program established pursuant to
8338 section 4-124s, and (2) providing funding to the Voluntary Regional
8339 Consolidation Bonus Pool established pursuant to subsection (b) of
8340 section 4-124q, as amended by this act.

8341 Sec. 192. Section 4-124q of the 2012 supplement to the general
8342 statutes is repealed and the following is substituted in lieu thereof
8343 (*Effective July 1, 2012*)*:*

8344 (a) There shall annually be paid to each regional planning agency

8345 organized under the provisions of chapter 127, each regional council of
8346 governments organized under the provisions of this chapter, and each
8347 regional council of elected officials organized under the provisions of
8348 this chapter in any planning region without a regional planning
8349 agency, from any appropriation for such purpose, a grant-in-aid equal
8350 to (1) five and three-tenths per cent of any such appropriation plus (2)
8351 for each agency or council which raises local dues in excess of five and
8352 three-tenths per cent of any such appropriation, an additional grant in
8353 an amount equal to the product obtained by multiplying any
8354 appropriation available for the purpose of this subdivision by the
8355 following fraction: The amount of dues raised by such agency or
8356 council pursuant to section 8-34a, section 4-124f or section 4-124p in
8357 excess of five and three-tenths of any such appropriation shall be the
8358 numerator. The amount of such dues raised by each such agency or
8359 council in excess of five and three-tenths per cent of any such
8360 appropriation shall be added together and the sum shall be the
8361 denominator.

8362 (b) There is established a Voluntary Regional Consolidation Bonus
8363 Pool to be administered by the Secretary of the Office of Policy and
8364 Management <u>and funded by moneys received from the regional</u>
8365 <u>performance incentive account established in section 4-66k, as</u>
8366 <u>amended by this act</u>. In addition to the annual payment to each
8367 regional planning agency under subsection (a) of this section, there
8368 shall be an additional payment made from said bonus pool to any two
8369 or more regional planning agencies, regional councils of governments
8370 or regional council of elected officials in any planning region without a
8371 regional planning agency, or any such combination thereof, that have
8372 (1) voted to merge forming a new regional council of governments or
8373 regional council of elected officials within a proposed or newly
8374 redesignated planning region boundary, and (2) submitted to said
8375 secretary a request for redesignation pursuant to subdivision (4) of
8376 section 16a-4a. <u>Payments from said bonus pool shall be made to offset</u>
8377 <u>any and all reasonable costs, as determined by the secretary, associated</u>
8378 <u>with any such voluntary consolidation.</u> Prior to issuing any payment

8379 pursuant to this subsection, the secretary shall review and approve
8380 each proposed consolidation to determine that such proposed
8381 consolidation is an appropriate and sustainable redesignated planning
8382 region. For the fiscal years ending June 30, 2012, and June 30, 2013, a
8383 payment shall be made under **[**subsection (a) of this section to**]** this
8384 subsection to any such approved consolidated planning region **[**,**]** on a
8385 first-come, first-served basis. **[**, from any appropriation available for
8386 such purpose and until such time as the appropriation for the fiscal
8387 year has been exhausted**]** For the fiscal years ending June 30, 2013, June
8388 30, 2014, and June 30, 2015, the secretary shall make a supplemental
8389 payment from said bonus pool, within available appropriations, to any
8390 regional council of governments or regional council of elected officials
8391 that is created in one of said fiscal years by consolidating two or more
8392 regional councils of governments, regional councils of elected officials
8393 or regional planning agencies, provided such consolidated regional
8394 council of governments or regional council of elected officials contains
8395 a combined total of fourteen or more municipalities. Such
8396 supplemental payment shall be equal to fifty per cent of the payment
8397 made pursuant to this subsection to offset the reasonable costs of
8398 voluntary consolidation. The secretary may waive the requirement that
8399 a consolidated regional council of governments or regional council of
8400 elected officials contain a combined total of fourteen or more
8401 municipalities.

8402 Sec. 193. Subsection (c) of section 32-9zz of the 2012 supplement to
8403 the general statutes is repealed and the following is substituted in lieu
8404 thereof (*Effective from passage*):

8405 (c) Any manufacturer may establish an interest-bearing
8406 manufacturing reinvestment account, provided (1) contributions in
8407 any income year shall not exceed the lesser of (A) fifty thousand
8408 dollars in income years commencing on or after January 1, 2011, and
8409 prior to January 1, 2012, or one hundred thousand dollars in income
8410 years commencing on or after January 1, 2012, or (B) such
8411 manufacturer's domestic gross receipts, (2) moneys may be held in

8412 such account for not more than five years, (3) distributions from such
8413 account shall be used by such manufacturer to purchase machinery **[**,**]**
8414 or equipment for use in the state or manufacturing facilities, as defined
8415 in subdivision (72) of section 12-81, or for workforce training,
8416 development or expansion in the state, and (4) **[**disbursements**]**
8417 distributions shall be **[**subject to tax at a rate of three and one-half per
8418 cent regardless of corporate or business structure**]** treated in
8419 accordance with the provisions of chapter 208 or 229.

8420 Sec. 194. Subsection (d) of section 32-9zz of the 2012 supplement to
8421 the general statutes is repealed and the following is substituted in lieu
8422 thereof (*Effective from passage*):

8423 (d) Any money remaining in a **[**manufacturer's**]** manufacturing
8424 reinvestment account at the end of the five-year period **[**or**]** after such
8425 account's creation or organization, including any interest earned **[**that
8426 results in the account balance exceeding the amounts established
8427 pursuant to subdivision (1) of subsection (c) of this section in any given
8428 year**]** remaining, shall be returned to the manufacturer **[**who shall pay
8429 the full rate of tax on such amount under chapter 208, provided such
8430 payment shall be deemed to be a timely payment if such tax is
8431 remitted to the Commissioner of Revenue Services not later than sixty
8432 days after the date of such return**]** and shall be treated in accordance
8433 with the provisions of chapter 208 or 229.

8434 Sec. 195. Subdivision (1) of subsection (a) of section 12-217 of the
8435 2012 supplement to the general statutes is repealed and the following
8436 is substituted in lieu thereof (*Effective from passage and applicable to*
8437 *income years commencing on or after January 1, 2011*):

8438 (a) (1) In arriving at net income as defined in section 12-213, as
8439 amended by this act, whether or not the taxpayer is taxable under the
8440 federal corporation net income tax, there shall be deducted from gross
8441 income, (A) all items deductible under the Internal Revenue Code
8442 effective and in force on the last day of the income year except (i) any
8443 taxes imposed under the provisions of this chapter which are paid or

8444 accrued in the income year and in the income year commencing
8445 January 1, 1989, and thereafter, any taxes in any state of the United
8446 States or any political subdivision of such state, or the District of
8447 Columbia, imposed on or measured by the income or profits of a
8448 corporation which are paid or accrued in the income year, (ii)
8449 deductions for depreciation, which shall be allowed as provided in
8450 subsection (b) of this section, (iii) deductions for qualified domestic
8451 production activities income, as provided in Section 199 of the Internal
8452 Revenue Code, and (iv) in the case of any captive real estate
8453 investment trust, the deduction for dividends paid provided under
8454 Section 857(b)(2) of the Internal Revenue Code, and (B) additionally, in
8455 the case of a regulated investment company, the sum of (i) the exempt-
8456 interest dividends, as defined in the Internal Revenue Code, and (ii)
8457 expenses, bond premium, and interest related to tax-exempt income
8458 that are disallowed as deductions under the Internal Revenue Code,
8459 and (C) in the case of a taxpayer maintaining an international banking
8460 facility as defined in the laws of the United States or the regulations of
8461 the Board of Governors of the Federal Reserve System, as either may
8462 be amended from time to time, the gross income attributable to the
8463 international banking facility, provided, no expense or loss attributable
8464 to the international banking facility shall be a deduction under any
8465 provision of this section, and (D) additionally, in the case of all
8466 taxpayers, all dividends as defined in the Internal Revenue Code
8467 effective and in force on the last day of the income year not otherwise
8468 deducted from gross income, including dividends received from a
8469 DISC or former DISC as defined in Section 992 of the Internal Revenue
8470 Code and dividends deemed to have been distributed by a DISC or
8471 former DISC as provided in Section 995 of said Internal Revenue Code,
8472 other than thirty per cent of dividends received from a domestic
8473 corporation in which the taxpayer owns less than twenty per cent of
8474 the total voting power and value of the stock of such corporation, and
8475 (E) additionally, in the case of all taxpayers, the value of any capital
8476 gain realized from the sale of any land, or interest in land, to the state,
8477 any political subdivision of the state, or to any nonprofit land

8478 conservation organization where such land is to be permanently
8479 preserved as protected open space or to a water company, as defined
8480 in section 25-32a, where such land is to be permanently preserved as
8481 protected open space or as Class I or Class II water company land, and
8482 (F) in the case of manufacturers, the amount of any contribution to a
8483 manufacturing reinvestment account established pursuant to section
8484 32-9zz, as amended by this act, in the [taxable] income year that such
8485 contribution is made to the extent not deductible for federal income tax
8486 purposes.

8487 Sec. 196. Subdivision (9) of subsection (a) of section 12-213 of the
8488 general statutes is repealed and the following is substituted in lieu
8489 thereof (*Effective from passage and applicable to income years commencing*
8490 *on or after January 1, 2011*):

8491 (9) (A) "Gross income" means gross income, as defined in the
8492 Internal Revenue Code, and, in addition, means any interest or exempt
8493 interest dividends, as defined in Section 852(b)(5) of the Internal
8494 Revenue Code, received by the taxpayer or losses of other calendar or
8495 fiscal years, retroactive to include all calendar or fiscal years beginning
8496 after January 1, 1935, incurred by the taxpayer which are excluded
8497 from gross income for purposes of assessing the federal corporation
8498 net income tax, and in addition, notwithstanding any other provision
8499 of law, means interest or exempt interest dividends, as defined in said
8500 Section 852(b)(5) of the Internal Revenue Code, accrued on or after the
8501 application date, as defined in section 12-242ff, with respect to any
8502 obligation issued by or on behalf of the state, its agencies, authorities,
8503 commissions and other instrumentalities, or by or on behalf of its
8504 political subdivisions and their agencies, authorities, commissions and
8505 other instrumentalities;

8506 (B) "Gross income" shall include (i) to the extent not properly
8507 includable in gross income for federal income tax purposes, an amount
8508 equal to fifty per cent of any distribution from a manufacturing
8509 reinvestment account used in accordance with subsection (c) of section

8510 32-9zz, as amended by this act, to the extent that a contribution to such
8511 account was subtracted from gross income pursuant to subparagraph
8512 (F) of subdivision (1) of subsection (a) of section 12-217, as amended by
8513 this act, in computing net income for the current or a preceding income
8514 year, and (ii) to the extent not properly includable in gross income for
8515 federal income tax purposes, an amount equal to (I) any distribution
8516 from a manufacturing reinvestment account not used in accordance
8517 with subdivision (3) of subsection (c) of section 32-9zz, as amended by
8518 this act, to the extent that a contribution to such account was
8519 subtracted from gross income pursuant to subparagraph (F) of
8520 subdivision (1) of subsection (a) of section 12-217, as amended by this
8521 act, in computing net income for the current or a preceding income
8522 year, and (II) any return of money from a manufacturing reinvestment
8523 account pursuant to subsection (d) of section 32-9zz, as amended by
8524 this act, to the extent that a contribution to such account was
8525 subtracted from gross income pursuant to subparagraph (F) of
8526 subdivision (1) of subsection (a) of section 12-217, as amended by this
8527 act, in computing net income for the current or a preceding income
8528 year;

8529 **[**(B)**]** (C) "Gross income" shall not include the amount which for
8530 federal income tax purposes is treated as a dividend received by a
8531 domestic United States corporation from a foreign corporation on
8532 account of foreign taxes deemed paid by such domestic corporation,
8533 when such domestic corporation elects the foreign tax credit for federal
8534 income tax purposes;

8535 **[**(C)**]** (D) "Gross income" shall not include any amount which for
8536 federal income tax purposes is treated as a dividend received directly
8537 or indirectly by a taxpayer from a passive investment company;

8538 Sec. 197. Subdivision (20) of subsection (a) of section 12-701 of the
8539 general statutes is repealed and the following is substituted in lieu
8540 thereof (*Effective from passage and applicable to taxable years commencing*
8541 *on or after January 1, 2011*):

8542 (20) "Connecticut adjusted gross income" means adjusted gross
8543 income, with the following modifications:

8544 (A) There shall be added thereto (i) to the extent not properly
8545 includable in gross income for federal income tax purposes, any
8546 interest income from obligations issued by or on behalf of any state,
8547 political subdivision thereof, or public instrumentality, state or local
8548 authority, district or similar public entity, exclusive of such income
8549 from obligations issued by or on behalf of the state of Connecticut, any
8550 political subdivision thereof, or public instrumentality, state or local
8551 authority, district or similar public entity created under the laws of the
8552 state of Connecticut and exclusive of any such income with respect to
8553 which taxation by any state is prohibited by federal law, (ii) any
8554 exempt-interest dividends, as defined in Section 852(b)(5) of the
8555 Internal Revenue Code, exclusive of such exempt-interest dividends
8556 derived from obligations issued by or on behalf of the state of
8557 Connecticut, any political subdivision thereof, or public
8558 instrumentality, state or local authority, district or similar public entity
8559 created under the laws of the state of Connecticut and exclusive of
8560 such exempt-interest dividends derived from obligations, the income
8561 with respect to which taxation by any state is prohibited by federal
8562 law, (iii) any interest or dividend income on obligations or securities of
8563 any authority, commission or instrumentality of the United States
8564 which federal law exempts from federal income tax but does not
8565 exempt from state income taxes, (iv) to the extent included in gross
8566 income for federal income tax purposes for the taxable year, the total
8567 taxable amount of a lump sum distribution for the taxable year
8568 deductible from such gross income in calculating federal adjusted
8569 gross income, (v) to the extent properly includable in determining the
8570 net gain or loss from the sale or other disposition of capital assets for
8571 federal income tax purposes, any loss from the sale or exchange of
8572 obligations issued by or on behalf of the state of Connecticut, any
8573 political subdivision thereof, or public instrumentality, state or local
8574 authority, district or similar public entity created under the laws of the
8575 state of Connecticut, in the income year such loss was recognized, (vi)

8576 to the extent deductible in determining federal adjusted gross income,
8577 any income taxes imposed by this state, (vii) to the extent deductible in
8578 determining federal adjusted gross income, any interest on
8579 indebtedness incurred or continued to purchase or carry obligations or
8580 securities the interest on which is exempt from tax under this chapter,
8581 (viii) expenses paid or incurred during the taxable year for the
8582 production or collection of income which is exempt from taxation
8583 under this chapter or the management, conservation or maintenance of
8584 property held for the production of such income, and the amortizable
8585 bond premium for the taxable year on any bond the interest on which
8586 is exempt from tax under this chapter to the extent that such expenses
8587 and premiums are deductible in determining federal adjusted gross
8588 income, (ix) for property placed in service after September 10, 2001, but
8589 prior to September 11, 2004, in taxable years ending after September
8590 10, 2001, any additional allowance for depreciation under subsection
8591 (k) of Section 168 of the Internal Revenue Code, as provided by Section
8592 101 of the Job Creation and Worker Assistance Act of 2002, to the
8593 extent deductible in determining federal adjusted gross income, (x) to
8594 the extent deductible in determining federal adjusted gross income, the
8595 deduction allowable as qualified domestic production activities
8596 income, pursuant to Section 199 of the Internal Revenue Code, **[**and**]**
8597 (xi) to the extent not properly includable in gross income for federal
8598 income tax purposes for the taxable year, any income from the
8599 discharge of indebtedness, in taxable years ending after December 31,
8600 2008, in connection with any reacquisition, after December 31, 2008,
8601 and before January 1, 2011, of an applicable debt instrument or
8602 instruments, as those terms are defined in Section 108 of the Internal
8603 Revenue Code, as amended by Section 1231 of the American Recovery
8604 and Reinvestment Act of 2009, the inclusion of which income in federal
8605 gross income for the taxable year is deferred, as provided by said
8606 Section 1231; (xii) to the extent not properly includable in gross income
8607 for federal income tax purposes, an amount equal to fifty per cent of
8608 any distribution from a manufacturing reinvestment account used in
8609 accordance with subdivision (3) of subsection (c) of section 32-9zz, as

8610 amended by this act, to the extent that a contribution to such account
8611 was subtracted from federal adjusted gross income pursuant to clause
8612 (xix) of subparagraph (B) of this subdivision in computing Connecticut
8613 adjusted gross income for the current or a preceding taxable year; and
8614 (xiii) to the extent not properly includable in gross income for federal
8615 income tax purposes, an amount equal to (I) any distribution from a
8616 manufacturing reinvestment account not used in accordance with
8617 subdivision (3) of subsection (c) of section 32-9zz, as amended by this
8618 act, to the extent that a contribution to such account was subtracted
8619 from federal adjusted gross income pursuant to clause (xix) of
8620 subparagraph (B) of this subdivision in computing Connecticut
8621 adjusted gross income for the current or a preceding taxable year, and
8622 (II) any return of money from a manufacturing reinvestment account
8623 pursuant to subsection (d) of section 32-9zz, as amended by this act, to
8624 the extent that a contribution to such account was subtracted from
8625 federal adjusted gross income pursuant to clause (xix) of subparagraph
8626 (B) of this subdivision in computing Connecticut adjusted gross
8627 income for the current or a preceding taxable year.

8628 (B) There shall be subtracted therefrom (i) to the extent properly
8629 includable in gross income for federal income tax purposes, any
8630 income with respect to which taxation by any state is prohibited by
8631 federal law, (ii) to the extent allowable under section 12-718, exempt
8632 dividends paid by a regulated investment company, (iii) the amount of
8633 any refund or credit for overpayment of income taxes imposed by this
8634 state, or any other state of the United States or a political subdivision
8635 thereof, or the District of Columbia, to the extent properly includable
8636 in gross income for federal income tax purposes, (iv) to the extent
8637 properly includable in gross income for federal income tax purposes
8638 and not otherwise subtracted from federal adjusted gross income
8639 pursuant to clause (x) of this subparagraph in computing Connecticut
8640 adjusted gross income, any tier 1 railroad retirement benefits, (v) to the
8641 extent any additional allowance for depreciation under Section 168(k)
8642 of the Internal Revenue Code, as provided by Section 101 of the Job
8643 Creation and Worker Assistance Act of 2002, for property placed in

8644 service after December 31, 2001, but prior to September 10, 2004, was
8645 added to federal adjusted gross income pursuant to subparagraph
8646 (A)(ix) of this subdivision in computing Connecticut adjusted gross
8647 income for a taxable year ending after December 31, 2001, twenty-five
8648 per cent of such additional allowance for depreciation in each of the
8649 four succeeding taxable years, (vi) to the extent properly includable in
8650 gross income for federal income tax purposes, any interest income
8651 from obligations issued by or on behalf of the state of Connecticut, any
8652 political subdivision thereof, or public instrumentality, state or local
8653 authority, district or similar public entity created under the laws of the
8654 state of Connecticut, (vii) to the extent properly includable in
8655 determining the net gain or loss from the sale or other disposition of
8656 capital assets for federal income tax purposes, any gain from the sale
8657 or exchange of obligations issued by or on behalf of the state of
8658 Connecticut, any political subdivision thereof, or public
8659 instrumentality, state or local authority, district or similar public entity
8660 created under the laws of the state of Connecticut, in the income year
8661 such gain was recognized, (viii) any interest on indebtedness incurred
8662 or continued to purchase or carry obligations or securities the interest
8663 on which is subject to tax under this chapter but exempt from federal
8664 income tax, to the extent that such interest on indebtedness is not
8665 deductible in determining federal adjusted gross income and is
8666 attributable to a trade or business carried on by such individual, (ix)
8667 ordinary and necessary expenses paid or incurred during the taxable
8668 year for the production or collection of income which is subject to
8669 taxation under this chapter but exempt from federal income tax, or the
8670 management, conservation or maintenance of property held for the
8671 production of such income, and the amortizable bond premium for the
8672 taxable year on any bond the interest on which is subject to tax under
8673 this chapter but exempt from federal income tax, to the extent that
8674 such expenses and premiums are not deductible in determining federal
8675 adjusted gross income and are attributable to a trade or business
8676 carried on by such individual, (x) (I) for a person who files a return
8677 under the federal income tax as an unmarried individual whose

8678 federal adjusted gross income for such taxable year is less than fifty
8679 thousand dollars, or as a married individual filing separately whose
8680 federal adjusted gross income for such taxable year is less than fifty
8681 thousand dollars, or for a husband and wife who file a return under
8682 the federal income tax as married individuals filing jointly whose
8683 federal adjusted gross income for such taxable year is less than sixty
8684 thousand dollars or a person who files a return under the federal
8685 income tax as a head of household whose federal adjusted gross
8686 income for such taxable year is less than sixty thousand dollars, an
8687 amount equal to the Social Security benefits includable for federal
8688 income tax purposes; and (II) for a person who files a return under the
8689 federal income tax as an unmarried individual whose federal adjusted
8690 gross income for such taxable year is fifty thousand dollars or more, or
8691 as a married individual filing separately whose federal adjusted gross
8692 income for such taxable year is fifty thousand dollars or more, or for a
8693 husband and wife who file a return under the federal income tax as
8694 married individuals filing jointly whose federal adjusted gross income
8695 from such taxable year is sixty thousand dollars or more or for a
8696 person who files a return under the federal income tax as a head of
8697 household whose federal adjusted gross income for such taxable year
8698 is sixty thousand dollars or more, an amount equal to the difference
8699 between the amount of Social Security benefits includable for federal
8700 income tax purposes and the lesser of twenty-five per cent of the Social
8701 Security benefits received during the taxable year, or twenty-five per
8702 cent of the excess described in Section 86(b)(1) of the Internal Revenue
8703 Code, (xi) to the extent properly includable in gross income for federal
8704 income tax purposes, any amount rebated to a taxpayer pursuant to
8705 section 12-746, (xii) to the extent properly includable in the gross
8706 income for federal income tax purposes of a designated beneficiary,
8707 any distribution to such beneficiary from any qualified state tuition
8708 program, as defined in Section 529(b) of the Internal Revenue Code,
8709 established and maintained by this state or any official, agency or
8710 instrumentality of the state, (xiii) to the extent allowable under section
8711 12-701a, contributions to accounts established pursuant to any

8712 qualified state tuition program, as defined in Section 529(b) of the
8713 Internal Revenue Code, established and maintained by this state or
8714 any official, agency or instrumentality of the state, (xiv) to the extent
8715 properly includable in gross income for federal income tax purposes,
8716 the amount of any Holocaust victims' settlement payment received in
8717 the taxable year by a Holocaust victim, (xv) to the extent properly
8718 includable in gross income for federal income tax purposes of an
8719 account holder, as defined in section 31-51ww, interest earned on
8720 funds deposited in the individual development account, as defined in
8721 section 31-51ww, of such account holder, (xvi) to the extent properly
8722 includable in the gross income for federal income tax purposes of a
8723 designated beneficiary, as defined in section 3-123aa, interest,
8724 dividends or capital gains earned on contributions to accounts
8725 established for the designated beneficiary pursuant to the Connecticut
8726 Homecare Option Program for the Elderly established by sections 3-
8727 123aa to 3-123ff, inclusive, (xvii) to the extent properly included in
8728 gross income for federal income tax purposes, fifty per cent of the
8729 income received from the United States government as retirement pay
8730 for a retired member of (I) the Armed Forces of the United States, as
8731 defined in Section 101 of Title 10 of the United States Code, or (II) the
8732 National Guard, as defined in Section 101 of Title 10 of the United
8733 States Code, **[**and**]** (xviii) to the extent properly includable in gross
8734 income for federal income tax purposes for the taxable year, any
8735 income from the discharge of indebtedness in connection with any
8736 reacquisition, after December 31, 2008, and before January 1, 2011, of
8737 an applicable debt instrument or instruments, as those terms are
8738 defined in Section 108 of the Internal Revenue Code, as amended by
8739 Section 1231 of the American Recovery and Reinvestment Act of 2009,
8740 to the extent any such income was added to federal adjusted gross
8741 income pursuant to subparagraph (A)(x) of this subdivision in
8742 computing Connecticut adjusted gross income for a preceding taxable
8743 year; and (xix) to the extent not deductible in determining federal
8744 adjusted gross income, the amount of any contribution to a
8745 manufacturing reinvestment account established pursuant to section

8746 32-9zz, as amended by this act, in the taxable year that such
8747 contribution is made.

8748 (C) With respect to a person who is the beneficiary of a trust or
8749 estate, there shall be added or subtracted, as the case may be, from
8750 adjusted gross income such person's share, as determined under
8751 section 12-714, in the Connecticut fiduciary adjustment.

8752 Sec. 198. (NEW) (*Effective from passage*) (a) The Commissioner of
8753 Economic and Community Development shall, within existing
8754 resources of the department, establish an urban revitalization pilot
8755 program to foster the revitalization and stabilization of urban
8756 neighborhoods by facilitating the acquisition and renovation of one to
8757 four-family homes and prioritizing owner-occupancy of such homes.
8758 Such program shall be implemented in one or more distressed
8759 municipalities, as defined in section 32-9p of the general statutes, as
8760 amended by this act. The commissioner may contract with one or more
8761 state-wide nonprofit organizations to administer the program.

8762 (b) The goal of the program shall be to increase homeownership in
8763 targeted neighborhoods containing high proportions of one to four-
8764 family homes, giving priority to promoting owner-occupancy in
8765 buildings that are for sale, vacant, deteriorated, in foreclosure, bank-
8766 owned or investor-owned. The program administrator shall target
8767 neighborhoods in which concentrated resources can have a substantial
8768 impact on revitalizing and stabilizing the surrounding community.
8769 The program administrator shall recruit community stakeholders to
8770 provide active support for the program, including local banks, local
8771 boards of realtors, neighborhood revitalization zone committees,
8772 community-based organizations, community development financial
8773 institutions and similar entities. The program administrator shall, as
8774 necessary to accomplish program goals:

8775 (1) Draw on diverse public and private funding sources and
8776 programs, including foundations, local loan funds and programs
8777 administered by departments or agencies other than the Department of

8778 Economic and Community Development, including the Connecticut
8779 Housing Finance Authority, and use public funds to leverage private
8780 resources;

8781 (2) Provide financing or investment to support property purchase,
8782 rehabilitation, construction, demolition, energy efficiency and aesthetic
8783 improvements, including provision of financial products that promote
8784 homeownership, such as down payment assistance, and identify other
8785 financial resources to support such activities;

8786 (3) Offer incentives to investors to develop tenants into owners,
8787 apply income restrictions to housing units in order to ensure
8788 affordability, and conduct energy efficiency improvements in order to
8789 meet weatherization goals;

8790 (4) Identify and coordinate access for program participants to rental
8791 assistance and foreclosure prevention resources and to other resources
8792 that will increase homeownership, stabilize or decrease occupancy
8793 costs and stabilize neighborhoods;

8794 (5) Provide assistance to individuals who are or who will become
8795 homeowners and to nonprofit and for-profit entities that will purchase
8796 and rehabilitate properties to sell to individuals who will become
8797 homeowners;

8798 (6) Provide support services for program participants who are or
8799 who will become homeowners so as to maximize the likelihood of their
8800 success in maintaining homeownership on a long-term basis, including
8801 training in skills necessary to be an effective landlord and assistance in
8802 resolving problems that may arise after closing on a home;

8803 (7) Identify and structure incentives to encourage participation in
8804 the program by lenders, investors and developers with a goal of
8805 promoting homeownership; and

8806 (8) Assist program participants in locating purchase financing and
8807 counseling before and after any purchase and direct such participants

8808 to programs that provide deferred, low or no interest or forgivable
8809 loans, including the Rental Housing Revolving Loan Fund established
8810 pursuant to section 8-37vv of the general statutes.

8811 (c) Any person who receives assistance through the program
8812 established by this section to purchase a home shall agree (1) to occupy
8813 such home or a unit in such home as such person's primary residence
8814 for not less than five years, or (2) to transfer such home to a person
8815 who will agree to occupy such home or a unit in such home as such
8816 person's primary residence for not less than five years. Priority for
8817 participation in the program may be given to persons who will become
8818 first-time homebuyers and to persons who are living in a
8819 neighborhood targeted by the program.

8820 (d) The Commissioner of Economic and Community Development,
8821 shall establish the parameters of the program not later than October 1,
8822 2012, and shall designate one or more municipalities to participate in
8823 the program not later than January 1, 2013. The commissioner, in
8824 accordance with section 11-4a of the general statutes, shall submit the
8825 following to the joint standing committee of the General Assembly
8826 having cognizance of matters relating to housing: (1) A status report
8827 on the program not later than February 1, 2013; (2) an interim report on
8828 the program not later than January 1, 2014; and (3) a final report on the
8829 program not later than January 1, 2015.

8830 Sec. 199. Section 12-217pp of the 2012 supplement to the general
8831 statutes is repealed and the following is substituted in lieu thereof
8832 (*Effective July 1, 2012, and applicable to income or taxable years commencing*
8833 *on or after January 1, 2012*):

8834 (a) As used in this section:

8835 (1) "Commissioner" means the Commissioner of Economic and
8836 Community Development;

8837 (2) "Control", with respect to a corporation, means ownership,

8838 directly or indirectly, of stock possessing fifty per cent or more of the
8839 total combined voting power of all classes of the stock of such
8840 corporation entitled to vote. "Control", with respect to a trust, means
8841 ownership, directly or indirectly, of fifty per cent or more of the
8842 beneficial interest in the principal or income of such trust. The
8843 ownership of stock in a corporation, of a capital or profits interest in a
8844 partnership, limited liability company or association or of a beneficial
8845 interest in a trust shall be determined in accordance with the rules for
8846 constructive ownership of stock provided in Section 267(c) of the
8847 Internal Revenue Code of 1986, or any subsequent corresponding
8848 internal revenue code of the United States, as from time to time
8849 amended, other than paragraph (3) of said Section 267(c);

8850 (3) "Full-time job" means a job in which an employee is required to
8851 work at least thirty-five hours per week for not less than forty-eight
8852 weeks in a calendar year. "Full-time job" does not include a temporary
8853 or seasonal job;

8854 (4) "Income year" means, with respect to entities subject to the
8855 insurance premiums tax under chapter 207, the corporation business
8856 tax under this chapter, the utility companies tax under chapter 212 or
8857 the income tax under chapter 229, the income year as determined
8858 under each of said chapters, as the case may be;

8859 (5) "New employee" means a person who resides in this state and is
8860 hired by a taxpayer on or after January 1, 2012, and prior to January 1,
8861 2014, to fill a new job. "New employee" does not include a person who
8862 was employed in this state by a related person with respect to a
8863 taxpayer during the prior twelve months;

8864 (6) "New job" means a job that did not exist in this state prior to a
8865 taxpayer's application to the commissioner for certification under this
8866 section for a job expansion tax credit, is filled by a new, qualifying or
8867 veteran employee, and (A) is a full-time job, or (B) in the case of a
8868 qualifying employee under subparagraph (B) of subdivision (7) of this
8869 subsection, is a job in which an employee is required to work at least

8870 twenty hours per week for not less than forty-eight weeks in a calendar
8871 year;

8872 (7) "Qualifying employee" means a new employee who, at the time
8873 of hiring by the taxpayer:

8874 (A) (i) Is receiving unemployment compensation, or (ii) has
8875 exhausted unemployment compensation benefits and has not had an
8876 intervening full-time job; or

8877 (B) Is (i) receiving vocational rehabilitation services from the Bureau
8878 of Rehabilitative Services, (ii) receiving employment services from the
8879 Department of Mental Health and Addiction Services, or (iii)
8880 participating in employment opportunities and day services, as
8881 defined in section 17a-226, operated or funded by the Department of
8882 Developmental Services;

8883 (8) "Related person" means (A) a corporation, limited liability
8884 company, partnership, association or trust controlled by the taxpayer,
8885 (B) an individual, corporation, limited liability company, partnership,
8886 association or trust that is in control of the taxpayer, (C) a corporation,
8887 limited liability company, partnership, association or trust controlled
8888 by an individual, corporation, limited liability company, partnership,
8889 association or trust that is in control of the taxpayer, or (D) a member
8890 of the same controlled group as the taxpayer;

8891 (9) "Taxpayer" means a person that (A) has been in business for at
8892 least twelve consecutive months prior to the date of the taxpayer's
8893 application to the commissioner for certification under this section for
8894 a job expansion tax credit, and (B) is subject to tax under this chapter
8895 or chapter 207, 212 or 229; and

8896 (10) "Veteran employee" means a new employee who, at the time of
8897 hiring by the taxpayer, is a member of, was honorably discharged from
8898 or released under honorable conditions from active service in the
8899 armed forces, as defined in section 27-103.

8900 (b) (1) There is established a job expansion tax credit program
8901 whereby a taxpayer may be allowed a credit against the tax imposed
8902 under this chapter or chapter 207, 212 or 229, other than the liability
8903 imposed by section 12-707, for each new, qualifying or veteran
8904 employee hired on or after January 1, 2012, and prior to January 1,
8905 2014. For taxpayers that employ not more than fifty employees in full-
8906 time jobs in this state on the date of application to the commissioner
8907 for certification under this section, the creation of at least one new job
8908 in this state shall be required for said tax credit. For taxpayers that
8909 employ more than fifty, but not more than one hundred employees in
8910 full-time jobs in this state on the date of application to the
8911 commissioner for certification under this section, the creation of at
8912 least five new jobs in this state shall be required for said tax credit. For
8913 taxpayers that employ more than one hundred employees in full-time
8914 jobs in this state on the date of application to the commissioner for
8915 certification under this section, the creation of at least ten new jobs in
8916 this state shall be required for said tax credit.

8917 (2) For the purposes of determining the number of new jobs a
8918 taxpayer is required to create in order to claim a credit under this
8919 section, the number of employees working in full-time jobs the
8920 taxpayer employs in this state on the date of its application to the
8921 commissioner for certification under this section shall apply to such
8922 taxpayer for the duration of such certification.

8923 (c) The amount of the credit shall be:

8924 (1) Five hundred dollars per month for each new employee; or

8925 (2) Nine hundred dollars per month for each qualifying or veteran
8926 employee.

8927 (d) (1) The taxpayer shall claim the credit in the income year in
8928 which it is earned and, if eligible, in the two immediately succeeding
8929 income years. Any credit not claimed by the taxpayer in an income
8930 year shall expire and shall not be refundable.

8931 (2) If the taxpayer is an S corporation or an entity treated as a
8932 partnership for federal income tax purposes, the shareholders or
8933 partners of such taxpayer may claim the credit. If the taxpayer is a
8934 single member limited liability company that is disregarded as an
8935 entity separate from its owner, the limited liability company's owner
8936 may claim the credit.

8937 (3) No taxpayer shall claim a credit for any new, qualifying or
8938 veteran employee who is an owner, member or partner in the business
8939 or who is not employed by the taxpayer at the close of the taxpayer's
8940 income year.

8941 (4) No taxpayer claiming the credit under this section with respect
8942 to a new, qualifying or veteran employee shall claim any credit against
8943 any tax under any other provision of the general statutes with respect
8944 to the same new, qualifying or veteran employee.

8945 (e) (1) To be eligible to claim the credit, a taxpayer shall apply to the
8946 commissioner in accordance with the provisions of this section. The
8947 application shall be on a form provided by the commissioner and shall
8948 contain sufficient information as required by the commissioner,
8949 including, but not limited to, the activities that the taxpayer primarily
8950 engages in, the North American Industrial Classification System code
8951 of the taxpayer, the current number of employees employed by the
8952 taxpayer as of the application date, and if applicable, the name and
8953 position or job title of the new, qualifying or veteran employee. The
8954 commissioner shall consult with the Labor Commissioner, the director
8955 of the Bureau of Rehabilitative Services or the Commissioner of
8956 Veterans' Affairs, <u>Mental Health and Addiction Services or</u>
8957 <u>Developmental Services,</u> as applicable, for any verification the
8958 commissioner deems necessary of unemployment compensation or
8959 vocational rehabilitation services received by a qualifying employee, or
8960 of service in the armed forces of the United States by a veteran
8961 employee. The commissioner may impose a fee for such application as
8962 the commissioner deems appropriate.

8963 (2) Upon receipt of an application, the commissioner shall render a
8964 decision, in writing, on each completed application not later than thirty
8965 days after the date of its receipt by the commissioner. If the
8966 commissioner approves such application, the commissioner shall issue
8967 a certification letter to the taxpayer indicating that the credit will be
8968 available to be claimed by the taxpayer if the taxpayer and new,
8969 qualifying or veteran employee otherwise meets the requirements of
8970 this section.

8971 (f) (1) The total amount of credits granted under this section and
8972 sections 12-217ii, 12-217nn and 12-217oo, as amended by this act, shall
8973 not exceed twenty million dollars in any one fiscal year.

8974 (2) If a taxpayer was issued an eligibility certificate by the
8975 commissioner prior to January 1, 2012, to receive a jobs creation tax
8976 credit pursuant to section 12-217ii, the provisions of the tax credit
8977 program pursuant to said section 12-217ii shall apply to such taxpayer
8978 for the duration of the eligibility certificate.

8979 (3) If a taxpayer is issued a certification letter by the commissioner
8980 prior to January 1, 2013, to receive a qualified small business job
8981 creation tax credit pursuant to section 12-217nn, the provisions of the
8982 tax credit program pursuant to said section 12-217nn shall apply to
8983 such taxpayer for the duration of such certification.

8984 (4) If a taxpayer was issued a certification letter by the commissioner
8985 prior to January 1, 2012, to receive a vocational rehabilitation job
8986 creation tax credit pursuant to section 12-217oo, as amended by this
8987 act, the provisions of the tax credit program pursuant to said section
8988 12-217oo shall apply to such taxpayer for the duration of such
8989 certification.

8990 (g) No credit allowed under this section shall exceed the amount of
8991 tax imposed on a taxpayer under this chapter or chapter 207, 212 or
8992 229. The commissioner shall annually provide to the Commissioner of
8993 Revenue Services a list detailing all credits that have been approved

8994 and all taxpayers that have been issued a certification letter under this
8995 section.

8996 (h) No credit shall be allowed under this section for any new jobs
8997 created on or after January 1, 2014.

8998 Sec. 200. Section 32-7g of the 2012 supplement to the general statutes
8999 is repealed and the following is substituted in lieu thereof (*Effective*
9000 *from passage*):

9001 (a) There is established within the Department of Economic and
9002 Community Development the Small Business Express program. Said
9003 program shall provide small businesses with various forms of financial
9004 assistance, using a streamlined application process to expedite the
9005 delivery of such assistance. The Commissioner of Economic and
9006 Community Development, at his or her discretion, may partner with
9007 the lenders in the Connecticut Credit Consortium, established
9008 pursuant to section 32-9yy, in order to fulfill the requirements of this
9009 section. A small business eligible for assistance through said program
9010 shall, as of **[**October 27, 2011**]** the effective date of this section, (1)
9011 employ, on at least fifty per cent of its working days during the
9012 preceding twelve months, not more than **[**fifty**]** one hundred
9013 employees, (2) **[**be a Connecticut-based business with**]** have operations
9014 in Connecticut, (3) have been registered to conduct business **[**in this
9015 state**]** for not less than twelve months, and (4) be in good standing with
9016 the payment of all state and local taxes and with all state agencies.

9017 (b) The Small Business Express program shall consist of various
9018 components, including (1) a revolving loan fund, as described in
9019 subsection (d) of this section, to support small business growth, (2) a
9020 job creation incentive component, as described in subsection (e) of this
9021 section, to support hiring, and (3) a matching grant component, as
9022 described in subsection (f) of this section, to provide capital to small
9023 businesses that can match the state grant amount. The Commissioner
9024 of Economic and Community Development shall work with eligible
9025 small business applicants to provide a package of assistance using **[**not

9026 only] the financial assistance provided by the Small Business Express
9027 program [but also] and may refer small business applicants to the
9028 Subsidized Training and Employment program established pursuant
9029 to section 31-3pp, as amended by this act, and any other appropriate
9030 state program. Notwithstanding the provisions of section 32-5a, as
9031 amended by this act, regarding relocation limits, the department may
9032 require, as a condition of receiving financial assistance pursuant to this
9033 section, that a small business receiving such assistance shall not
9034 relocate, as defined in said section 32-5a, for five years after receiving
9035 such assistance or during the term of the loan, whichever is longer. All
9036 other conditions and penalties imposed pursuant to said section 32-5a
9037 shall continue to apply to such small business.

9038 (c) The commissioner shall establish a streamlined application
9039 process for the Small Business Express program. The small business
9040 applicant may receive assistance pursuant to said program not later
9041 than thirty days after submitting a completed application to the
9042 department. Any small business meeting the eligibility criteria in
9043 subsection (a) of this section may apply to said program. The
9044 commissioner shall give priority for available funding to (1) small
9045 businesses creating jobs, and (2) economic base industries, as defined
9046 in subsection (d) of section 32-222, including, but not limited to, those
9047 in the fields of precision manufacturing, business services, green and
9048 sustainable technology, bioscience and information technology.

9049 (d) (1) There is established as part of the Small Business Express
9050 program a revolving loan fund to provide loans to eligible small
9051 businesses. Such loans shall be used for acquisition or purchase of
9052 machinery and equipment, construction or leasehold improvements,
9053 relocation expenses, working capital or other business-related
9054 expenses, as authorized by the commissioner.

9055 (2) Loans from the revolving loan fund may be in amounts from ten
9056 thousand dollars to a maximum of one hundred thousand dollars,
9057 shall carry a maximum repayment rate of four per cent and shall be for

9058 a term of not more than [five] ten years. The department shall review
9059 and approve loan terms, conditions and collateral requirements in a
9060 manner that prioritizes job growth and retention.

9061 (3) Any eligible small business meeting the eligibility criteria in
9062 subsection (a) of this section may apply for assistance from the
9063 revolving loan fund, but the commissioner shall give priority to
9064 applicants that, as part of their business plan, are creating new jobs
9065 that will be maintained for not less than twelve consecutive months.

9066 (e) (1) There is established as part of the Small Business Express
9067 program a job creation incentive component to provide loans for job
9068 creation to small businesses meeting the eligibility criteria in
9069 subsection (a) of this section, with the option of loan forgiveness based
9070 on the maintenance of an increased number of jobs for not less than
9071 twelve consecutive months. Such loans may be used for training,
9072 marketing, working capital or other expenses, as approved by the
9073 commissioner, that support job creation.

9074 (2) Loans under the job creation incentive component may be in
9075 amounts from ten thousand dollars to a maximum of [two hundred
9076 fifty] three hundred thousand dollars, shall carry a maximum
9077 repayment rate of four per cent and shall be for a term of not more
9078 than ten years. Payments on such loans may be deferred, and all or
9079 part of such loan may be forgiven, based upon the commissioner's
9080 assessment of the small business's attainment of job creation goals. The
9081 department shall review and approve loan terms, conditions and
9082 collateral requirements in a manner that prioritizes job creation.

9083 (f) (1) There is established as part of the Small Business Express
9084 program a matching grant component to provide grants for capital to
9085 small businesses meeting the eligibility criteria in subsection (a) of this
9086 section. Such small businesses shall match any state funds awarded
9087 under this program. Grant funds may be used for ongoing or new
9088 training, working capital, acquisition or purchase of machinery and
9089 equipment, construction or leasehold improvements, relocation within

9090 the state or other business-related expenses authorized by the
9091 commissioner.

9092 (2) Matching grants provided under the matching grant component
9093 may be in amounts from ten thousand dollars to a maximum of one
9094 hundred thousand dollars. The commissioner shall prioritize
9095 applicants for matching grants based upon the likelihood that such
9096 grants will assist applicants in maintaining job growth.

9097 (g) Not later than June 30, 2012, and every six months thereafter, the
9098 commissioner shall provide a report, in accordance with the provisions
9099 of section 11-4a, to the joint standing committees of the General
9100 Assembly having cognizance of matters relating to finance, revenue
9101 and bonding, appropriations, commerce and labor. Such report shall
9102 include available data on (1) the number of small businesses that
9103 applied to the Small Business Express program, (2) the number of
9104 small businesses that received assistance under said program and the
9105 general categories of such businesses, (3) the amounts and types of
9106 assistance provided, (4) the total number of jobs on the date of
9107 application and the number proposed to be created or retained, and (5)
9108 the most recent employment figures of the small businesses receiving
9109 assistance. The contents of such report shall also be included in the
9110 department's annual report.

9111 Sec. 201. Section 2 of public act 11-1 of the October special session is
9112 repealed and the following is substituted in lieu thereof (*Effective from*
9113 *passage*):

9114 (a) For the purposes described in subsection (b) of this section, the
9115 State Bond Commission shall have the power, from time to time to
9116 authorize the issuance of bonds of the state in one or more series and
9117 in principal amounts not exceeding in the aggregate one hundred
9118 million dollars, provided fifty million dollars of said authorization
9119 shall be effective July 1, 2012.

9120 (b) The proceeds of the sale of said bonds, to the extent of the

9121 amount stated in subsection (a) of this section, shall be used by the
9122 Department of Economic and Community Development for the
9123 purpose of the Small Business Express program established pursuant
9124 to section [1 of this act] 32-7g of the general statutes, as amended by
9125 this act, provided (1) [twenty] ten million dollars of the amount stated
9126 in subsection (a) of this section may be used, in each of fiscal years
9127 2012 and 2013, for the revolving loan fund established pursuant to
9128 subsection (d) of section [1 of this act] 32-7g of the general statutes, as
9129 amended by this act, (2) [ten] twenty million dollars of the amount
9130 stated in subsection (a) of this section may be used, in each of fiscal
9131 years 2012 and 2013, for the job creation incentive component
9132 established pursuant to subsection (e) of section [1 of this act] 32-7g of
9133 the general statutes, as amended by this act, and (3) twenty million
9134 dollars of the amount stated in subsection (a) of this section may be
9135 used, in each of fiscal years 2012 and 2013, for the matching grant
9136 component established pursuant to subsection (f) of section [1 of this
9137 act] 32-7g of the general statutes, as amended by this act. Any time at
9138 which an amount in subdivision (1), (2) or (3) of this subsection is used
9139 for a component of the Small Business Express program other than that
9140 specified in said subdivision (1), (2) or (3), the Commissioner of
9141 Economic and Community Development shall report, in accordance
9142 with the provisions of section 11-4a of the general statutes, to the joint
9143 standing committees of the General Assembly having cognizance of
9144 matters relating to finance, revenue and bonding, commerce and labor,
9145 detailing the amount of the proceeds of the sale of said bonds that was
9146 so used and how such amount was divided among said components.

9147 (c) All provisions of section 3-20 of the general statutes, or the
9148 exercise of any right or power granted thereby, which are not
9149 inconsistent with the provisions of this section are hereby adopted and
9150 shall apply to all bonds authorized by the State Bond Commission
9151 pursuant to this section, and temporary notes in anticipation of the
9152 money to be derived from the sale of any such bonds so authorized
9153 may be issued in accordance with said section 3-20 and from time to
9154 time renewed. Such bonds shall mature at such time or times not

9155 exceeding twenty years from their respective dates as may be provided
9156 in or pursuant to the resolution or resolutions of the State Bond
9157 Commission authorizing such bonds. None of said bonds shall be
9158 authorized except upon a finding by the State Bond Commission that
9159 there has been filed with it a request for such authorization which is
9160 signed by or on behalf of the Secretary of the Office of Policy and
9161 Management and states such terms and conditions as said commission,
9162 in its discretion, may require. Said bonds issued pursuant to this
9163 section shall be general obligations of the state and the full faith and
9164 credit of the state of Connecticut are pledged for the payment of the
9165 principal of and interest on said bonds as the same become due, and
9166 accordingly and as part of the contract of the state with the holders of
9167 said bonds, appropriation of all amounts necessary for punctual
9168 payment of such principal and interest is hereby made, and the State
9169 Treasurer shall pay such principal and interest as the same become
9170 due.

9171 Sec. 202. (NEW) (*Effective from passage*) (a) There is established an
9172 account to be known as the "small business express assistance account"
9173 which will be a separate, nonlapsing account within the General Fund.
9174 The account shall contain any money required by law to be deposited
9175 in the account. Repayment of principal and interest on loans shall be
9176 credited to such fund and shall become part of the assets of the fund.
9177 Moneys in the account shall be expended by the Department of
9178 Economic and Community Development for the purposes of the Small
9179 Business Express program established pursuant to section 32-7g of the
9180 general statutes, as amended by this act. All moneys received for the
9181 purposes of the Small Business Express program and payments of
9182 principal and interest on any loans given under said program shall be
9183 credited to the account.

9184 (b) The Commissioner of Economic and Community Development
9185 may provide for the payment of any administrative expenses or other
9186 costs incurred by the department or its lender partners in carrying out
9187 the purposes of the Small Business Express program not to exceed four

9188 per cent of funding from this program from the account established
9189 pursuant to subsection (a) of this section.

9190 Sec. 203. Section 31-3pp of the 2012 supplement to the general
9191 statutes is repealed and the following is substituted in lieu thereof
9192 (*Effective from passage*):

9193 (a) For purposes of this section:

9194 (1) "Department" means the Labor Department;

9195 (2) "Eligible small business" means a business that (A) employed not
9196 more than **[**fifty**]** one hundred full-time employees on at least fifty per
9197 cent of its working days during the preceding twelve months, (B) **[**is a
9198 Connecticut-based business with**]** has operations in Connecticut, (C)
9199 has been registered to conduct business **[**in this state**]** for not less than
9200 twelve months, and (D) is in good standing with the payment of all
9201 state and local taxes; **[**. "Eligible small business" does not include a
9202 retailer, as defined in section 42-371;**]**

9203 (3) "Control", with respect to a corporation, means ownership,
9204 directly or indirectly, of stock possessing fifty per cent or more of the
9205 total combined voting power of all classes of the stock of such
9206 corporation entitled to vote. "Control", with respect to a trust, means
9207 ownership, directly or indirectly, of fifty per cent or more of the
9208 beneficial interest in the principal or income of such trust. The
9209 ownership of stock in a corporation, of a capital or profits interest in a
9210 partnership, limited liability company or association or of a beneficial
9211 interest in a trust shall be determined in accordance with the rules for
9212 constructive ownership of stock provided in Section 267(c) of the
9213 Internal Revenue Code of 1986, or any subsequent corresponding
9214 internal revenue code of the United States, as from time to time
9215 amended, other than paragraph (3) of said Section 267(c);

9216 (4) "Related person" means (A) a corporation, limited liability
9217 company, partnership, association or trust controlled by the eligible

9218 small business, (B) an individual, corporation, limited liability
9219 company, partnership, association or trust that is in control of the
9220 eligible small business, (C) a corporation, limited liability company,
9221 partnership, association or trust controlled by an individual,
9222 corporation, limited liability company, partnership, association or trust
9223 that is in control of the eligible small business, or (D) a member of the
9224 same controlled group as the eligible small business;

9225 (5) "Eligible small manufacturer" means an eligible small business
9226 described in sectors 31 to 33, inclusive, of the North American Industry
9227 Classification System, that employed not more than [fifty] one
9228 hundred employees on at least fifty per cent of its working days
9229 during the preceding twelve months.

9230 (b) (1) There is established within the Labor Department a
9231 Subsidized Training and Employment program for eligible small
9232 businesses and eligible small manufacturers. Said program shall
9233 provide grants to such businesses and manufacturers to subsidize, for
9234 the first [six months] one hundred eighty calendar days after a person
9235 is hired, a part of the cost of employment, including any costs related
9236 to training. No such business or manufacturer receiving a grant under
9237 this section with respect to a new employee or newly hired person may
9238 receive a second grant under this section with respect to the same new
9239 employee or newly hired person.

9240 (2) [The] At the discretion of the Labor Commissioner, the
9241 department may use up to four per cent of any funds allocated
9242 pursuant to section 5 of public act 11-1 of the October special session,
9243 as amended by this act, for the purpose of retaining outside
9244 consultants [to administer] or the Workforce Investment Boards to
9245 operate the Subsidized Training and Employment program.

9246 (3) In fiscal year 2013, the department may use up to four per cent of
9247 any funds allocated pursuant to section 5 of public act 11-1 of the
9248 October special session, as amended by this act, in said fiscal year for
9249 the purpose of the marketing and operation of the Subsidized Training

9250 and Employment program.

9251 (c) (1) An eligible small business may apply to the department for a
9252 grant to subsidize on-the-job training and compensation for a new
9253 employee, where "new employee" means a person who (A) was
9254 unemployed immediately prior to employment, regardless of whether
9255 such person collected unemployment compensation benefits as a result
9256 of such unemployment, (B) is a resident of a municipality that has (i)
9257 an unemployment rate that is equal to or higher than the state
9258 unemployment rate as of September 1, 2011, or (ii) a population of
9259 eighty thousand or more, and (C) has a family income equal to or less
9260 than two hundred fifty per cent of the federal poverty level, adjusted
9261 for family size. "New employee" does not include a person who was
9262 employed in this state by a related person with respect to the eligible
9263 small business during the prior twelve months or a person employed
9264 on a temporary or seasonal basis by a retailer, as defined in section 42-
9265 371.

9266 (2) Grants to eligible small businesses under the Subsidized
9267 Training and Employment program shall be in the following amounts:
9268 (A) For the first [full calendar month] thirty calendar days a new
9269 employee is employed, one hundred per cent of an amount
9270 representing the hourly wage of such new employee, exclusive of any
9271 benefits, but in no event shall such amount exceed twenty dollars per
9272 hour; (B) for the [second and third full calendar months] thirty-first to
9273 ninetieth, inclusive, calendar days, seventy-five per cent of such
9274 amount; (C) for the [fourth and fifth full calendar months] ninety-first
9275 to one hundred fiftieth, inclusive, calendar days, fifty per cent of such
9276 amount; and (D) for the [sixth full calendar month] one hundred fifty-
9277 first to one hundred eightieth, inclusive, calendar days, twenty-five per
9278 cent of such amount. Grants shall be cancelled as of the date the new
9279 employee leaves employment with the eligible small business.

9280 (d) (1) An eligible small manufacturer may apply to the department
9281 for a grant to be used to train and compensate persons newly hired by

9282 such manufacturer. Any training shall be provided by such
9283 manufacturer, and take place on such manufacturer's premises, but no
9284 existing formal training program shall be required. The [department]
9285 Labor Commissioner, or said commissioner's designee, shall review
9286 and approve such manufacturer's description of the proposed training
9287 as part of the application.

9288 (2) Grants awarded to an eligible small manufacturer pursuant to
9289 this subsection shall subsidize the costs of training and compensating
9290 each person newly hired by such manufacturer. In no event shall a
9291 grant exceed the salary of the newly hired person. Maximum amounts
9292 of each grant are: For the first full calendar month a newly hired
9293 person is employed, up to two thousand five hundred dollars; for the
9294 second month, up to two thousand four hundred dollars; for the third
9295 month, up to two thousand two hundred dollars; for the fourth month,
9296 up to two thousand dollars; for the fifth month, up to one thousand
9297 eight hundred dollars; and for the sixth month, up to one thousand six
9298 hundred dollars. No grant shall exceed a total amount of twelve
9299 thousand five hundred dollars per newly hired person. A grant may be
9300 cancelled as of the date such person leaves employment with the
9301 eligible small manufacturer.

9302 (e) Not later than [June 30, 2012, and every six months] July 15, 2012,
9303 and annually thereafter, and January 15, 2013, and annually thereafter,
9304 the Labor Commissioner shall provide a report, in accordance with the
9305 provisions of section 11-4a, to the joint standing committees of the
9306 General Assembly having cognizance of matters relating to finance,
9307 revenue and bonding, appropriations, commerce and labor. Said
9308 report shall include available data, for the six-month period ending on
9309 the last day of the calendar month preceding such report, on (1) the
9310 number of small businesses that participated in the Subsidized
9311 Training and Employment program established pursuant to subsection
9312 (c) of this section, and the general categories of such businesses, (2) the
9313 number of small manufacturers that participated in the Subsidized
9314 Training and Employment program established pursuant to subsection

9315 (d) of this section, and the general categories of such manufacturers, (3)
9316 the number of individuals that received employment, and (4) the most
9317 recent estimate of the number of jobs created or maintained.

9318 (f) The Labor Commissioner may adopt regulations in accordance
9319 with the provisions of chapter 54 to carry out the provisions of this
9320 section.

9321 Sec. 204. Section 5 of public act 11-1 of the October special session is
9322 repealed and the following is substituted in lieu thereof (*Effective from*
9323 *passage*):

9324 (a) For the purposes described in subsection (b) of this section, the
9325 State Bond Commission shall have the power, from time to time, to
9326 authorize the issuance of bonds of the state in one or more series and
9327 in principal amounts not exceeding in the aggregate twenty million
9328 dollars, provided ten million dollars of said authorization shall be
9329 effective July 1, 2012.

9330 (b) The proceeds of the sale of said bonds, to the extent of the
9331 amount stated in subsection (a) of this section, shall be used by the
9332 Labor Department for the purpose of the Subsidized Training and
9333 Employment program established pursuant to section **[**4 of this act**]** 31-
9334 3pp of the general statutes, as amended by this act, provided (1) **[**five**]**
9335 ten million dollars of the amount stated in subsection (a) of this section
9336 shall be used in **[**each of**]** fiscal years 2012, **[**and**]** 2013 and 2014 for the
9337 small business program established pursuant to **[**subsection (c) of
9338 section 4 of this act**]** section 31-3pp of the general statutes, as amended
9339 by this act, and (2) **[**five**]** ten million dollars of the amount stated in
9340 subsection (a) of this section shall be used in **[**each of**]** fiscal years 2012,
9341 **[**and**]** 2013 and 2014 for the small manufacturer program established
9342 pursuant to **[**subsection (d) of section 4 of this act**]** section 31-3pp of the
9343 general statutes, as amended by this act.

9344 (c) All provisions of section 3-20 of the general statutes, or the
9345 exercise of any right or power granted thereby, which are not

9346 inconsistent with the provisions of this section are hereby adopted and
9347 shall apply to all bonds authorized by the State Bond Commission
9348 pursuant to this section, and temporary notes in anticipation of the
9349 money to be derived from the sale of any such bonds so authorized
9350 may be issued in accordance with said section 3-20 and from time to
9351 time renewed. Such bonds shall mature at such time or times not
9352 exceeding twenty years from their respective dates as may be provided
9353 in or pursuant to the resolution or resolutions of the State Bond
9354 Commission authorizing such bonds. None of said bonds shall be
9355 authorized except upon a finding by the State Bond Commission that
9356 there has been filed with it a request for such authorization which is
9357 signed by or on behalf of the Secretary of the Office of Policy and
9358 Management and states such terms and conditions as said commission,
9359 in its discretion, may require. Said bonds issued pursuant to this
9360 section shall be general obligations of the state and the full faith and
9361 credit of the state of Connecticut are pledged for the payment of the
9362 principal of and interest on said bonds as the same become due, and
9363 accordingly and as part of the contract of the state with the holders of
9364 said bonds, appropriation of all amounts necessary for punctual
9365 payment of such principal and interest is hereby made, and the State
9366 Treasurer shall pay such principal and interest as the same become
9367 due.

9368 Sec. 205. (NEW) (*Effective from passage*) (a) For purposes of this
9369 section:

9370 (1) "Department" means the Labor Department;

9371 (2) "Eligible business" means a business that (A) has operations in
9372 Connecticut, (B) has been registered to conduct business for not less
9373 than twelve months, and (C) is in good standing with the payment of
9374 all state and local taxes;

9375 (3) "Control", with respect to a corporation, means ownership,
9376 directly or indirectly, of stock possessing fifty per cent or more of the
9377 total combined voting power of all classes of the stock of such

9378 corporation entitled to vote. "Control", with respect to a trust, means
9379 ownership, directly or indirectly, of fifty per cent or more of the
9380 beneficial interest in the principal or income of such trust. The
9381 ownership of stock in a corporation, of a capital or profits interest in a
9382 partnership, limited liability company or association or of a beneficial
9383 interest in a trust shall be determined in accordance with the rules for
9384 constructive ownership of stock provided in Section 267(c) of the
9385 Internal Revenue Code of 1986, or any subsequent corresponding
9386 internal revenue code of the United States, as from time to time
9387 amended, other than paragraph (3) of said Section 267(c);

9388 (4) "Related person" means (A) a corporation, limited liability
9389 company, partnership, association or trust controlled by an eligible
9390 business, (B) an individual, corporation, limited liability company,
9391 partnership, association or trust that is in control of an eligible
9392 business, (C) a corporation, limited liability company, partnership,
9393 association or trust controlled by an individual, corporation, limited
9394 liability company, partnership, association or trust that is in control of
9395 an eligible business, or (D) a member of the same controlled group as
9396 an eligible business;

9397 (5) "New employee" means a person who (A) was unemployed prior
9398 to employment with an eligible business, regardless of whether such
9399 person collected unemployment compensation benefits as a result of
9400 such unemployment, (B) was a member of the armed forces and was
9401 called to active service in support of (i) Operation Enduring Freedom,
9402 or (ii) military operations that were authorized by the President of the
9403 United States that entail military action against Iraq, and (C) was
9404 honorably discharged after not less than ninety days of service in an
9405 area designated by the President of the United States by executive
9406 order as a combat zone, as indicated on a military discharge document,
9407 as defined in section 1-219 of the general statutes, unless separated
9408 from service earlier because of a service-connected disability rated by
9409 the Veterans' Administration. "New employee" does not include a
9410 person who was employed in this state by a related person of such

9411 eligible business during any of the twelve months prior to employment
9412 with the eligible business;

9413 (6) "On-the-job training" means training provided by an eligible
9414 business on such business' premise; and

9415 (7) "Armed Forces" means the United States Army, Navy, Marine
9416 Corps, Coast Guard and Air Force and any reserve component thereof,
9417 including a state National Guard performing duty as provided in Title
9418 32 of the United States Code.

9419 (b) (1) There is established within the Labor Department an
9420 Unemployed Armed Forces Member Subsidized Training and
9421 Employment program for eligible businesses. Said program shall
9422 provide grants to eligible businesses to subsidize, for the first one
9423 hundred eighty calendar days after a new employee is hired, part of
9424 the cost of on-the-job training and compensation for such new
9425 employee, in accordance with subsection (c) of this section. No
9426 business receiving a grant under this section with respect to a new
9427 employee may receive a second grant under this section or a grant
9428 under section 31-3pp of the general statutes, as amended by this act,
9429 with respect to the same new employee.

9430 (2) At the discretion of the Labor Commissioner, the department
9431 may use up to four per cent of any funds allocated pursuant to section
9432 206 of this act, for the purpose of retaining outside consultants or the
9433 Workforce Investment Boards to operate the Unemployed Armed
9434 Forces Member Subsidized Training and Employment program.

9435 (3) In fiscal year 2013, the department may use up to four per cent of
9436 any funds allocated pursuant to section 206 of this act in said fiscal
9437 year for the purpose of the marketing and operation of the
9438 Unemployed Armed Forces Member Subsidized Training and
9439 Employment program.

9440 (c) (1) An eligible business may apply to the department for a grant

9441 to subsidize on-the-job training and compensation for a new employee
9442 hired by such business. The Labor Commissioner, or said
9443 commissioner's designee, shall review and approve such business'
9444 description of the proposed on-the-job training as part of the grant
9445 application.

9446 (2) A grant awarded to an eligible business pursuant to this
9447 subsection shall be in the following amount: (A) For the first thirty
9448 calendar days a new employee is employed, one hundred per cent of
9449 the wage of such new employee, exclusive of any benefits, not to
9450 exceed twenty dollars per hour; (B) for the thirty-first to ninetieth,
9451 inclusive, calendar days, seventy-five per cent of such amount; (C) for
9452 the ninety-first to one hundred fiftieth, inclusive, calendar days, fifty
9453 per cent of such amount; and (D) for the one hundred fifty-first to one
9454 hundred eightieth, inclusive, calendar days, twenty-five per cent of
9455 such amount. A grant shall be cancelled as of the date the new
9456 employee leaves employment with the eligible business.

9457 (d) Not later than July 15, 2013, and annually thereafter, and January
9458 15, 2014, and annually thereafter, the Labor Commissioner shall
9459 provide a report, in accordance with the provisions of section 11-4a of
9460 the general statutes, to the joint standing committees of the General
9461 Assembly having cognizance of matters relating to finance, revenue
9462 and bonding, appropriations, commerce, veterans and labor. Said
9463 report shall include available data, for the six-month period ending on
9464 the last day of the calendar month preceding such report, on (1) the
9465 number of businesses that participated in the Unemployed Armed
9466 Forces Member Subsidized Training and Employment program
9467 established pursuant to subsection (b) of this section, and the general
9468 categories of such businesses, and (2) the number of individuals that
9469 received employment under said program.

9470 (e) The Labor Commissioner may adopt regulations in accordance
9471 with the provisions of chapter 54 of the general statutes to carry out
9472 the provisions of this section.

9473 Sec. 206. (NEW) (*Effective July 1, 2012*) (a) For the purposes described
9474 in subsection (b) of this section, the State Bond Commission shall have
9475 the power, from time to time, to authorize the issuance of bonds of the
9476 state in one or more series and in principal amounts not exceeding in
9477 the aggregate ten million dollars, provided five million dollars of said
9478 authorization shall be effective July 1, 2013.

9479 (b) The proceeds of the sale of said bonds, to the extent of the
9480 amount stated in subsection (a) of this section, shall be used by the
9481 Labor Department for the purposes of the Unemployed Armed Forces
9482 Member Subsidized Training and Employment program established
9483 pursuant to section 205 of this act.

9484 (c) All provisions of section 3-20 of the general statutes, or the
9485 exercise of any right or power granted thereby, which are not
9486 inconsistent with the provisions of this section are hereby adopted and
9487 shall apply to all bonds authorized by the State Bond Commission
9488 pursuant to this section, and temporary notes in anticipation of the
9489 money to be derived from the sale of any such bonds so authorized
9490 may be issued in accordance with said section 3-20 and from time to
9491 time renewed. Such bonds shall mature at such time or times not
9492 exceeding twenty years from their respective dates as may be provided
9493 in or pursuant to the resolution or resolutions of the State Bond
9494 Commission authorizing such bonds. None of said bonds shall be
9495 authorized except upon a finding by the State Bond Commission that
9496 there has been filed with it a request for such authorization which is
9497 signed by or on behalf of the Secretary of the Office of Policy and
9498 Management and states such terms and conditions as said commission,
9499 in its discretion, may require. Said bonds issued pursuant to this
9500 section shall be general obligations of the state and the full faith and
9501 credit of the state of Connecticut are pledged for the payment of the
9502 principal of and interest on said bonds as the same become due, and
9503 accordingly and as part of the contract of the state with the holders of
9504 said bonds, appropriation of all amounts necessary for punctual
9505 payment of such principal and interest is hereby made, and the State

9506 Treasurer shall pay such principal and interest as the same become
9507 due.

9508 Sec. 207. (NEW) (*Effective October 1, 2012*) The Commissioner of
9509 Economic and Community Development shall, within available
9510 appropriations, establish and administer a program to promote the
9511 marketing of products produced in Connecticut for the purpose of
9512 encouraging the development of manufacturing and production in the
9513 state. The commissioner may, within available appropriations, provide
9514 a grant-in-aid to any person, firm, partnership or corporation engaged
9515 in the promotion and marketing of such products, provided the words
9516 "CONNECTICUT-MADE" or "CT-Made" are clearly incorporated in
9517 such promotional and marketing activities. The commissioner shall (1)
9518 provide for the design, plan and implementation of a multiyear, state-
9519 wide marketing and advertising campaign, including, but not limited
9520 to, television and radio advertisements, promoting the availability of,
9521 and advantages of purchasing, Connecticut-made products, (2)
9522 establish and continuously update a web site connected with such
9523 advertising campaign that includes, but is not limited to, a
9524 comprehensive listing of Connecticut manufacturers, Connecticut-
9525 made products and Connecticut retailers selling Connecticut-made
9526 products, (3) direct Connecticut manufacturers and producers of
9527 Connecticut-made products in need of assistance to the appropriate
9528 economic development entity or state agency, and (4) conduct efforts
9529 to promote interaction and business relationships between Connecticut
9530 manufacturers and producers of Connecticut-made products and
9531 retailers, marketers, chambers of commerce, regional tourism districts
9532 and other potential institutional purchasers of Connecticut-made
9533 products, including, but not limited to, (A) linking Connecticut
9534 manufacturers and producers of Connecticut-made products with
9535 potential purchasers through a separate feature of the web site
9536 established pursuant to this section, and (B) organizing state-wide or
9537 regional events promoting Connecticut manufacturers and producers
9538 of Connecticut-made products, where such manufacturers, producers
9539 and institutional purchasers are invited to participate. The

9540 commissioner shall use his or her best efforts to solicit cooperation and
9541 participation from Connecticut manufacturers, producers of
9542 Connecticut-made products, retailers, marketers, chambers of
9543 commerce and regional tourism districts in such advertising, Internet-
9544 related and event planning efforts, including, but not limited to,
9545 soliciting private sector matching funds. The commissioner shall
9546 administer this program within available appropriations. On or before
9547 January 1, 2013, and annually thereafter, the commissioner shall report
9548 to the joint standing committee of the General Assembly having
9549 cognizance of matters relating to commerce on issues with respect to
9550 efforts undertaken pursuant to the requirements of this section,
9551 including, but not limited to, the amount of private matching funds
9552 received and expended by the department. The commissioner may
9553 adopt such regulations, in accordance with chapter 54 of the general
9554 statutes, as he or she deems necessary to carry out the purposes of this
9555 section.

9556 Sec. 208. (NEW) (*Effective from passage*) On or before October 1, 2012,
9557 the Commissioner of Economic and Community Development, in
9558 consultation with the Culture and Tourism Advisory Committee, shall
9559 develop a program to designate locations in the state with cultural,
9560 educational or historical significance as "Connecticut Treasures". Such
9561 program shall promote locations designated as Connecticut Treasures
9562 or state-owned and operated museums, and shall integrate existing
9563 programs of the Department of Economic and Community
9564 Development and Culture and Tourism Advisory Committee in the
9565 promotion of such locations to adults and children. Such program shall
9566 include a "Connecticut Treasures Passport", which shall provide free or
9567 reduced admission to locations designated as Connecticut Treasures
9568 and all state-owned and operated museums for children younger than
9569 eighteen years of age who are accompanied by an adult.

9570 Sec. 209. Section 4-66h of the 2012 supplement to the general statutes
9571 is repealed and the following is substituted in lieu thereof (*Effective*
9572 *from passage*):

9573 (a) There is established an account to be known as the "Main Street
9574 Investment Fund account" which shall be a separate, nonlapsing
9575 account within the General Fund. The account shall contain any
9576 moneys required by law to be deposited in the account. Moneys in the
9577 account shall be expended by the Office of Policy and Management for
9578 the purposes of providing grants not to exceed five hundred thousand
9579 dollars to municipalities with populations of not more than thirty
9580 thousand or municipalities eligible for the small town economic
9581 assistance program pursuant to section 4-66g for eligible projects as
9582 defined in subsection (d) of this section. Municipalities shall apply for
9583 such grants in a manner to be determined by the Secretary of the Office
9584 of Policy and Management. Said secretary may contract with a
9585 nonprofit entity to administer the provisions of this section.

9586 (b) In awarding such grants, the secretary shall determine that an
9587 eligible project advances the municipality's approved plan pursuant to
9588 subdivision (2) of subsection (d) of this section. Such advancements
9589 may include, but not be limited to, facade or awning improvements;
9590 sidewalk improvements or construction; street lighting; building
9591 renovations, including mixed use of residential and commercial;
9592 landscaping and development of recreational areas and greenspace;
9593 bicycle paths; and other improvements or renovations deemed by the
9594 secretary to contribute to the economic success of the municipality.

9595 (c) A grant received pursuant to this section shall be used for
9596 improvements to property owned by the municipality, except the
9597 municipality may use a portion of the proceeds of such grant to
9598 provide a one-time reimbursement to owners of commercial private
9599 property for eligible expenditures that directly support and enhance an
9600 eligible project. The maximum allowable reimbursement for such
9601 eligible expenditures to any such owner shall be fifty thousand dollars,
9602 to be provided at the following rates: (1) Expenditures equal to or less
9603 than fifty thousand dollars shall be reimbursed at a rate of fifty per
9604 cent, and (2) any additional expenditures greater than fifty thousand
9605 dollars but less than or equal to one hundred fifty thousand dollars

9606 shall be reimbursed at a rate of twenty-five per cent.

9607 (d) For the purposes of this section:

9608 (1) "Eligible expenditures" include expenses for cosmetic and
9609 structural exterior building improvements, signage, lighting and
9610 landscaping that is visible from the street, including, but not limited to,
9611 exterior painting or surface treatment, decorative awnings, window
9612 and door replacements or modifications, storefront enhancements,
9613 irrigation, streetscape, outdoor patios and decks, exterior wall lighting,
9614 decorative post lighting and architectural features, but do not include
9615 (A) any renovations that are solely the result of ordinary repair and
9616 maintenance, (B) improvements that are required to remedy a health,
9617 housing or safety code violation, or (C) nonpermanent structures,
9618 furnishings, movable equipment or other nonpermanent amenities.
9619 Eligible expenditures also include reasonable administrative expenses
9620 incurred by a nonprofit entity contracted with by the Office of Policy
9621 and Management to implement the provisions of this section.

9622 (2) "Eligible projects" means projects that are part of a plan
9623 previously approved by the governing body of the municipality to
9624 develop or improve town commercial centers to attract small
9625 businesses, promote commercial viability, and improve aesthetics and
9626 pedestrian access.

9627 Sec. 210. Subsection (a) of section 32-4*l* of the 2012 supplement to the
9628 general statutes is repealed and the following is substituted in lieu
9629 thereof (*Effective from passage*):

9630 (a) (1) The Department of Economic and Community Development
9631 shall establish a first five plus program to encourage business
9632 expansion and job creation. As part of said program, the department
9633 may provide substantial financial assistance to up to **[**ten eligible
9634 business development projects in the fiscal year ending June 30, 2012,
9635 and up to five**]** fifteen eligible business development projects **[**in the
9636 fiscal year ending**]** by June 30, 2013.

9637 (2) A business development project eligible for financial assistance
9638 under the first five plus program shall commit, in the manner
9639 prescribed by the Commissioner of Economic and Community
9640 Development, to (A) create not less than two hundred new jobs within
9641 twenty-four months from the date such application is approved; or (B)
9642 invest not less than twenty-five million dollars and create not less than
9643 two hundred new jobs [within] not later than five years [from] after the
9644 date such application is approved.

9645 (3) The Commissioner of Economic and Community Development
9646 may give preference to a business development project that (A)
9647 involves the relocation of an out-of-state or international manufacturer
9648 or corporate headquarters, (B) involves the relocation of jobs that are
9649 outside the United States to the state, or [(B)] (C) is a redevelopment
9650 project if the commissioner believes such redevelopment project will
9651 create jobs sooner than the schedule set forth in subdivision (2) of this
9652 subsection.

9653 (4) The Commissioner of Economic and Community Development
9654 may, in awarding financial assistance to an eligible business
9655 development project, work with [the Connecticut Development
9656 Authority and] Connecticut Innovations, Incorporated, to secure
9657 financing for such project.

9658 (5) The Commissioner of Economic and Community Development
9659 shall certify to the Governor for his or her approval that a business
9660 development project applicant has satisfied all the eligibility criteria in
9661 the program. Financial assistance awarded through the first five plus
9662 program shall be with the written consent of the Governor.

9663 Sec. 211. Subsection (a) of section 32-235 of the 2012 supplement to
9664 the general statutes is repealed and the following is substituted in lieu
9665 thereof (*Effective from passage*):

9666 (a) For the purposes described in subsection (b) of this section, the
9667 State Bond Commission shall have the power, from time to time to

9668 authorize the issuance of bonds of the state in one or more series and
9669 in principal amounts not exceeding in the aggregate one billion fifteen
9670 million three hundred thousand dollars, provided one hundred forty
9671 million dollars of said authorization shall be effective July 1, 2011, and
9672 twenty million dollars of said authorization shall be made available for
9673 small business development. Two hundred eighty million dollars of
9674 said authorization shall be effective July 1, 2012, and forty million
9675 dollars of said authorization shall be made available for small business
9676 development and not more than twenty million dollars of said
9677 authorization may be made available for businesses that commit to
9678 relocating one hundred or more jobs that are outside of the United
9679 States to the state. Any amount of said authorizations that are
9680 [required to be] made available for small business development or
9681 businesses that commit to relocating one hundred or more jobs that are
9682 outside of the United States to the state but are not exhausted for such
9683 purpose by the first day of the fiscal year subsequent to the fiscal year
9684 in which such amount was made available shall be used for the
9685 purposes described in subsection (b) of this section. For purposes of
9686 this subsection, a "small business" is one employing not more than
9687 [fifty] one hundred employees.

9688 Sec. 212. Section 19a-7f of the 2012 supplement to the general
9689 statutes is amended by adding subsection (c) as follows (*Effective from*
9690 *passage*):

9691 (NEW) (c) Not later than October 1, 2012, the Department of Public
9692 Health shall (1) post on its Internet web site its most current policy
9693 regarding vaccine wastage. Such policy shall include a statement of the
9694 factors said department used to determine such policy and shall be
9695 updated as necessary to reflect the most current policy in effect, and (2)
9696 make a form available to health care providers for the purpose of
9697 reporting to said department instances when a health care provider
9698 does not receive a full order of a requested vaccine. Not later than
9699 January 1, 2013, and biannually thereafter, said department shall,
9700 within available resources, track, record and investigate all such

9701 reported instances and shall post aggregate findings of such instances
9702 and the reasons for such findings on said department's Internet web
9703 site.

9704 Sec. 213. Subsections (a) and (b) of section 19a-7f of the 2012
9705 supplement to the general statutes are repealed and the following is
9706 substituted in lieu thereof (*Effective October 1, 2012*):

9707 (a) The Commissioner of Public Health shall determine the standard
9708 of care for immunization for the children of this state. The standard of
9709 care for immunization shall be based on the recommended schedules
9710 for active immunization for normal infants and children published by
9711 the National Centers for Disease Control and Prevention Advisory
9712 Committee on Immunization Practices, the American Academy of
9713 Pediatrics and the American Academy of Family Physicians. The
9714 commissioner shall establish, within available appropriations, an
9715 immunization program which shall: (1) Provide vaccine at no cost to
9716 health care providers in Connecticut to administer to children so that
9717 cost of vaccine will not be a barrier to age-appropriate vaccination in
9718 this state; (2) with the assistance of hospital maternity programs,
9719 provide all parents in this state with the recommended immunization
9720 schedule for normal infants and children, a booklet to record
9721 immunizations at the time of the infant's discharge from the hospital
9722 nursery and a list of sites where immunization may be provided; (3)
9723 inform in a timely manner all health care providers of changes in the
9724 recommended immunization schedule; (4) assist hospitals, local health
9725 providers and local health departments to develop and implement
9726 record-keeping and outreach programs to identify and immunize
9727 those children who have fallen behind the recommended
9728 immunization schedule or who lack access to regular preventative
9729 health care and have the authority to gather such data as may be
9730 needed to evaluate such efforts; (5) assist in the development of a
9731 program to assess the vaccination status of children who are clients of
9732 state and federal programs serving the health and welfare of children
9733 and make provision for vaccination of those who are behind the

9734 recommended immunization schedule; (6) access available state and
9735 federal funds including, but not limited to, any funds available
9736 through the federal Childhood Immunization Reauthorization or any
9737 funds available through the Medicaid program; (7) solicit, receive and
9738 expend funds from any public or private source; and (8) develop and
9739 make available to parents and health care providers public health
9740 educational materials about the benefits of timely immunization.

9741 (b) (1) Commencing October 1, 2011, one group health care provider
9742 located in Bridgeport and one group health care provider located in
9743 New Haven, as identified by the Commissioner of Public Health, and
9744 any health care provider located in Hartford who administers vaccines
9745 to children under the federal Vaccines For Children immunization
9746 program that is operated by the Department of Public Health under
9747 authority of 42 USC 1396s may select under said federal program, and
9748 the department shall provide, any vaccine licensed by the federal Food
9749 and Drug Administration, including any combination vaccine and
9750 dosage form, that is (A) recommended by the National Centers for
9751 Disease Control and Prevention Advisory Committee on
9752 Immunization Practices, and (B) made available to the department by
9753 the National Centers for Disease Control and Prevention.

9754 (2) Not later than June 1, 2012, the Commissioner of Public Health
9755 shall provide an evaluation of the vaccine program established in
9756 subdivision (1) of this subsection to the joint standing committee of the
9757 General Assembly having cognizance of matters relating to public
9758 health. Such evaluation shall include, but not be limited to, an
9759 assessment of the program's impact on child immunization rates, an
9760 assessment of any health or safety risks posed by the program, and
9761 recommendations regarding future expansion of the program.

9762 (3) (A) Provided the evaluation submitted pursuant to subdivision
9763 (2) of this subsection does not indicate a significant reduction in child
9764 immunization rates or an increased risk to the health and safety of
9765 children, commencing [July] October 1, 2012, (i) any health care

9766 provider who administers vaccines to children under the federal
9767 Vaccines For Children immunization program that is operated by the
9768 Department of Public Health under authority of 42 USC 1396s may
9769 select, and the department shall provide, any vaccine licensed by the
9770 federal Food and Drug Administration, including any combination
9771 vaccine and dosage form, that is [(A)] (I) recommended by the
9772 National Centers for Disease Control and Prevention Advisory
9773 Committee on Immunization Practices, and [(B)] (II) made available to
9774 the department by the National Centers for Disease Control and
9775 Prevention, and (ii) any health care provider who administers vaccines
9776 to children may select, and the department shall provide, subject to
9777 inclusion in such program due to available appropriations, any vaccine
9778 licensed by the federal Food and Drug Administration, including any
9779 combination vaccine and dosage form, that is (I) recommended by the
9780 National Centers for Disease Control and Prevention Advisory
9781 Committee on Immunization Practices, (II) made available to the
9782 department by the National Centers for Disease Control and
9783 Prevention, and (III) equivalent, as determined by the commissioner,
9784 to the cost for vaccine series completion of comparable available
9785 licensed vaccines.

9786 (B) Commencing January 1, 2013, (i) any health care provider who
9787 administers vaccines to children under the federal Vaccines For
9788 Children immunization program that is operated by the Department of
9789 Public Health under authority of 42 USC 1396s shall utilize, and the
9790 department shall provide, any vaccine licensed by the federal Food
9791 and Drug Administration, including any combination vaccine and
9792 dosage form, that is (I) recommended by the National Centers for
9793 Disease Control and Prevention Advisory Committee on
9794 Immunization Practices, and (II) made available to the department by
9795 the National Centers for Disease Control and Prevention, and (ii) any
9796 health care provider who administers vaccines to children shall utilize,
9797 and the department shall provide, subject to inclusion in such program
9798 due to available appropriations, any vaccine licensed by the federal
9799 Food and Drug Administration, including any combination vaccine

9800 and dosage form, that is (I) recommended by the National Centers for
9801 Disease Control and Prevention Advisory Committee on
9802 Immunization Practices, (II) made available to the department by the
9803 National Centers for Disease Control and Prevention, and (III)
9804 equivalent, as determined by the commissioner, to the cost for vaccine
9805 series completion of comparable available licensed vaccines.

9806 (C) For purposes of subparagraphs (A)(ii) and (B)(ii) of this
9807 subdivision, "comparable" means a vaccine (i) protects a recipient
9808 against the same infection or infections, (ii) has similar safety and
9809 efficacy profiles, (iii) requires the same number of doses, and (iv) is
9810 recommended for similar populations by the National Centers for
9811 Disease Control and Prevention.

9812 (4) (A) The provisions of this subsection shall not apply in the event
9813 of a public health emergency, as defined in section 19a-131, or an
9814 attack, major disaster, emergency or disaster emergency, as those
9815 terms are defined in section 28-1.

9816 (B) Nothing in this subsection shall require a health care provider to
9817 procure a vaccine from the Department of Public Health when such
9818 provider is directed by said department to procure such vaccine from
9819 another source, including, but not limited to, during a declared
9820 national or state vaccine shortage.

9821 (C) Nothing in this subsection shall require a health care provider to
9822 utilize or administer a vaccine provided by said department if, based
9823 upon such provider's medical judgment, (i) administration of such
9824 vaccine is not medically appropriate, or (ii) the administration of
9825 another vaccine that said department is not authorized to supply
9826 under subdivision (3) of this subsection is more medically appropriate.

9827 (5) No health care provider shall seek or receive remuneration for or
9828 sell any vaccine serum provided by said department under this
9829 section. Nothing in this section shall prohibit a health care provider
9830 from charging or billing for administering a vaccine.

9831 (6) Not later than January 1, 2014, said department shall submit a
9832 report to the General Assembly, in accordance with section 11-4a,
9833 evaluating the effectiveness of implementing expanded vaccine choice
9834 and universal health care provider participation.

9835 Sec. 214. Section 19a-7j of the 2012 supplement to the general
9836 statutes is repealed and the following is substituted in lieu thereof
9837 (*Effective July 1, 2012*):

9838 (a) Not later than September [1, 2003, and] first, annually,
9839 [thereafter,] the Secretary of the Office of Policy and Management, in
9840 consultation with the Commissioner of Public Health, shall (1)
9841 determine the amount appropriated for the following purposes: (A) To
9842 purchase, store and distribute vaccines for routine immunizations
9843 included in the schedule for active immunization required by section
9844 19a-7f, as amended by this act; (B) to purchase, store and distribute (i)
9845 vaccines to prevent hepatitis A and B in persons of all ages, as
9846 recommended by the schedule for immunizations published by the
9847 National Advisory Committee for Immunization Practices, (ii)
9848 antibiotics necessary for the treatment of tuberculosis and biologics
9849 and antibiotics necessary for the detection and treatment of
9850 tuberculosis infections, and (iii) antibiotics to support treatment of
9851 patients in communicable disease control clinics, as defined in section
9852 19a-216a; and (C) to provide services needed to collect up-to-date
9853 information on childhood immunizations for all children enrolled in
9854 Medicaid who reach two years of age during the year preceding the
9855 current fiscal year, to incorporate such information into the childhood
9856 immunization registry, as defined in section 19a-7h, and (2) inform the
9857 Insurance Commissioner of such amount.

9858 (b) (1) As used in this subsection, (A) "health insurance" means
9859 health insurance of the types specified in subdivisions (1), (2), (4), (11)
9860 and (12) of section 38a-469, and (B) "exempt insurer" means a domestic
9861 insurer that administers self-insured health benefit plans and is exempt
9862 from third-party administrator licensure under subparagraph (C) of

9863 subdivision (11) of section 38a-720 and section 38a-720a.

9864 [(b)] (2) (A) Each domestic insurer or health care center doing [life
9865 insurance or] health insurance business in this state shall annually pay
9866 to the Insurance Commissioner, for deposit in the General Fund, a
9867 health and welfare fee assessed by the Insurance Commissioner
9868 pursuant to this section. [Not later than October 1, 2003, and annually
9869 thereafter, the Insurance Commissioner shall determine the fee to be
9870 assessed against each such domestic insurer or health care center for
9871 the next fiscal year. Such fee shall be a percentage of the total amount
9872 appropriated, as identified in subsection (a) of this section, and shall be
9873 calculated on the basis of life insurance premiums and health
9874 insurance premiums and subscriber charges in the same manner as
9875 calculations under section 38a-48. Not later than November 1, 2003,
9876 and annually thereafter, the Insurance Commissioner shall submit a
9877 statement to each such insurer and health care center that includes the
9878 proposed fee for the insurer or health care center calculated in
9879 accordance with this section. As used in this section, "health insurance"
9880 means health insurance, as defined in subdivisions (1) to (13),
9881 inclusive, of section 38a-469.]

9882 (B) Each third-party administrator licensed pursuant to section 38a-
9883 720a that provides administrative services for self-insured health
9884 benefit plans and each exempt insurer shall, on behalf of the self-
9885 insured health benefit plans for which such third-party administrator
9886 or exempt insurer provides administrative services, annually pay to
9887 the Insurance Commissioner, for deposit in the General Fund, a health
9888 and welfare fee assessed by the Insurance Commissioner pursuant to
9889 this section.

9890 (3) Not later than September first, annually, each such insurer,
9891 health care center, third-party administrator and exempt insurer shall
9892 report to the Insurance Commissioner, on a form designated by said
9893 commissioner, the number of insured or enrolled lives in this state as
9894 of May first immediately preceding for which such insurer, health care

9895 center, third-party administrator or exempt insurer is providing health
9896 insurance or administering a self-insured health benefit plan that
9897 provides coverage of the types specified in subdivisions (1), (2), (4),
9898 (11) and (12) of section 38a-469. Such number shall not include lives
9899 enrolled in Medicare, any medical assistance program administered by
9900 the Department of Social Services, workers' compensation insurance or
9901 Medicare Part C plans.

9902 (4) Not later than November first, annually, the Insurance
9903 Commissioner shall determine the fee to be assessed for the current
9904 fiscal year against each such insurer, health care center, third-party
9905 administrator and exempt insurer. Such fee shall be calculated by
9906 multiplying the number of lives reported to said commissioner
9907 pursuant to subdivision (3) of this subsection by a factor, determined
9908 annually by said commissioner as set forth in this subdivision, to fully
9909 fund the amount determined under subsection (a) of this section. The
9910 Insurance Commissioner shall determine the factor by dividing such
9911 amount by the total number of lives reported to said commissioner
9912 pursuant to subdivision (3) of this subsection.

9913 (5) (A) Not later than December first, annually, the Insurance
9914 Commissioner shall submit a statement to each such insurer, health
9915 care center, third-party administrator and exempt insurer that includes
9916 the proposed fee for the insurer, health care center, third-party
9917 administrator or exempt insurer calculated in accordance with this
9918 subsection. Each such insurer, health care center, third-party
9919 administrator and exempt insurer shall pay such fee to the Insurance
9920 Commissioner not later than February first, annually.

9921 **[**(c)**]** (B) Any **[**domestic**]** such insurer, **[**or**]** health care center, third-
9922 party administrator or exempt insurer aggrieved by an assessment
9923 levied under this **[**section**]** subsection may appeal therefrom in the
9924 same manner as provided for appeals under section 38a-52, as
9925 amended by this act.

9926 (6) Any insurer, health care center, third-party administrator or

9927 exempt insurer that fails to file the report required under subdivision
9928 (3) of this subsection shall pay a late filing fee of one hundred dollars
9929 per day for each day from the date such report was due. The Insurance
9930 Commissioner may require an insurer, health care center, third-party
9931 administrator or exempt insurer subject to this subsection to produce
9932 the records in its possession, and may require any other person to
9933 produce the records in such person's possession, that were used to
9934 prepare such report, for said commissioner's or said commissioner's
9935 designee's examination. If said commissioner determines there is other
9936 than a good faith discrepancy between the actual number of insured or
9937 enrolled lives that should have been reported under subdivision (3) of
9938 this subsection and the number actually reported, such insurer, health
9939 care center, third-party administrator or exempt insurer shall pay a
9940 civil penalty of not more than fifteen thousand dollars for each report
9941 filed for which said commissioner determines there is such a
9942 discrepancy.

9943 Sec. 215. Section 38a-52 of the general statutes is repealed and the
9944 following is substituted in lieu thereof (*Effective July 1, 2012*):

9945 Any (1) domestic insurance company or other domestic entity
9946 aggrieved because of any assessment levied under section 38a-48, **[**or
9947 any**]** (2) fraternal benefit society or foreign or alien insurance company
9948 or other entity aggrieved because of any assessment levied under the
9949 provisions of sections 38a-49 to 38a-51, inclusive, or (3) domestic
9950 insurer, health care center, third-party administrator licensed pursuant
9951 to section 38a-320a or exempt insurer, as defined in subdivision (1) of
9952 subsection (b) of section 19a-7j, as amended by this act, aggrieved
9953 because of any assessment levied under said section 19a-7j, may,
9954 within one month from the time provided for the payment of such
9955 assessment, appeal therefrom to the superior court for the judicial
9956 district of New Britain, which appeal shall be accompanied by a
9957 citation to the commissioner to appear before said court. Such citation
9958 shall be signed by the same authority, and such appeal shall be
9959 returnable at the same time and served and returned in the same

9960 manner, as is required in case of a summons in a civil action. The
9961 authority issuing the citation shall take from the appellant a bond or
9962 recognizance to the state, with surety to prosecute the appeal to effect
9963 and to comply with the orders and decrees of the court in the premises.
9964 Such appeals shall be preferred cases, to be heard, unless cause
9965 appears to the contrary, at the first session, by the court or by a
9966 committee appointed by the court. Said court may grant such relief as
9967 may be equitable, and, if such assessment has been paid prior to the
9968 granting of such relief, may order the Treasurer to pay the amount of
9969 such relief, with interest at the rate of six per cent per annum, to the
9970 aggrieved company. If the appeal has been taken without probable
9971 cause, the court may tax double or triple costs, as the case demands;
9972 and, upon all such appeals which may be denied, costs may be taxed
9973 against the appellant at the discretion of the court, but no costs shall be
9974 taxed against the state.

9975 Sec. 216. Section 38a-91nn of the 2012 supplement to the general
9976 statutes, as amended by section 66 of public act 11-1 of the October
9977 special session, is repealed and the following is substituted in lieu
9978 thereof (*Effective July 1, 2012, and applicable to calendar years commencing*
9979 *on or after January 1, 2012*):

9980 (a) Each captive insurance company shall pay to the Commissioner
9981 of Revenue Services, on or before March first of each year, a tax at the
9982 rate of (1) thirty-eight hundredths of one per cent on the first twenty
9983 million dollars, (2) two hundred eighty-five thousandths of one per
9984 cent on the next twenty million dollars, (3) nineteen hundredths of one
9985 per cent on the next twenty million dollars, and (4) seventy-two
9986 thousandths of one per cent on each dollar thereafter, on the direct
9987 premiums collected or contracted for on policies or contracts of
9988 insurance written by the captive insurance company during the year
9989 ending December thirty-first next preceding, after deducting from the
9990 direct premiums subject to the tax the amounts paid to policyholders
9991 as return premiums which shall include dividends on unabsorbed
9992 premiums or premium deposits returned or credited to policyholders,

9993 except that no tax shall be due or payable as to considerations received
9994 for annuity contracts.

9995 (b) Each captive insurance company shall pay to the Commissioner
9996 of Revenue Services, in the month of March of each year, a tax at the
9997 rate of (1) two hundred fourteen thousandths of one per cent on the
9998 first twenty million dollars, (2) one hundred forty-three thousandths of
9999 one per cent on the next twenty million dollars, (3) forty-eight
10000 thousandths of one per cent on the next twenty million dollars, and (4)
10001 twenty-four thousandths of one per cent on each dollar thereafter, on
10002 assumed reinsurance premiums collected or contracted for on policies
10003 or contracts of insurance written by the captive insurance company
10004 during the year ending December thirty-first next preceding, provided
10005 no tax under this subsection shall apply to premiums for risks or
10006 portions of risks that are subject to taxation on a direct basis pursuant
10007 to subsection (a) of this section. No tax under this subsection shall be
10008 payable in connection with the receipt of assets in exchange for the
10009 assumption by a captive insurance company of loss reserves and other
10010 liabilities of another insurer under common ownership and control, if
10011 such transaction is part of a plan to discontinue the operations of such
10012 other insurer and if the intent of the parties to such transaction is to
10013 renew or maintain such business with the captive insurance company.

10014 (c) (1) The annual minimum aggregate tax to be paid by a captive
10015 insurance company, other than a sponsored captive insurance
10016 company, calculated under subsection (a) of this section shall be seven
10017 thousand five hundred dollars, and the annual maximum aggregate
10018 tax calculated under subsections (a) and (b) of this section shall be two
10019 hundred thousand dollars. In the case of a branch captive insurance
10020 company, the annual aggregate tax to be paid by such company shall
10021 apply only to the branch business of such company.

10022 (2) In the case of a sponsored captive insurance company, the
10023 annual minimum aggregate tax to be paid by a sponsored captive
10024 insurance company shall be seven thousand five hundred dollars and

10025 shall apply to such company as a whole and not to each protected cell.
10026 The annual maximum tax to be paid by a sponsored captive insurance
10027 company shall be the aggregate tax liability, calculated under
10028 subsection (a) of this section, of each protected cell.

10029 (d) The provisions of sections 12-204, 12-204d, 12-204g and 12-205 to
10030 12-208, inclusive, shall apply to the provisions of sections 38a-91aa to
10031 38a-91tt, inclusive, in the same manner and with the same force and
10032 effect as if the language of said sections 12-204, 12-204d, 12-204g and
10033 12-205 to 12-208, inclusive, had been incorporated in full into this
10034 section and had expressly referred to the tax due under this section,
10035 except to the extent that any such language is inconsistent with a
10036 provision of said sections 38a-91aa to 38a-91tt, inclusive.

10037 (e) (1) Except as specified in subsection (c) of this section and
10038 subdivision (2) of this subsection, two or more captive insurance
10039 companies under common ownership and control shall be taxed as
10040 though they were a single captive insurance company.

10041 (2) Special purpose financial captive insurance companies shall not
10042 be consolidated with other captive insurance companies that are not
10043 special purpose financial captive insurance companies for purposes of
10044 calculating the tax due under this section.

10045 (f) For the purposes of this section, (1) "common ownership and
10046 control" means ownership and control of two or more captive
10047 insurance companies by the same person or group of persons, and (2)
10048 "ownership and control" means:

10049 (A) In the case of stock insurers, the direct or indirect ownership of
10050 eighty per cent or more of the outstanding voting stock of the insurer;

10051 (B) In the case of mutual or nonprofit corporations, the direct or
10052 indirect ownership of eighty per cent or more of the surplus and the
10053 voting power of the corporation;

10054 (C) In the case of limited liability companies, the direct or indirect

10055 ownership of eighty per cent or more of the membership interests in
10056 the company; and

10057 (D) In the case of sponsored captive insurance companies, a
10058 protected cell shall be treated as a separate captive insurance company
10059 owned and controlled by the protected cell's participants.

10060 (g) (1) The tax provided for in this section shall constitute all taxes
10061 collectible under the laws of this state from any captive insurance
10062 company, and no other occupation tax or other taxes shall be levied or
10063 collected from any captive insurance company by the state or any
10064 county, city or municipality within this state, except sales and use
10065 taxes and ad valorem taxes on real and personal property used in the
10066 production of income.

10067 (2) The tax provided for in this section shall be calculated on an
10068 annual basis, notwithstanding policies or contracts of insurance or
10069 contracts of reinsurance issued on a multiyear basis. In the case of
10070 multiyear policies or contracts, the premium shall be prorated for
10071 purposes of determining the tax under this section.

10072 (3) A captive insurance company may claim a nonrefundable tax
10073 credit of seven thousand five hundred dollars against the aggregate tax
10074 imposed under this section for the first calendar year on or after
10075 January 1, 2012, in which the company has liability under this section.
10076 The Commissioner of Revenue Services shall prescribe the form and
10077 manner in which such tax credit may be claimed.

10078 **[**(h) (1) There is established an account to be known as the "captive
10079 insurance regulatory and supervision account" which shall be a
10080 separate, nonlapsing account within the Insurance Fund established
10081 under section 38a-52a. The account shall contain any moneys required
10082 by law to be deposited in the account. Moneys in the account shall be
10083 expended by the commissioner for the purposes of funding staff
10084 positions and other reasonable expenses related to the regulation of
10085 captive insurance companies.**]**

10086 [(2) (A)] (h) (1) All fees and assessments relating to captive
10087 insurance companies received by the Insurance Department shall be
10088 deposited in the [account] Insurance Fund established pursuant to
10089 section 38a-52a. [(B)] The Comptroller shall transfer annually to [the
10090 account] said fund eleven per cent of the tax collected pursuant to this
10091 section.

10092 [(3)] (2) The Comptroller may transfer from the [account] Insurance
10093 Department's available appropriation, with the approval of the
10094 Secretary of the Office of Policy and Management, an amount
10095 equivalent to not more than two per cent of the tax collected pursuant
10096 to this section, to the Department of Economic and Community
10097 Development for reasonable expenses incurred to promote the captive
10098 insurance industry in this state. The Department of Economic and
10099 Community Development may also utilize the transferred moneys to
10100 collaborate with other entities to promote the captive insurance
10101 industry in this state.

10102 [(4)] (3) No payment for the maintenance of staff or associated
10103 expenses, including contractual services as necessary, shall be
10104 disbursed until the commissioner receives proper documentation
10105 regarding services rendered and expenses incurred. The commissioner
10106 shall establish the form and manner of such documentation.

10107 [(5) Any balance remaining in the account at the end of any fiscal
10108 year shall be carried forward in the account for the fiscal year next
10109 succeeding.]

10110 Sec. 217. Section 38a-91oo of the 2012 supplement to the general
10111 statutes, as amended by section 67 of public act 11-1 of the October
10112 special session, is repealed and the following is substituted in lieu
10113 thereof (*Effective July 1, 2012*):

10114 Unless otherwise provided in sections 38a-91aa to 38a-91tt,
10115 inclusive, no provision of this title shall apply to captive insurance
10116 companies, unless expressly included therein, except for the following:

10117 (1) Sections 38a-8, 38a-16, 38a-17, 38a-54 to 38a-57, inclusive, 38a-59,
10118 38a-69a, [38a-73,] 38a-129 to 38a-140, inclusive, and 38a-250 to 38a-266,
10119 inclusive, and chapter 704c; and (2) section 38a-73, which shall apply
10120 only to captive insurance companies formed as risk retention groups,
10121 as defined in section 38a-91aa.

10122 Sec. 218. Subsections (a) to (c), inclusive, of section 38a-1081 of the
10123 2012 supplement to the general statutes are repealed and the following
10124 is substituted in lieu thereof (*Effective from passage*):

10125 (a) There is hereby created as a body politic and corporate,
10126 constituting a public instrumentality and political subdivision of the
10127 state created for the performance of an essential public and
10128 governmental function, to be known as the Connecticut Health
10129 Insurance Exchange. The Connecticut Health Insurance Exchange shall
10130 not be construed to be a department, institution or agency of the state.
10131 The exchange shall serve both qualified individuals and qualified
10132 employers.

10133 (b) (1) The powers of the exchange shall be vested in and exercised
10134 by a board of directors, which shall consist of [eleven] twelve voting
10135 members. The appointment of the initial board members shall be as
10136 follows:

10137 (A) The Governor shall appoint two board members, one of whom
10138 shall have expertise in the area of individual health insurance coverage
10139 and shall serve for a term of three years and one of whom shall have
10140 expertise in issues relating to small employer health insurance
10141 coverage and shall serve for a term of two years;

10142 (B) The president pro tempore of the Senate shall appoint one board
10143 member who shall have expertise in the area of health care finance and
10144 shall serve for a term of four years;

10145 (C) The speaker of the House of Representatives shall appoint one
10146 board member who shall have expertise in the area of health care

10147 benefits plan administration and shall serve for a term of four years;

10148 (D) The majority leader of the Senate shall appoint one board
10149 member who shall have expertise in the health care delivery systems
10150 and shall serve for a term of two years;

10151 (E) The majority leader of the House of Representatives shall
10152 appoint one board member who shall have expertise in the area of
10153 health care economics and shall serve for a term of [one year] two
10154 years;

10155 (F) The minority leader of the Senate shall appoint one board
10156 member who shall have expertise in health care access issues faced by
10157 self-employed individuals and shall serve for a term of three years;

10158 (G) The minority leader of the House of Representatives shall
10159 appoint one board member who shall have expertise concerning
10160 barriers to individual health care coverage and shall serve for a term of
10161 two years;

10162 (H) The Commissioner of Social Services, the Special Advisor to the
10163 Governor on Healthcare Reform, [and] the Secretary of the Office of
10164 Policy and Management and the Healthcare Advocate, or their
10165 designees, who shall serve as ex-officio voting board members; and

10166 (I) The Insurance Commissioner [,] and the Commissioner of Public
10167 Health, [and the Healthcare Advocate,] or their designees, who shall
10168 serve as ex-officio nonvoting board members.

10169 (2) (A) No [appointee] board member shall be employed by, a
10170 consultant to, a member of the board of directors of, affiliated with or
10171 otherwise a representative of (i) an insurer, (ii) an insurance producer
10172 or broker, (iii) a health care provider, or (iv) a health care facility or
10173 health or medical clinic while serving on the board [or on the staff] of
10174 the exchange. For purposes of this subdivision, "health care provider"
10175 means any person that is licensed in this state, or operates or owns a
10176 facility or institution in this state, to provide health care or health care

10177 professional services in this state, or an officer, employee or agent
10178 thereof acting in the course and scope of such officer's, employee's or
10179 agent's employment.

10180 (B) No board member shall be a member of, a member of the board
10181 of, a consultant to or an employee of a trade association of (i) insurers,
10182 (ii) insurance producers or brokers, (iii) health care providers, or (iv)
10183 health care facilities or health or medical clinics while serving on the
10184 board [or on the staff] of the exchange.

10185 (C) No board member shall be a health care provider unless such
10186 member receives no compensation for rendering services as a health
10187 care provider and does not have an ownership interest in a
10188 professional health care practice.

10189 (c) (1) All initial appointments shall be made not later than July 1,
10190 2011. Following the expiration of such initial terms, subsequent board
10191 [members] member terms shall be for four years. Any vacancy shall be
10192 filled by the appointing authority for the balance of the unexpired
10193 term. If an appointing authority fails to make an initial appointment,
10194 or an appointment to fill a vacancy within ninety days of the date of
10195 such vacancy, the appointed board members may make such
10196 appointment by a majority vote. Any board member previously
10197 appointed to the board or appointed to fill a vacancy may be
10198 reappointed in accordance with this section. Any board member may
10199 be removed for misfeasance, malfeasance or wilful neglect of duty at
10200 the sole direction of the appointing authority.

10201 (2) As a condition of qualifying as a member of the board of
10202 directors, each appointee shall, before entering upon such member's
10203 duties, take and subscribe the oath or affirmation required under
10204 section 1 of article eleventh of the Constitution of the state. A record of
10205 each such oath shall be filed in the office of the Secretary of the State.

10206 (3) Appointed board members may not designate a representative to
10207 perform in their absence their respective duties under sections 38a-

10208 1080 to 38a-1090, inclusive. The Governor shall select a chairperson
10209 from among the board members and the board members shall
10210 annually elect a vice-chairperson. The chairperson shall schedule the
10211 first meeting of the board, which shall be held not later than August 1,
10212 2011. Meetings of the board of directors shall be held at such times as
10213 shall be specified in the bylaws adopted by the board and at such other
10214 time or times as the chairperson deems necessary. Any board member
10215 who fails to attend more than fifty per cent of all meetings held during
10216 any calendar year shall be deemed to have resigned from the board.

10217 (4) **[**Six**]** Seven board members shall constitute a quorum for the
10218 transaction of any business or the exercise of any power of the
10219 exchange. For the transaction of any business or the exercise of any
10220 power of the exchange, the exchange may act by a majority of the
10221 board members present at any meeting at which a quorum is in
10222 attendance. No vacancy in the membership of the board of directors
10223 shall impair the right of such board members to exercise all the rights
10224 and perform all the duties of the board. **[**Any**]** Except as otherwise
10225 provided, any action taken by the board under the provisions of
10226 sections 38a-1080 to 38a-1090, inclusive, may be authorized by
10227 resolution approved by a majority of the board members present at
10228 any regular or special meeting, which resolution shall take effect
10229 immediately unless otherwise provided in the resolution.

10230 (5) Board members shall receive no compensation for their services
10231 but shall receive actual and necessary expenses incurred in the
10232 performance of their official duties.

10233 (6) Subject to the provisions of subdivision (2) of subsection (b) of
10234 this section, board members may engage in private employment or in a
10235 profession or business, subject to any applicable laws, rules and
10236 regulations of the state or federal government regarding official ethics
10237 or conflicts of interest.

10238 (7) Notwithstanding any provision of the general statutes, it shall
10239 not constitute a conflict of interest for a trustee, director, partner or

10240 officer of any person, firm or corporation, or any individual having a
10241 financial interest in a person, firm or corporation, to serve as a board
10242 member of the exchange, provided such trustee, director, partner,
10243 officer or individual shall abstain from deliberation, action or vote by
10244 the exchange in specific request to such person, firm or corporation.

10245 (8) Each board member shall execute a surety bond in the penal sum
10246 of fifty thousand dollars, or, in lieu thereof, the chairperson of the
10247 board shall execute a blanket position bond covering each board
10248 member, the chief executive officer and the employees of the exchange,
10249 each surety bond to be conditioned upon the faithful performance of
10250 the duties of the office or offices covered, to be executed by a surety
10251 company authorized to transact business in this state as surety and to
10252 be approved by the Attorney General and filed in the office of the
10253 Secretary of the State. The cost of each such bond shall be paid by the
10254 exchange.

10255 (9) No board member of the exchange shall, for one year after the
10256 end of such member's service on the board, accept employment with
10257 any health carrier that offers a qualified health benefit plan through
10258 the exchange.

10259 Sec. 219. Subsection (e) of section 38a-1081 of the 2012 supplement
10260 to the general statutes is repealed and the following is substituted in
10261 lieu thereof (*Effective from passage*):

10262 (e) (1) <u>(A) No employee of the exchange shall be employed by, a</u>
10263 <u>consultant to, a member of the board of directors of, affiliated with or</u>
10264 <u>otherwise a representative of (i) an insurer, (ii) an insurance producer</u>
10265 <u>or broker, (iii) a health care provider, or (iv) a health care facility or</u>
10266 <u>health or medical clinic while serving on the staff of the exchange. For</u>
10267 <u>purposes of this subdivision, "health care provider" means any person</u>
10268 <u>that is licensed in this state, or operates or owns a facility or institution</u>
10269 <u>in this state, to provide health care or health care professional services</u>
10270 <u>in this state, or an officer, employee or agent thereof acting in the</u>
10271 <u>course and scope of such officer's, employee's or agent's employment.</u>

10272 (B) No employee of the exchange shall be a member of, a member of
10273 the board of, a consultant to or an employee of a trade association of
10274 [(A)] (i) insurers, [(B)] (ii) insurance producers or brokers, [(C)] (iii)
10275 health care providers, or [(D)] (iv) health care facilities or health or
10276 medical clinics while serving [on the board or] on the staff of the
10277 exchange.

10278 [(2)] (C) No employee of the exchange shall be a health care
10279 provider unless [(A)] (i) (I) such employee receives no compensation
10280 for rendering services as a health care provider, or [(ii)] (II) the chief
10281 executive officer approves the hiring of such provider as an employee
10282 on the basis that such provider fills an area of need of expertise for the
10283 exchange, and [(B)] (ii) such employee does not have an ownership
10284 interest in a professional health care practice.

10285 [(3)] (2) No employee of the exchange shall, for one year after
10286 terminating employment with the exchange, accept employment with
10287 any health carrier that offers a qualified health benefit plan through
10288 the exchange.

10289 [(4)] (3) Any employee of the exchange whose primary purpose is to
10290 assist individuals or small employers in selecting health insurance
10291 plans offered on the exchange to purchase shall be licensed as an
10292 insurance producer under chapter 701a not later than eighteen months
10293 after such employee begins employment with the exchange.

10294 (4) Any employee of the exchange may enroll in a group
10295 hospitalization and medical and surgical insurance plan under
10296 subsection (a) of section 5-259, provided the exchange reimburses the
10297 appropriate state agencies for all costs incurred by such enrollment.

10298 Sec. 220. (*Effective July 1, 2012*) (a) If the chief executive officer of the
10299 Connecticut Health Insurance Exchange, established pursuant to
10300 section 38a-1081 of the general statutes, as amended by this act,
10301 determines that the current expenses of said exchange exceed the
10302 amount of cash available to said exchange and an advance of funds

10303 from federal grants awarded to the exchange is unavailable, the chief
10304 executive officer may make a written request for approval from the
10305 Secretary of the Office of Policy and Management for an advance, not
10306 to exceed five million dollars, from the General Fund to pay such
10307 expenses.

10308 (b) If said secretary approves the request, the Office of Policy and
10309 Management shall notify the Treasurer and the Comptroller of the
10310 advance amount approved and the Comptroller shall draw a warrant
10311 for disbursement of the advance amount approved. Said secretary
10312 shall not approve any advances pursuant to this section (1) until all
10313 prior advances have been repaid, (2) if sufficient federal grant award
10314 funds to repay an advance are unavailable, and (3) after December 31,
10315 2014.

10316 (c) Said exchange shall process draw-downs of federal grant funds
10317 awarded to the exchange as soon as is practicable and shall repay to
10318 the Comptroller the amount advanced not later than seven business
10319 days after the exchange receives such advance. Said exchange and the
10320 Office of Policy and Management shall provide reports regarding any
10321 advances approved as required by the Comptroller.

10322 Sec. 221. Section 10a-19g of the 2012 supplement to the general
10323 statutes is repealed and the following is substituted in lieu thereof
10324 (*Effective July 1, 2012*):

10325 The program established by **[**the Board of Regents for Higher
10326 Education**]** <u>The University of Connecticut</u> to provide grants to assist
10327 residents of this state to pursue degrees in veterinary medicine shall be
10328 known as the Kirklyn M. Kerr grant program.

10329 Sec. 222. Section 10a-19h of the 2012 supplement to the general
10330 statutes is repealed and the following is substituted in lieu thereof
10331 (*Effective July 1, 2012*):

10332 (a) For the purposes of this section, "veterinary student" means an

10333 in-state resident enrolled in an accredited veterinary graduate school.

10334 (b) The president of [the Board of Regents for Higher Education]
10335 The University of Connecticut shall establish and administer the
10336 Kirklyn M. Kerr program to support the veterinary medicine education
10337 of not more than five veterinary students per cohort. Each cohort may
10338 be funded for a four-year period.

10339 Sec. 223. (NEW) (*Effective July 1, 2012*) (a) There is established an
10340 English language learner educator loan reimbursement program to be
10341 administered by the Office of Financial and Academic Affairs for
10342 Higher Education within available appropriations.

10343 (b) Up to twenty persons may be eligible for reimbursement of
10344 federal or state educational loans up to a maximum of five thousand
10345 dollars per person per year for up to five years, provided each such
10346 person, on or after May 1, 2012, (1) (A) graduates from a teacher
10347 preparation program offered by an institution of higher education in
10348 this state and completes teacher certification requirements pursuant to
10349 section 10-145b of the general statutes, or (B) holds a teaching
10350 certificate and completes a program in this state pursuant to which
10351 such person receives an endorsement in teaching English to speakers
10352 of other languages or bilingual education, (2) if such person has not
10353 received an endorsement in teaching English to speakers of other
10354 languages or bilingual education, receives such an endorsement, and
10355 (3) is employed in a teaching position that requires an endorsement in
10356 teaching English to speakers of other languages or bilingual education
10357 at a public school in this state and commits, in writing, to remain
10358 employed in such a position at a public school in this state for at least
10359 five years following such person's receipt of such an endorsement. Any
10360 such person eligible for reimbursement under this section who does
10361 not remain employed in a teaching position that requires an
10362 endorsement in teaching English to speakers of other languages or
10363 bilingual education at a public school in this state for at least five years
10364 after receiving such an endorsement shall repay the cost to the state of

10365 any such reimbursement in accordance with subsection (c) of this
10366 section.

10367 (c) The executive director of the Office of Financial and Academic
10368 Affairs for Higher Education shall treat reimbursement of educational
10369 loans pursuant to this section as loans for any person who does not
10370 remain employed for at least five years in a teaching position that
10371 requires an endorsement in teaching English to speakers of other
10372 languages or bilingual education at a public school in this state. The
10373 executive director shall determine the manner of the repayment of
10374 such reimbursement by persons who do not remain employed in such
10375 a position at a public school in this state for five years, provided, for
10376 each year of such five-year period that the person does not remain
10377 employed in such a position, the person shall owe to the state not less
10378 than twenty per cent of the total amount of such reimbursement.

10379 (d) The Office of Financial and Academic Affairs for Higher
10380 Education may adopt regulations, in accordance with the provisions of
10381 chapter 54 of the general statutes to carry out the provisions of
10382 subsections (a) to (c), inclusive, of this section.

10383 Sec. 224. (*Effective July 1, 2012*) The Labor Commissioner, in
10384 consultation with the Connecticut Employment and Training
10385 Commission, shall develop youth employment strategies to bolster
10386 youth employment and address the unemployment of youth and
10387 young adults, including, but not limited to, educating employers
10388 concerning a tax credit available pursuant to section 12-217pp of the
10389 general statutes, as amended by this act, for a taxpayer who hires a
10390 young adult who qualifies as a new employee under said section. Such
10391 strategies shall reflect the impact of an aging population on the
10392 employment of youth and young adults and the importance of urban
10393 centers as hubs for youth employment. On or before December 31,
10394 2012, the Labor Commissioner shall report, in accordance with the
10395 provisions of section 11-4a of the general statutes, regarding such
10396 strategies to the joint standing committee of the General Assembly

10397 having cognizance of matters relating to higher education and
10398 employment advancement.

10399 Sec. 225. (NEW) (*Effective July 1, 2012*) Each local and regional board
10400 of education, in collaboration with the Board of Regents for Higher
10401 Education and the Board of Trustees for The University of Connecticut,
10402 shall develop a plan to align Connecticut's common core state
10403 standards with college level programs at Connecticut public
10404 institutions of higher education not later than one year after
10405 Connecticut first implements said standards.

10406 Sec. 226. (NEW) (*Effective from passage*) (a) On or before July 1, 2013,
10407 the Department of Education, in collaboration with the Board of
10408 Regents for Higher Education and the Board of Trustees of The
10409 University of Connecticut, shall develop a pilot program to incorporate
10410 Connecticut's common core state standards into the curricula of the
10411 priority school districts, as described in section 10-266p of the general
10412 statutes, and, for the school year commencing July 1, 2013, to the
10413 school year ending June 30, 2018, inclusive, align such curricula with
10414 college level programs offered by the constituent units of the state
10415 system of higher education and the independent institutions of higher
10416 education in this state.

10417 (b) The pilot program shall require the local or regional board of
10418 education for a priority school district to partner with the Board of
10419 Regents for Higher Education on behalf of a regional community-
10420 technical college or a state university, the Board of Trustees for The
10421 University of Connecticut on behalf of the university or the governing
10422 board of an independent institution of higher education on behalf of
10423 such institution to (1) evaluate and align curricula, (2) evaluate
10424 students in grade ten or eleven using a college readiness assessment
10425 developed or adopted by the Department of Education, (3) use the
10426 results of such evaluations to assess college readiness, and (4) offer a
10427 plan of support to any student in grade twelve who is found to be not
10428 ready for college based on such student's results on the college

10429 readiness assessment. Such local or regional board of education shall
10430 annually report such test results and assessments to the Department of
10431 Education, the Board of Regents for Higher Education, the Office of
10432 Financial and Academic Affairs for Higher Education and The
10433 University of Connecticut.

10434 Sec. 227. (*Effective from passage*) (a) Notwithstanding the provisions
10435 of chapter 173 of the general statutes, or any regulation adopted by the
10436 State Board of Education or the Department of Construction Services
10437 under said chapter requiring a completed grant application be
10438 submitted prior to June 30, 2011, and prohibiting reimbursement for
10439 costs associated with the construction of outdoor athletic facilities, a
10440 new construction project for Bowen Field in New Haven with costs not
10441 to exceed eleven million dollars shall be included in subdivision (1) of
10442 section 1 of public act 12-179, provided a complete grant application is
10443 submitted prior to June 30, 2013. Such building project shall be eligible
10444 for a reimbursement rate of sixty-eight and ninety-three-hundredths
10445 per cent.

10446 (b) Notwithstanding the provisions of chapter 173 of the general
10447 statutes or any regulation adopted under said chapter, the town of
10448 New Haven is authorized to illuminate the athletic fields at Bowen
10449 Field in an amount not to exceed six hundred thousand dollars and
10450 shall be subsequently eligible for school construction grant assistance
10451 provided a completed grant application is submitted to the
10452 Department of Construction Services prior to June 30, 2013. The full
10453 cost of the illumination project shall be deemed eligible costs for the
10454 purpose of grant calculation. The grant for construction assistance
10455 shall be calculated using the same rate of reimbursement as assigned
10456 to school building projects for the town of New Haven.

10457 Sec. 228. (*Effective from passage*) Notwithstanding the provisions of
10458 section 10-286 of the general statutes or any regulations adopted by the
10459 State Board of Education or the Department of Construction Services
10460 pursuant to said section 10-286 concerning the calculation of grants

10461 using the state standard space specifications, the town of Brooklyn
10462 shall be exempt from the state standard space specifications for the
10463 purpose of the calculation of the grant for the extension and alteration
10464 project at the Brooklyn Middle School (Project Number 019-0027 EA).

10465 Sec. 229. (*Effective from passage*) (a) Notwithstanding the provisions
10466 of section 10-283 of the general statutes or any regulation adopted by
10467 the State Board of Education or the Department of Construction
10468 Services pursuant to said section 10-283 concerning ineligible costs and
10469 subsection (d) of section 10-286 of the general statutes or any
10470 regulation adopted by the State Board of Education or Department of
10471 Construction Services requiring that all change orders or other change
10472 directives issued for such project on or after July 1, 2011, shall be
10473 submitted not later than six months after the date of such issuance, the
10474 town of Manchester may submit change orders relating to the
10475 installation of an off-site chiller system for air conditioning for the
10476 project at the Elisabeth M. Bennet Academy (Project Number 077-0209
10477 PS/EA) and shall be eligible to receive reimbursement for costs
10478 associated with such change orders, provided such change orders have
10479 been approved by the Department of Construction Services' bureau of
10480 school facilities and provided further the town of Manchester can
10481 ensure that there will be no other connections to such off-site chiller
10482 system by anyone other than Elisabeth M. Bennet Academy.

10483 (b) Notwithstanding the provisions of section 10-292 of the general
10484 statutes or any regulation adopted by the State Board of Education or
10485 Department of Construction Services requiring that a bid not be let out
10486 until plans and specifications have been approved by the Department
10487 of Construction Services' bureau of school facilities, the town of
10488 Manchester may let out for bid on and commence the construction
10489 project described in subsection (a) of this section at Elisabeth M.
10490 Bennet Academy and shall be eligible to receive reimbursement,
10491 provided plans and specifications have been approved by the
10492 Department of Construction Services' bureau of school facilities.

10493 Sec. 230. (*Effective from passage*) Notwithstanding the provisions of
10494 section 10-283 of the general statutes or any regulation adopted by the
10495 State Board of Education or the Department of Construction Services
10496 pursuant to said section 10-283 concerning ineligible costs and section
10497 10-287 of the general statutes or any regulation adopted by the State
10498 Board of Education or the Department of Construction Services
10499 pursuant to said section requiring a competitive bidding process for
10500 orders and contracts for school building construction receiving state
10501 assistance under chapter 173 of the general statutes, the town of
10502 Wethersfield shall be eligible to receive reimbursement for costs
10503 associated with architect fees for an extension and alteration project at
10504 Wethersfield High School, provided such project meets all other
10505 provisions of said chapter 173 or any regulation adopted by the State
10506 Board of Education or the Department of Construction Services.

10507 Sec. 231. Subsection (a) of section 10-19o of the general statutes is
10508 repealed and the following is substituted in lieu thereof (*Effective from*
10509 *passage*):

10510 (a) The Commissioner of Education shall establish a program to
10511 provide grants to youth service bureaus in accordance with this
10512 section. Only youth service bureaus which were eligible to receive
10513 grants pursuant to this section for the fiscal year ending June 30, 2007,
10514 or which applied for a grant by June 30, **[**2007**]** 2012, with prior
10515 approval of the town's contribution pursuant to subsection (b) of this
10516 section, shall be eligible for a grant pursuant to this section for any
10517 fiscal year commencing on or after July 1, **[**2007**]** 2012. Each such youth
10518 service bureau shall receive a grant of fourteen thousand dollars. The
10519 Department of Education may expend an amount not to exceed two
10520 per cent of the amount appropriated for purposes of this section for
10521 administrative expenses. If there are any remaining funds, each such
10522 youth service bureau that was awarded a grant in excess of fifteen
10523 thousand dollars in the fiscal year ending June 30, 1995, shall receive a
10524 percentage of such funds. The percentage shall be determined as
10525 follows: For each such grant in excess of fifteen thousand dollars, the

10526 difference between the amount of the grant awarded to the youth
10527 service bureau for the fiscal year ending June 30, 1995, and fifteen
10528 thousand dollars shall be divided by the difference between the total
10529 amount of the grants awarded to all youth service bureaus that were
10530 awarded grants in excess of fifteen thousand dollars for said fiscal year
10531 and the product of fifteen thousand dollars and the number of such
10532 grants for said fiscal year.

10533 Sec. 232. (*Effective July 1, 2012*) (a) For the fiscal year ending June 30,
10534 2013, the Department of Education shall establish a coordinated school
10535 health pilot program to provide grants to two educational reform
10536 districts, as defined in section 34 of public act 12-116, as selected by the
10537 Commissioner of Education, for coordinating school health, education
10538 and wellness and reducing childhood obesity. Such coordinated school
10539 health pilot program shall (1) enhance student health, promote
10540 academic achievement and reduce childhood obesity by bringing
10541 together school administrators, teachers, other school staff, students,
10542 families and community members to assess health needs, set priorities
10543 and plan, implement and evaluate school health activities, and (2)
10544 include, but not be limited to, the following components: School
10545 nutrition services, physical education, a healthy school environment,
10546 staff health and wellness, family and community involvement, health
10547 education and services, school counseling and school psychological
10548 and social services.

10549 (b) The commissioner shall (1) establish guidelines for the
10550 implementation of the coordinated school health pilot program for use
10551 by the local or regional board of education for selected educational
10552 reform districts, (2) provide technical assistance and resources to the
10553 local or regional board of education for such selected educational
10554 reform districts for the implementation of such coordinated school
10555 health pilot program, and (3) not later than October 1, 2013, submit a
10556 final report on the implementation of such coordinated school health
10557 pilot program to the Governor and the joint standing committees of the
10558 General Assembly having cognizance of matters relating to education

10559 and appropriations and the budgets of state agencies, in accordance
10560 with the provisions of section 11-4a of the general statutes.

10561 Sec. 233. (NEW) (*Effective July 1, 2012*) The Commissioner of
10562 Education shall, within available appropriations, establish a
10563 wraparound services grant program that awards grants to educational
10564 reform districts, as defined in section 34 of public act 12-116, for social-
10565 emotional behavioral supports, family involvement and support,
10566 student engagement, physical health and wellness, and social work
10567 and case management. The local or regional board of education for an
10568 educational reform district may apply to the commissioner for a grant
10569 under this section at such time and in such manner as the
10570 commissioner prescribes.

10571 Sec. 234. (*Effective July 1, 2012*) For the fiscal year ending June 30,
10572 2013, the Department of Education shall establish a parent university
10573 pilot program to provide grants to two educational reform districts, as
10574 defined in section 34 of public act 12-116, as selected by the
10575 Commissioner of Education, for the establishment of a parent
10576 university in such selected educational reform districts. Each parent
10577 university established under this section shall provide district-wide
10578 educational opportunities for parents and educational opportunities
10579 for parents of students enrolled in certain schools and who reside in
10580 certain neighborhoods. The local or regional board of education for an
10581 educational reform district or a nonprofit organization partnering with
10582 such board of education may apply to the commissioner for a grant
10583 under this section at such time and in such manner as the
10584 commissioner prescribes. The department may accept private
10585 donations for purposes of the parent university pilot program,
10586 provided such donations shall in no way limit the scope of parent
10587 university pilot program grants pursuant to this section.

10588 Sec. 235. (NEW) (*Effective July 1, 2012*) The Commissioner of
10589 Education shall, within available appropriations, establish an
10590 educational reform district science grant program that awards grants

10591 to educational reform districts, as defined in section 34 of public act 12-
10592 116, for the purpose of improving student academic performance in
10593 science, reading and numeracy in kindergarten to grade eight,
10594 inclusive. The local or regional board of education for an educational
10595 reform district may apply to the commissioner for a grant under this
10596 section at such time and in such manner as the commissioner
10597 prescribes. In awarding such grants, the commissioner shall give
10598 priority to (1) applicant programs that partner with schools that have a
10599 record of low academic performance in science, and (2) applicant after-
10600 school elementary science programs that have a record of improving
10601 student academic performance in science.

10602 Sec. 236. Subsection (g) of section 10-16mm of the 2012 supplement
10603 to the general statutes is repealed and the following is substituted in
10604 lieu thereof (*Effective from passage*):

10605 (g) (1) Not later than **[**July 1, 2012**]** January 15, 2013, the task force
10606 shall submit the master plan described in subsection (a) of this section
10607 to the joint standing committee of the General Assembly having
10608 cognizance of matters relating to education, in accordance with the
10609 provisions of section 11-4a, and the Interagency Council for Ending the
10610 Achievement Gap described in section 10-16nn.

10611 (2) Not later than **[**January**]** July 1, 2013, and annually thereafter
10612 until January 1, 2020, the task force shall submit progress reports on
10613 the implementation of the master plan described in subsection (a) of
10614 this section and recommendations for implementing said master plan
10615 to the joint standing committee of the General Assembly having
10616 cognizance of matters relating to education, in accordance with the
10617 provisions of section 11-4a.

10618 Sec. 237. Section 10-65 of the 2012 supplement to the general
10619 statutes, as amended by section 64 of public act 12-116, is amended by
10620 adding subsection (g) as follows (*Effective July 1, 2012*):

10621 (NEW) (g) Notwithstanding the provisions of sections 10-51 and 10-

10622 222, for the fiscal year ending June 30, 2013, any amount received by a
10623 local or regional board of education pursuant to subdivision (2) of
10624 subsection (a) of this section that exceeds the amount appropriated for
10625 education by the municipality or the amount in the budget approved
10626 by such regional board of education for purposes of said subdivision
10627 (2) of subsection (a) of this section, shall be available for use by such
10628 local or regional board of education, provided such excess amount is
10629 spent in accordance with the provisions of subdivision (2) of
10630 subsection (a) of this section.

10631 Sec. 238. (*Effective July 1, 2012*) The sum of $27,000 appropriated in
10632 section 67 of public act 11-61, as amended by section 1 of public act 12-
10633 104, to the Department of Education, Other Expenses, shall be
10634 transferred to The University of Connecticut, Operating Expenses, for
10635 the Cooperative Extension Service at The University of Connecticut to
10636 coordinate the FoodCorps in Connecticut for the fiscal year ending
10637 June 30, 2013.

10638 Sec. 239. (*Effective July 1, 2012*) (a) For the fiscal year ending June 30,
10639 2013, the Commissioner of Education shall establish a school
10640 nutritional rating system pilot grant program to be implemented in
10641 school districts selected by the commissioner for the school years
10642 commencing July 1, 2012, and July 1, 2013. Such school nutritional
10643 rating system pilot grant program shall provide grants of up to fifty
10644 thousand dollars to eligible applicants, as described in subsection (b) of
10645 this section, selected by the commissioner, in accordance with the
10646 provisions of subsection (c) of this section, to adopt and implement a
10647 nutritional rating system to be used in at least one elementary school,
10648 one middle school and one high school in the school district that (1)
10649 provides information on the nutritional value of food provided to
10650 students in the school cafeteria to guide student food choices at school,
10651 and (2) assists local and regional boards of education in food service
10652 decisions relating to the procurement of food for schools. An eligible
10653 applicant receiving a grant under this section shall monitor and report
10654 to the commissioner on whether the development or adoption of such

10655 nutritional rating system has effected student food-purchasing
10656 patterns.

10657 (b) An eligible applicant may apply to the commissioner for a grant
10658 under this section at such time and in such manner as the
10659 commissioner prescribes. For purposes of this section, an "eligible
10660 applicant" means a local or regional board of education submitting an
10661 application on its own or a group of boards of education submitting an
10662 application together that has at least one elementary school, one
10663 middle school and one high school located in the school district or
10664 districts.

10665 (c) The commissioner shall select at least three applications, but not
10666 more than five applications, submitted by eligible applicants pursuant
10667 to subsection (b) of this section, provided the commissioner selects at
10668 least one eligible applicant, with a total resident student population
10669 that is less than one thousand students, one eligible applicant, with a
10670 total resident student population that is equal to or greater than one
10671 thousand, but less than ten thousand, and one eligible applicant, with
10672 a total resident student population that is equal to or greater than ten
10673 thousand.

10674 (d) The commissioner may accept private donations for purposes of
10675 the school nutritional rating system pilot grant program, provided
10676 such donations shall in no way limit the scope of school nutritional
10677 rating system pilot program grants pursuant to this section.

10678 (e) Not later than October 1, 2014, the commissioner shall submit a
10679 report assessing the school nutritional rating system pilot grant
10680 program to the joint standing committee of the General Assembly
10681 having cognizance of matters relating to education, in accordance with
10682 the provisions of section 11-4a of the general statutes. Such report shall
10683 include any recommendations relating to the expansion of such school
10684 nutritional rating system pilot grant program. The commissioner shall
10685 consult with the food service directors for the school districts
10686 participating in the school nutritional rating system pilot grant

10687 program in the development of such report and recommendations.

10688 Sec. 240. (*Effective July 1, 2012*) Not later than July 1, 2013, the
10689 Commissioner of Education shall submit a report and
10690 recommendations relating to the establishment of a state-wide
10691 procurement guide, that contains nutritional rating information for
10692 food items most commonly procured by boards of education, for use
10693 by local and regional boards of education to the joint standing
10694 committee of the General Assembly having cognizance of matters
10695 relating to education, in accordance with the provisions of section 11-
10696 4a of the general statutes. The commissioner shall consult with food
10697 service directors for school districts throughout the state in the
10698 development of such report and recommendations.

10699 Sec. 241. Subsection (c) of section 29-7b of the general statutes is
10700 repealed and the following is substituted in lieu thereof (*Effective from*
10701 *passage*):

10702 (c) The Division of Scientific Services: (1) May investigate any
10703 physical evidence or evidentiary material related to a crime upon the
10704 request of any federal, state or local agency, (2) may conduct or assist
10705 in the scientific field investigation at the scene of a crime and provide
10706 other technical assistance and training in the various fields of scientific
10707 criminal investigation upon request, (3) shall assure the safe custody of
10708 evidence during examination, (4) shall forward a written report of the
10709 results of an examination of evidence to the agency submitting such
10710 evidence, (5) shall render expert court testimony when requested, and
10711 (6) shall conduct ongoing research in the areas of the forensic sciences.
10712 The Commissioner of Emergency Services and Public Protection or a
10713 **[**deputy commissioner**]** <u>director</u> designated by the commissioner shall
10714 be in charge of the Division of Scientific Services operations and shall
10715 establish and maintain a system of case priorities and a procedure for
10716 submission of evidence and evidentiary security. <u>The director of the</u>
10717 <u>Division of Scientific Services shall be in the unclassified service and</u>
10718 <u>shall serve at the pleasure of the commissioner.</u>

10719 Sec. 242. Subsection (a) of section 28-24 of the 2012 supplement to
10720 the general statutes is repealed and the following is substituted in lieu
10721 thereof (*Effective July 1, 2012*):

10722 (a) There is established an Office of State-Wide Emergency
10723 Telecommunications which shall be within the Department of
10724 Emergency Services and Public Protection. The Office of State-Wide
10725 Emergency Telecommunications shall be responsible for developing
10726 and maintaining a state-wide emergency service telecommunications
10727 policy. In connection with said policy, the office shall:

10728 (1) Develop a state-wide emergency service telecommunications
10729 plan specifying emergency police, fire and medical service
10730 telecommunications systems needed to provide coordinated
10731 emergency service telecommunications to all state residents, including
10732 the physically disabled;

10733 (2) Pursuant to the recommendations of the task force established by
10734 public act 95-318 to study enhanced 9-1-1 telecommunications services,
10735 and in accordance with regulations adopted by the Commissioner of
10736 Emergency Services and Public Protection pursuant to subsection (b)
10737 of this section, develop and administer, by July 1, 1997, an enhanced
10738 emergency 9-1-1 program, which shall provide for: (A) The
10739 replacement of existing 9-1-1 terminal equipment for each public safety
10740 answering point; (B) the subsidization of regional public safety
10741 emergency telecommunications centers, with enhanced subsidization
10742 for municipalities with a population in excess of forty thousand; (C)
10743 the establishment of a transition grant program to encourage
10744 regionalization of public safety telecommunications centers; and (D)
10745 the establishment of a regional emergency telecommunications service
10746 credit in order to support regional dispatch services;

10747 (3) Provide technical telecommunications assistance to state and
10748 local police, fire and emergency medical service agencies;

10749 (4) Provide frequency coordination for such agencies;

10750 (5) Coordinate and assist in state-wide planning for 9-1-1 and E 9-1-
10751 1 systems;

10752 (6) Review and make recommendations concerning proposed
10753 legislation affecting emergency service telecommunications; [and]

10754 (7) Review and make recommendations to the General Assembly
10755 concerning emergency service telecommunications funding; and

10756 (8) On or before January first of each year, prepare the annual
10757 budget for the use of funds from the Enhanced 9-1-1
10758 Telecommunications Fund and submit such budget to the Secretary of
10759 the Office of Policy and Management for the secretary's review and
10760 approval. On or before January fifteenth of each year, said secretary
10761 shall submit a report concerning the proposed use of such funds to the
10762 joint standing committees of the General Assembly having cognizance
10763 of matters relating to appropriations and the budgets of state agencies,
10764 finance, revenue and bonding, and public safety in accordance with
10765 the provisions of section 11-4a.

10766 Sec. 243. (*Effective from passage*) Notwithstanding the provisions of
10767 section 3-125a of the general statutes, the first amendment to the
10768 settlement agreement between the state of Connecticut and the
10769 Mashantucket Pequot Tribe and the first amendment to the settlement
10770 agreement between the state of Connecticut and the Mohegan Tribe of
10771 Indians of Connecticut, concerning the calculation of the revenue due
10772 the state under the slot machine agreements between the state and said
10773 tribes, submitted by the Governor to the General Assembly on April
10774 23, 2012, for approval pursuant to section 3-6c of the general statutes,
10775 are approved.

10776 Sec. 244. Section 29-4 of the 2012 supplement to the general statutes
10777 is repealed and the following is substituted in lieu thereof (*Effective*
10778 *from passage*):

10779 [The] (a) On and after the effective date of this section and until July

10780 1, 2013, the Commissioner of Emergency Services and Public
10781 Protection shall appoint and maintain a [minimum of one thousand
10782 two hundred forty-eight] sufficient number of sworn state police
10783 personnel to efficiently maintain the operation of the [division]
10784 Division of State Police as determined by the commissioner in the
10785 commissioner's judgment. On and after July 1, 2013, the commissioner
10786 shall appoint and maintain a sufficient number of sworn state police
10787 personnel to efficiently maintain the operation of the division as
10788 determined by the commissioner in accordance with the recommended
10789 standards developed pursuant to subsection (f) of this section.

10790 (b) On or before February first of each odd-numbered year, the
10791 commissioner shall submit a report to the joint standing committees of
10792 the General Assembly having cognizance of matters relating to public
10793 safety and appropriations and the budgets of state agencies, in
10794 accordance with section 11-4a, providing an assessment of the number
10795 of sworn state police personnel necessary to perform division
10796 operations for the biennium beginning July first of that year. If such
10797 report recommends a staffing level of less than one thousand two
10798 hundred forty-eight sworn state police personnel, the commissioner
10799 shall include in such report an assessment of the impact to public
10800 safety and any potential negative impact specifically attributable to
10801 such deviation in staffing level.

10802 (c) The commissioner shall appoint from among [such] sworn state
10803 police personnel not more than three lieutenant colonels who shall be
10804 in the unclassified service as provided in section 5-198, as amended by
10805 this act. Any permanent employee in the classified service who accepts
10806 appointment to the position of lieutenant colonel in the unclassified
10807 service may return to the classified service at such employee's former
10808 rank. The commissioner shall appoint not more than twelve majors
10809 who shall be in the classified service. The position of major in the
10810 unclassified service shall be abolished on July 1, 2011. Any permanent
10811 employee in the classified service who accepts appointment to the
10812 position of major in the unclassified service prior to July 1, 2011, may

10813 return to the classified service at such permanent employee's former
10814 rank. The commissioner, subject to the provisions of chapter 67, shall
10815 appoint such numbers of captains, lieutenants, sergeants, detectives
10816 and corporals as the commissioner deems necessary to officer
10817 efficiently the state police force.

10818 (d) The commissioner shall establish such divisions as the
10819 commissioner deems necessary for effective operation of the state
10820 police force and consistent with budgetary allotments, a Criminal
10821 Intelligence Division and a state-wide organized crime investigative
10822 task force to be engaged throughout the state for the purpose of
10823 preventing and detecting any violation of the criminal law. The head
10824 of the Criminal Intelligence Division shall be of the rank of sergeant or
10825 above. The head of the state-wide organized crime investigative task
10826 force shall be a police officer.

10827 (e) Salaries of the members of the Division of State Police within the
10828 Department of Emergency Services and Public Protection shall be fixed
10829 by the Commissioner of Administrative Services as provided in section
10830 4-40. State police personnel may be promoted, demoted, suspended or
10831 removed by the commissioner, but no final dismissal from the service
10832 shall be ordered until a hearing has been had before said commissioner
10833 on charges preferred against such officer. Each state police officer shall,
10834 before entering upon such officer's duties, be sworn to the faithful
10835 performance of such duties. The Commissioner of Emergency Services
10836 and Public Protection shall designate an adequate patrol force for
10837 motor patrol work exclusively.

10838 (f) The Legislative Program Review and Investigations Committee
10839 shall conduct a study to develop recommended standards for use by
10840 the Commissioner of Emergency Services and Public Protection in
10841 determining the commissioner's proposed level of staffing for the
10842 Division of State Police for purposes of the biennial budget. The
10843 committee, in developing such recommended standards, shall consider
10844 the following: Technological improvements, federal mandates and

10845 funding, statistical data on rates and types of criminal activity, staffing
10846 of patrol positions, staffing of positions within the division and
10847 department that do not require the exercise of police powers, changes
10848 in municipal police policy and staffing and such other criteria as the
10849 committee deems relevant. On or before January 9, 2013, the
10850 committee shall report such recommended standards to the joint
10851 standing committee of the General Assembly having cognizance of
10852 matters relating to public safety and shall forward a copy thereof to the
10853 Commissioner of Emergency Services and Public Protection.

10854 Sec. 245. Section 29-22 of the general statutes is repealed and the
10855 following is substituted in lieu thereof (*Effective from passage*):

10856 The Commissioner of Emergency Services and Public Protection is
10857 authorized to recruit, train and organize a volunteer police auxiliary
10858 force for the purpose of providing emergency services throughout the
10859 state for peacetime or wartime emergencies or threatened emergencies
10860 and for augmenting the state police force in such manner as the
10861 Commissioner of Emergency Services and Public Protection may deem
10862 appropriate. Such volunteer police auxiliary force shall at all times be
10863 under the direction of said commissioner and subject to the rules and
10864 regulations of the Division of State Police within the Department of
10865 Emergency Services and Public Protection. The total membership of
10866 the auxiliary force shall not exceed in number twice the **[**authorized
10867 strength prescribed in section 29-4 for the state police, and such**]**
10868 number of sworn state police personnel appointed pursuant to section
10869 29-4, as amended by this act. Such auxiliary force may be equipped
10870 with uniforms prescribed by the commissioner and delegated special
10871 police powers for specific emergency police duties. The commissioner
10872 may, within available appropriations, provide subsistence and
10873 maintenance to the volunteer police auxiliary force when called to
10874 duty. In the event of participation in emergency services, the members
10875 of the volunteer police auxiliary force shall have the same immunities
10876 and privileges as apply to the organized militia and to the regular
10877 members of the Division of State Police. All members of the volunteer

10878 police auxiliary force shall be compensated for death, disability or
10879 injury incurred while in training for or on auxiliary state police duty
10880 under the provisions of this section as follows: (1) Employees of the
10881 state, municipalities or political subdivisions of the state who are
10882 members of the volunteer police auxiliary force and for whom such
10883 compensation is provided by any provision of existing law shall be
10884 construed to be acting within the scope of their employment while in
10885 training for or engaged in auxiliary state police duty and shall be
10886 compensated in accordance with the provisions of chapter 568 and
10887 sections 5-142 and 5-144. (2) Any persons who are engaged in regular
10888 employment apart and separate from their duties as members of the
10889 volunteer police auxiliary force and for whom such compensation is
10890 not so provided shall, while in training for or engaged in duties under
10891 the provisions of this section, be construed to be employees of the state
10892 for the purpose of chapter 568 and sections 5-142 and 5-144, and shall
10893 be compensated by the state in accordance with the provisions of said
10894 chapter and sections.

10895 Sec. 246. Subsection (a) of section 29-1s of the 2012 supplement to
10896 the general statutes is repealed and the following is substituted in lieu
10897 thereof (*Effective from passage*):

10898 (a) (1) Wherever the term "Department of Public Safety" is used in
10899 the following general statutes, the term "Department of Emergency
10900 Services and Public Protection" shall be substituted in lieu thereof; and
10901 (2) wherever the term "Commissioner of Public Safety" is used in the
10902 following general statutes, the term "Commissioner of Emergency
10903 Services and Public Protection" shall be substituted in lieu thereof: 1-
10904 24, 1-84b, 1-217, 2-90b, 3-2b, 4-68m, 4a-2a, 4a-18, 4a-67d, 4b-1, 4b-130, 5-
10905 142, 5-146, 5-149, 5-150, 5-169, 5-173, 5-192f, 5-192t, 5-246, 6-32g, 7-169,
10906 7-285, 7-294f to 7-294h, inclusive, 7-294*l*, 7-294n, 7-294y, 7-425, 9-7a, 10-
10907 233h, 12-562, 12-564a, 12-586f, 12-586g, 13a-123, 13b-69, 13b-376, 14-10,
10908 14-64, 14-67j, 14-67m, 14-67w, 14-103, 14-108a, 14-138, 14-152, 14-163c,
10909 14-211a, 14-212a, <u>as amended by this act,</u> 14-212f, 14-219c, 14-227a, 14-
10910 227c, 14-267a, 14-270c to 14-270f, inclusive, 14-283, 14-291, 14-298, 14-

10911 315, 15-98, 15-140r, 15-140u, 16-256g, 16a-103, 17a-105a, 17a-106a, 17a-
10912 500, 17b-90, 17b-137, 17b-192, 17b-225, 17b-279, 17b-490, 18-87k, 19a-
10913 112a, 19a-112f, 19a-179b, 19a-409, 19a-904, 20-12c, 20-327b, 21a-36, 21a-
10914 283, 22a-2, 23-8b, 23-18, 26-5, 26-67b, 27-19a, 27-107, 28-25b, 28-27, 28-
10915 27a, 28-30a, 29-1c, 29-1e to 29-1h, inclusive, 29-1q, 29-1zz, 29-2, 29-2a,
10916 29-2b, 29-3a, **[**29-3b,**]** 29-4a, 29-6a, 29-7, 29-7b, as amended by this act,
10917 29-7c, 29-7h, 29-7m, 29-7n, 29-8, 29-9, 29-10, 29-10a, 29-10c, 29-11, 29-12,
10918 29-17a, 29-17b, 29-17c, 29-18 to 29-23a, inclusive, as amended by this
10919 act, 29-25, 29-26, 29-28, 29-28a, 29-30 to 29-32, inclusive, 29-32b, 29-33,
10920 29-36f to 29-36i, inclusive, 29-36k, 29-36m, 29-36n, 29-37a, 29-37f, 29-
10921 38b, 29-38e, 29-38f, 29-108b, 29-143i, 29-143j, 29-145 to 29-151, inclusive,
10922 29-152f to 29-152j, inclusive, 29-152m, 29-152o, 29-152u, 29-153, 29-
10923 155d, 29-156a, 29-161g to 29-161i, inclusive, 29-161k to 29-161m,
10924 inclusive, 29-161o to 29-161t, inclusive, 29-161v to 29-161z, inclusive,
10925 29-163, 29-164g, 29-166, 29-176 to 29-179, inclusive, 29-179f to 29-179h,
10926 31-275, 38a-18, 38a-356, 45a-63, 46a-4b, 46a-170, 46b-15a, 46b-38d, 46b-
10927 38f, 51-5c, 51-10c, 51-51o, 51-277a, 52-11, 53-39a, 53-134, 53-199, 53-202,
10928 53-202b, 53-202c, 53-202g, 53-202*l*, 53-202n, 53-202o, 53-278c, 53-341b,
10929 53a-3, 53a-30, 53a-54b, 53a-130, 53a-130a, 54-1f, 54-1*l*, 54-36e, 54-36i, 54-
10930 36n, 54-47aa, 54-63c, 54-76*l*, 54-86k, 54-102g to 54-102j, inclusive, 54-
10931 102m, 54-102pp, 54-142j, 54-222a, 54-240, 54-240m, 54-250 to 54-258,
10932 inclusive, 54-259a, 54-260b, and 54-300.

10933 Sec. 247. Subsection (a) of section 29-1s of the 2012 supplement to
10934 the general statutes, as amended by section 246 of this act and section
10935 24 of public act 12-81, is repealed and the following is substituted in
10936 lieu thereof (*Effective July 1, 2012*):

10937 (a) (1) Wherever the term "Department of Public Safety" is used in
10938 the following general statutes, the term "Department of Emergency
10939 Services and Public Protection" shall be substituted in lieu thereof; and
10940 (2) wherever the term "Commissioner of Public Safety" is used in the
10941 following general statutes, the term "Commissioner of Emergency
10942 Services and Public Protection" shall be substituted in lieu thereof: 1-
10943 24, 1-84b, 1-217, 2-90b, 3-2b, 4-68m, 4a-2a, 4a-18, 4a-67d, 4b-1, 4b-130, 5-

10944 142, 5-146, 5-149, 5-150, 5-169, 5-173, 5-192f, 5-192t, 5-246, 6-32g, 7-169,
10945 7-285, 7-294f to 7-294h, inclusive, 7-294*l*, 7-294n, 7-294y, 7-425, 9-7a, 10-
10946 233h, 12-562, 12-564a, 12-586f, 12-586g, 13a-123, 13b-69, 13b-376, 14-10,
10947 14-64, 14-67m, 14-67w, 14-103, 14-108a, 14-138, 14-152, 14-163c, 14-211a,
10948 14-212a, 14-212f, 14-219c, 14-227a, 14-227c, 14-267a, 14-270c to 14-270f,
10949 inclusive, 14-283, 14-291, 14-298, 14-315, 15-98, 15-140r, 15-140u, 16-
10950 256g, 16a-103, 17a-105a, 17a-106a, 17a-500, 17b-90, 17b-137, 17b-192,
10951 17b-225, 17b-279, 17b-490, 18-87k, 19a-112a, as amended by this act,
10952 19a-112f, 19a-179b, 19a-409, 19a-904, 20-12c, 20-327b, 21a-36, 21a-283,
10953 22a-2, 23-8b, 23-18, 26-5, 26-67b, 27-19a, 27-107, 28-25b, 28-27, 28-27a,
10954 28-30a, 29-1c, 29-1e to 29-1h, inclusive, 29-1q, 29-1zz, 29-2, 29-2a, 29-2b,
10955 29-3a, **[**29-3b,**]** 29-4a, 29-6a, 29-7, 29-7b, as amended by this act, 29-7c,
10956 29-7h, 29-7m, 29-7n, 29-8, 29-9, 29-10, 29-10a, 29-10c, 29-11, 29-12, 29-
10957 17a, 29-17b, 29-17c, 29-18 to 29-23a, inclusive, as amended by this act,
10958 29-25, 29-26, 29-28, 29-28a, 29-30 to 29-32, inclusive, 29-32b, 29-33, 29-
10959 36f to 29-36i, inclusive, 29-36k, 29-36m, 29-36n, 29-37a, 29-37f, 29-38b,
10960 29-38e, 29-38f, 29-108b, 29-143i, 29-143j, 29-145 to 29-151, inclusive, 29-
10961 152f to 29-152j, inclusive, 29-152m, 29-152o, 29-152u, 29-153, 29-155d,
10962 29-156a, 29-161g to 29-161i, inclusive, 29-161k to 29-161m, inclusive, 29-
10963 161o to 29-161t, inclusive, 29-161v to 29-161z, inclusive, 29-163, 29-
10964 164g, 29-166, 29-176 to 29-179, inclusive, 29-179f to 29-179h, 31-275,
10965 38a-18, 38a-356, 45a-63, 46a-4b, 46a-170, 46b-15a, 46b-38d, 46b-38f, 51-
10966 5c, 51-10c, 51-51o, 51-277a, 52-11, 53-39a, 53-134, 53-199, 53-202, 53-
10967 202b, 53-202c, 53-202g, 53-202*l*, 53-202n, 53-202o, 53-278c, 53-341b, 53a-
10968 3, 53a-30, 53a-54b, 53a-130, 53a-130a, 54-1f, 54-1*l*, 54-36e, 54-36i, 54-36n,
10969 54-47aa, 54-63c, 54-76*l*, 54-86k, 54-102g to 54-102j, inclusive, 54-102m,
10970 54-102pp, 54-142j, 54-222a, 54-240, 54-240m, 54-250 to 54-258, inclusive,
10971 54-259a, 54-260b, and 54-300.

10972 Sec. 248. Subsection (a) of section 29-1s of the 2012 supplement to
10973 the general statutes, as amended by section 246 of this act, section 24 of
10974 public act 12-81 and section 192 of public act 12-80, is repealed and the
10975 following is substituted in lieu thereof (*Effective October 1, 2012*):

10976 (a) (1) Wherever the term "Department of Public Safety" is used in

10977 the following general statutes, the term "Department of Emergency
10978 Services and Public Protection" shall be substituted in lieu thereof; and
10979 (2) wherever the term "Commissioner of Public Safety" is used in the
10980 following general statutes, the term "Commissioner of Emergency
10981 Services and Public Protection" shall be substituted in lieu thereof: 1-
10982 24, 1-84b, 1-217, 2-90b, 3-2b, 4-68m, 4a-2a, 4a-18, 4a-67d, 4b-1, 4b-130, 5-
10983 142, 5-146, 5-149, 5-150, 5-169, 5-173, 5-192f, 5-192t, 5-246, 6-32g, 7-169,
10984 7-285, 7-294f to 7-294h, inclusive, 7-294*l*, 7-294n, 7-294y, 7-425, 9-7a, 10-
10985 233h, 12-562, 12-564a, 12-586f, 12-586g, 13a-123, 13b-69, 13b-376, 14-10,
10986 14-64, 14-67m, 14-67w, 14-103, 14-108a, 14-138, 14-152, 14-163c, 14-211a,
10987 14-212a, 14-212f, 14-219c, 14-227a, 14-227c, 14-267a, 14-270c to 14-270f,
10988 inclusive, 14-283, 14-291, 14-298, 14-315, 15-98, 15-140r, 15-140u, 16-
10989 256g, 16a-103, 17a-105a, 17a-106a, 17a-500, 17b-90, 17b-137, 17b-192,
10990 17b-225, 17b-279, 17b-490, 18-87k, 19a-112a, as amended by this act,
10991 19a-112f, 19a-179b, 19a-409, 19a-904, 20-12c, 20-327b, 21a-36, 21a-283,
10992 22a-2, 23-8b, 23-18, 26-5, 26-67b, 27-19a, 27-107, 28-25b, 28-27, 28-27a,
10993 28-30a, 29-1c, 29-1e to 29-1h, inclusive, 29-1q, 29-1zz, 29-2, 29-2a, 29-2b,
10994 29-3a, **[**29-3b,**]** 29-4a, 29-6a, 29-7, 29-7b, as amended by this act, 29-7c,
10995 29-7h, 29-7m, 29-7n, 29-8, 29-10, 29-10a, 29-10c, 29-11, 29-12, 29-17a, 29-
10996 17b, 29-17c, 29-18 to 29-23a, inclusive, as amended by this act, 29-25,
10997 29-26, 29-28, 29-28a, 29-30 to 29-32, inclusive, 29-32b, 29-33, 29-36f to
10998 29-36i, inclusive, 29-36k, 29-36m, 29-36n, 29-37a, 29-37f, 29-38b, 29-38e,
10999 29-38f, 29-108b, 29-143i, 29-143j, 29-145 to 29-151, inclusive, 29-152f to
11000 29-152j, inclusive, 29-152m, 29-152o, 29-152u, 29-153, 29-155d, 29-156a,
11001 29-161g to 29-161i, inclusive, 29-161k to 29-161m, inclusive, 29-161o to
11002 29-161t, inclusive, 29-161v to 29-161z, inclusive, 29-163, 29-164g, 29-
11003 166, 29-176 to 29-179, inclusive, 29-179f to 29-179h, 31-275, 38a-18, 38a-
11004 356, 45a-63, 46a-4b, 46a-170, 46b-15a, 46b-38d, 46b-38f, 51-5c, 51-10c,
11005 51-51o, 51-277a, 52-11, 53-39a, 53-134, 53-199, 53-202, 53-202b, 53-202c,
11006 53-202g, 53-202*l*, 53-202n, 53-202o, 53-278c, 53-341b, 53a-3, 53a-30, 53a-
11007 54b, 53a-130, 53a-130a, 54-1f, 54-1*l*, 54-36e, 54-36i, 54-36n, 54-47aa, 54-
11008 63c, 54-76*l*, 54-86k, 54-102g to 54-102j, inclusive, 54-102m, 54-102pp, 54-
11009 142j, 54-222a, 54-240, 54-240m, 54-250 to 54-258, inclusive, 54-259a, 54-
11010 260b, and 54-300.

11011 Sec. 249. (NEW) (*Effective July 1, 2012*) (a) The Department of
11012 Administrative Services shall enter into a memorandum of
11013 understanding with each state agency for which the department
11014 provides the following services: (1) Personnel, (2) payroll, (3)
11015 affirmative action, and (4) business office functions, establishing said
11016 department's and such agency's responsibilities regarding the services
11017 provided. Said department and each such agency shall enter into such
11018 a memorandum of understanding not later than October 1, 2012, or
11019 three months after the department begins providing such services to
11020 such agency, whichever is later.

11021 (b) Not later than October 1, 2012, or three months after the
11022 Department of Administrative Services begins providing services to a
11023 state agency, whichever is later, the department shall submit a report
11024 on the status of each memorandum entered into pursuant to
11025 subsection (a) of this section to the joint standing committee of the
11026 General Assembly having cognizance of matters relating to
11027 appropriations and the budgets of state agencies through the Office of
11028 Fiscal Analysis in accordance with the provisions of section 11-4a of
11029 the general statutes.

11030 Sec. 250. Subsection (c) of section 4-98 of the general statutes is
11031 repealed and the following is substituted in lieu thereof (*Effective July*
11032 *1, 2012*):

11033 (c) Notwithstanding the provisions of subsection (a) or (b) of this
11034 section, the Comptroller may allow budgeted agencies to use
11035 purchasing cards for purchases **[**of ten thousand dollars or less.**]** <u>not</u>
11036 <u>exceeding two hundred fifty thousand dollars, unless such agency</u>
11037 <u>receives written approval from the Comptroller and the Commissioner</u>
11038 <u>of Administrative Services to exceed such amount.</u> No budgeted
11039 agency, or any official, employee or agent of a budgeted agency, shall
11040 incur any obligation using such a card, except in accordance with
11041 procedures established by the Comptroller.

11042 Sec. 251. Section 22a-233a of the general statutes is repealed and the

11043 following is substituted in lieu thereof (*Effective July 1, 2012*):

11044 Notwithstanding any other provision of the general statutes, any
11045 cost of testing a resources recovery facility or any other activity eligible
11046 for payment shall be paid **[**from the General Fund and shall not be
11047 paid**]** by the owner of the facility, **[**provided such owner shall pay**]**
11048 including any cost associated with: (1) Continuous meteorological and
11049 emissions monitoring of the facility required pursuant to section 22a-
11050 193 including the proportionate share, as determined by the
11051 Commissioner of Energy and Environmental Protection, of the
11052 telemetry costs incurred by the Department of Energy and
11053 Environmental Protection, (2) testing conducted as part of a
11054 performance test required as a condition for the approval by the
11055 commissioner of any initial permit to operate including, but not
11056 limited to, stack testing of dioxin and furan emissions and residue
11057 testing, but not including ambient air and ambient environmental
11058 monitoring for dioxin, (3) testing conducted as part of a performance
11059 test in conjunction with any modification of a facility which requires
11060 the approval of the commissioner of a new or amended construction or
11061 operating permit, and (4) special testing necessary to demonstrate
11062 compliance with any permit issued for the facility if the commissioner
11063 has reason to believe that the facility does not comply with such
11064 permit.

11065 Sec. 252. Section 22a-449a of the general statutes is repealed and the
11066 following is substituted in lieu thereof (*Effective from passage*):

11067 As used in this section and sections 22a-449c to 22a-449m, inclusive,
11068 as amended by this act, **[**and**]** 22a-449p, as amended by this act, and
11069 sections 262 to 264, inclusive, of this act:

11070 (1) "Petroleum" means crude oil, crude oil fractions and refined
11071 petroleum fractions, including gasoline, kerosene, heating oils and
11072 diesel fuels;

11073 (2) "Release" means any spilling, leaking, pumping, pouring,

11074 emitting, emptying, discharging, injecting, escaping, leaching,
11075 dumping or disposing of petroleum from any underground storage
11076 tank or underground storage tank system;

11077 (3) "Responsible party" means (A) for an application or request for
11078 payment or reimbursement received by the [board] commissioner
11079 before July 1, 2005, or for a determination made by the [board]
11080 commissioner before July 1, 2005, regarding a person's status as a
11081 responsible party or a third party with respect to a specific release or
11082 suspected release, any person who owns or operates an underground
11083 storage tank or underground storage tank system from which a release
11084 or suspected release emanates, (B) for an application or request for
11085 payment or reimbursement received by the [board] commissioner on
11086 or after July 1, 2005, any person who (i) at any time owns, leases, uses
11087 or has an interest in the real property on which an underground
11088 storage tank system is or was located from which there is or has been a
11089 release or suspected release, regardless of when the release or
11090 suspected release occurred, or whether such person owned, leased,
11091 used or had an interest in the real property at the time the release or
11092 suspected release occurred, or whether such person owned, operated,
11093 leased or used the underground storage tank system from which the
11094 release or suspected release occurred, (ii) at any time owns, leases,
11095 operates, uses, or has an interest in an underground storage tank
11096 system from which there is or has been a release or suspected release,
11097 regardless of when the release or suspected release occurred or
11098 whether such person owned, leased, operated, used or had an interest
11099 in the underground storage tank system at the time the release or
11100 suspected release occurred, or (iii) is affiliated with a person described
11101 in clause (i) or (ii) of this subparagraph through a direct or indirect
11102 familial relationship or any contractual, corporate or financial
11103 relationship;

11104 (4) "Underground storage tank" means a tank or combination of
11105 tanks, including underground pipes connected thereto, used to contain
11106 an accumulation of petroleum, whose volume is ten per cent or more

11107 beneath the surface of the ground, including the volume of
11108 underground pipes connected thereto;

11109 (5) "Underground storage tank system" means an underground
11110 storage tank and any associated ancillary equipment and containment
11111 system;

11112 (6) "Residential underground heating oil storage tank system"
11113 means (A) an underground storage tank system used in connection
11114 with residential real property composed of four residential units or
11115 fewer, or (B) a storage tank system and any associated ancillary
11116 equipment used in connection with residential real property composed
11117 of four residential units or fewer; **[**and**]**

11118 (7) "Person" means any individual, firm, partnership, association,
11119 syndicate, company, trust, corporation, limited liability company,
11120 municipality, agency or political or administrative subdivision of the
11121 state, or other legal entity of any kind; **[**.**]**

11122 (8) "Municipal applicant" means an applicant that is a town, city or
11123 borough, whether consolidated or unconsolidated;

11124 (9) "Small station applicant" means an applicant who owned,
11125 operated, leased, used, or had an interest in, at the time such
11126 applicant's first application was received by the underground storage
11127 tank petroleum clean-up program, five or fewer separate parcels of
11128 real property, within or outside of the state, on which an underground
11129 storage tank system was or had been previously located;

11130 (10) "Mid-size station applicant" means an applicant who owned,
11131 operated, leased, used, or had an interest in, at the time such
11132 applicant's first application was received by the underground storage
11133 tank petroleum clean-up program, six to ninety-nine separate parcels
11134 of real property, within or outside of the state, on which an
11135 underground storage tank system was or had been previously located;

11136 (11) "Large station applicant" means an applicant who owned,

11137 operated, leased, used, or had an interest in, at the time such
11138 applicant's first application was received by the underground storage
11139 tank petroleum clean-up program, one hundred or more separate
11140 parcels of real property, within or outside of the state, on which an
11141 underground storage tank system was or had been previously located;

11142 (12) "Other applicant" means an applicant who is not a municipal
11143 applicant or a small, mid-size or large station applicant;

11144 (13) "Applicant" means any person who has filed an application;

11145 (14) "Application" means any request or application for payment or
11146 reimbursement, including, but not limited to, any supplemental
11147 application, from the underground storage tank petroleum clean-up
11148 program established pursuant to section 22a-449c, as amended by this
11149 act;

11150 (15) "Affiliate" or "a person affiliated" means a person that directly
11151 or indirectly through one or more intermediaries owns or controls, is
11152 owned or controlled by, or is under common control with an applicant;

11153 (16) "Control", "controlling", "controlled by" or "under common
11154 control with" means the possession, directly or indirectly, of the power
11155 to direct or cause the direction of the management or the policies of a
11156 person, whether through the ownership of voting securities, by
11157 contract or otherwise. For the purposes of this definition, the beneficial
11158 ownership of ten per cent or more of the voting stock of a corporation
11159 creates a presumption of control; and

11160 (17) "Commissioner" means the Commissioner of Energy and
11161 Environmental Protection or the commissioner's designee.

11162 Sec. 253. Section 22a-449c of the general statutes is repealed and the
11163 following is substituted in lieu thereof (*Effective from passage*):

11164 (a) (1) There is established an underground storage tank petroleum
11165 clean-up program administered by the commissioner. The Department

11166 of Energy and Environmental Protection shall constitute a successor
11167 department to the Underground Storage Tank Petroleum Clean-Up
11168 Review Board in the manner provided for departments, institutions
11169 and agencies under the provisions of sections 4-38d, 4-38e and 4-39.
11170 Any application received by, filed with or submitted to the board,
11171 pursuant to sections 22a-449a to 22a-449p, inclusive, as amended by
11172 this act, prior to the effective date of this section, shall be deemed to
11173 have been received by, filed with or submitted to the commissioner on
11174 the date such application was received by, filed with or submitted to
11175 the board. Any approval, determination or decision of the board prior
11176 to the effective date of this section, regarding an application pursuant
11177 to sections 22a-449a to 22a-449p, inclusive, as amended by this act,
11178 shall be deemed to have been made by the commissioner.

11179 (2) The program shall provide money for reimbursement or
11180 payment pursuant to [section 22a-449f] this section, sections 22a-449d
11181 to 22a-449i, inclusive, as amended by this act, section 22a-449p, as
11182 amended by this act, and sections 262 and 264 of this act, within
11183 available appropriations, to responsible parties or parties supplying
11184 goods or services, for costs, expenses and other obligations paid or
11185 incurred, as the case may be, as a result of releases, and suspected
11186 releases, costs of investigation and remediation of releases and
11187 suspected releases, and for claims by a person other than a responsible
11188 party for bodily injury, property damage and damage to natural
11189 resources that have been finally adjudicated or settled with the prior
11190 written consent of the [board] commissioner. The commissioner may
11191 also make payment to an assignee who is in the business of receiving
11192 assignments of amounts approved by the [board] commissioner, but
11193 not yet paid from the [account] program, provided the party making
11194 any such assignment, using a form approved by the commissioner,
11195 directs the commissioner to pay such assignee, that no cost of any
11196 assignment shall be borne by the state and that the state and its
11197 agencies shall not bear any liability with respect to any such
11198 assignment.

11199 (3) Notwithstanding the provisions of this section regarding
11200 reimbursements of parties pursuant to section 22a-449f, as amended by
11201 this act, and regulations adopted pursuant to section 22a-449e, as
11202 amended by this act, and regardless of when an application for
11203 payment or reimbursement from the program may have been
11204 submitted to the [board,] commissioner, no payment or reimbursement
11205 shall be made [in accordance with the following: (A) After June 1, 2004,
11206 no payment or reimbursement shall be made for] to any person: (A)
11207 For any costs, expenses and other obligations paid or incurred for
11208 remediation, including any monitoring to determine the effectiveness
11209 of the remediation, of a release to levels more stringent than or beyond
11210 those specified in the remediation standards established pursuant to
11211 section 22a-133k, except to the extent the applicant demonstrates that it
11212 has been directed otherwise, in writing, by the commissioner; (B) [after
11213 June 1, 2005, no payment or reimbursement shall be made to any
11214 person] for diminution in property value or interest; [, provided that
11215 reimbursement for interest accrued on attorneys' fees may be
11216 permitted if an application seeking interest accrued on attorneys' fees
11217 was submitted to the commissioner on or before March 31, 2003, and
11218 such application has been tabled by the board for three or more years;]
11219 and (C) [after June 1, 2005, no payment or reimbursement shall be
11220 made] for attorneys' fees or other costs of legal representation paid or
11221 incurred as a result of a release or suspected release (i) in excess of five
11222 thousand dollars to any responsible party, (ii) in excess of ten
11223 thousand dollars to any person other than a responsible party, and (iii)
11224 by a responsible party regarding the defense of claims brought by
11225 another person, except that applications for reimbursement filed on or
11226 before June 30, 2005, shall not be subject to the limitations for
11227 reimbursement imposed by clauses (i) and (ii) of this subparagraph. In
11228 addition, notwithstanding the provisions of this section regarding
11229 reimbursements of parties pursuant to section 22a-449f, as amended by
11230 this act, the responsible party shall bear all costs of the release that are
11231 less than ten thousand dollars and all persons shall bear all costs of the
11232 release that are more than one million dollars, except that for any such

11233 release which was reported to the department prior to December 31,
11234 1987, and for which more than five hundred thousand dollars has been
11235 expended by the responsible party to remediate such release prior to
11236 June 19, 1991, the responsible party for the release shall bear all costs of
11237 such release which are less than ten thousand dollars or more than five
11238 million dollars, provided the portion of any reimbursement or
11239 payment in excess of three million dollars may, at the discretion of the
11240 commissioner, be made in annual payments for up to a five-year
11241 period.

11242 (b) (1) If an initial application or request for payment or
11243 reimbursement is received by the [board] commissioner before July 1,
11244 2005, no supplemental application or request for payment or
11245 reimbursement shall be submitted [to the board] on or after October 1,
11246 2009, regarding costs, expenses or other obligations paid or incurred in
11247 response to the release or suspected release noted in any such initial
11248 application or request for payment or reimbursement. The provisions
11249 of this subdivision shall apply regardless of whether the cost, expense
11250 or other obligation was paid or incurred by an applicant before
11251 October 1, 2009, and no reimbursement or payment from the [account]
11252 program shall be ordered [by the board] or made by the commissioner
11253 regarding any such supplemental application or request for payment
11254 or reimbursement received [by the board] on or after the October 1,
11255 2009, deadline established in this subdivision.

11256 (2) If an initial application or request for payment or reimbursement
11257 is received by the [board] commissioner on or after July 1, 2005, no
11258 supplemental application or request for payment or reimbursement
11259 shall be submitted [to the board] more than five years after the date
11260 that the initial application or request for payment or reimbursement
11261 was received by the [board] commissioner, regarding costs, expenses
11262 or other obligations paid or incurred in response to the release or
11263 suspected release noted in such initial application or request for
11264 payment or reimbursement. The provisions of this subdivision shall
11265 apply regardless of whether a cost, expense or other obligation was

11266 paid or incurred by an applicant before the expiration of the five-year
11267 deadline established in this subdivision and no reimbursement or
11268 payment from the [account] program shall be ordered [by the board]
11269 or made by the commissioner regarding any such supplemental
11270 application or request for payment or reimbursement received by the
11271 [board] commissioner after the five-year deadline established in this
11272 subdivision.

11273 (3) Notwithstanding the provisions of subsection (i) of section 22a-
11274 449f, as amended by this act, if the commissioner has not ordered
11275 payment or reimbursement on an application or request for payment
11276 or reimbursement [is not brought before the board for a decision not
11277 later than] within six months after having [been] received [by the
11278 board] such application, provided such application is complete, as
11279 determined by the commissioner, then six months shall be added to
11280 the deadline applicable pursuant to subdivision (1) or (2) of this
11281 subsection, provided no more than two years shall be added to the
11282 deadline established pursuant to subdivision (1) or (2) of this
11283 subsection. [regardless of whether one or more applications or requests
11284 for payment or reimbursement have been received by the board but
11285 have not been brought before the board for a decision not later than six
11286 months after receipt. In addition, if the commissioner determines that
11287 an application or request for payment or reimbursement is ready for
11288 decision by the board and such application or request has been placed
11289 on the agenda for the meeting of the board, but cannot be brought
11290 before the board because the board is unable to meet or cannot act on
11291 such application or request, the deadlines established pursuant to
11292 subdivision (1) or (2) of this subsection shall also be extended only for
11293 that period that the board is unable to meet or is unable to act on such
11294 application or request.]

11295 (4) The provisions of this subsection shall not apply to annual
11296 groundwater remedial actions, including the preparation of a
11297 groundwater remedial action progress report, performed pursuant to
11298 subdivision (6) of section 22a-449p, as amended by this act.

11299 [Notwithstanding the provisions of this subsection, the board] The
11300 commissioner may continue to receive applications or requests for
11301 payment or reimbursement for such annual groundwater remedial
11302 actions and, provided all other requirements have been met, may order
11303 payment or reimbursement from the [account] program for such
11304 [activities] actions.

11305 (c) (1) Any person who has insurance, or a contract or other
11306 agreement to provide payment or reimbursement for any costs,
11307 expense or other obligation paid or incurred in response to a release or
11308 suspected release may submit an application or request seeking
11309 payment or reimbursement from the [account to the board] program to
11310 the commissioner, provided any such application or request for
11311 payment or reimbursement shall be subject to all applicable
11312 requirements, including, but not limited to, subdivision (7) of
11313 subsection (c) of section 22a-449f, as amended by this act.

11314 (2) Any person who at any time receives or expects to receive
11315 payment or reimbursement from any source other than the program
11316 for any cost, expense, obligation, damage or injury for which such
11317 person has received or has applied for payment or reimbursement
11318 from the program, shall notify the [board] commissioner, in writing, of
11319 such supplemental or expected payment and shall, not more than
11320 thirty days after receiving such supplemental payment, repay the
11321 program all such amounts received from any other source.

11322 (3) If the [board] commissioner determines that a person is seeking
11323 or has sought payment or reimbursement for any cost, expense,
11324 obligation, damage or injury from the program and that payment or
11325 reimbursement for any such cost, expense, obligation, damage or
11326 injury is actually or potentially available to any such person from any
11327 source other than the program, the [board] commissioner may impose
11328 any conditions [it] the commissioner deems reasonable regarding any
11329 amount [it] the commissioner orders to be paid from the program.

11330 Sec. 254. Section 22a-449d of the 2012 supplement to the general

11331 statutes is repealed and the following is substituted in lieu thereof
11332 (*Effective from passage*):

11333 (a) **[**There is established an Underground Storage Tank Petroleum
11334 Clean-Up Review Board.**]** Upon application for reimbursement or
11335 payment pursuant to section 22a-449f, as amended by this act, the
11336 **[**board**]** commissioner shall determine, based on the provisions of
11337 sections 22a-449a to 22a-449i, inclusive, as amended by this act, section
11338 22a-449p, as amended by this act, sections 262 and 264 of this act, and
11339 all regulations adopted pursuant to **[**said sections 22a-449a to 22a-449i,
11340 inclusive**]** section 22a-449e, as amended by this act, whether or not to
11341 order payment or reimbursement from the program. The **[**board**]**
11342 commissioner shall have the authority to order payment within
11343 available resources to registered contractors pursuant to section 22a-
11344 449*l*, as amended by this act, or to owners pursuant to section 22a-
11345 449n, as amended by this act, for reasonable costs associated with the
11346 remediation of a residential underground heating oil storage tank
11347 system based on the guidelines established pursuant to subsection (c)
11348 of this section. **[**; hold hearings, administer oaths, subpoena witnesses
11349 and documents through its chairperson when authorized by the board;
11350 designate an agent to perform such duties of the board as it deems
11351 necessary except the duty to render a final decision to order
11352 reimbursement or payment from the account; and provide by notice,
11353 printed on any form, that any false statement made thereof or
11354 pursuant thereto is punishable pursuant to section 53a-157b.**]**

11355 **[**(b) The board shall consist of the Commissioners of Energy and
11356 Environmental Protection and Revenue Services, the Secretary of the
11357 Office of Policy and Management and the State Fire Marshal, or their
11358 designees; one member representing the Connecticut Petroleum
11359 Council, appointed by the speaker of the House of Representatives;
11360 one member representing the Service Station Dealers Association,
11361 appointed by the majority leader of the Senate; one member of the
11362 public, appointed by the majority leader of the House of
11363 Representatives; one member representing the Independent

11364 Connecticut Petroleum Association, appointed by the president pro
11365 tempore of the Senate; one member representing the Gasoline and
11366 Automotive Service Dealers of America, Inc., appointed by the
11367 minority leader of the House of Representatives; one member
11368 representing a municipality with a population greater than one
11369 hundred thousand, appointed by the Governor; one member
11370 representing a municipality with a population of less than one
11371 hundred thousand, appointed by the minority leader of the Senate; one
11372 member representing a small manufacturing company which employs
11373 fewer than seventy-five persons, appointed by the speaker of the
11374 House of Representatives; one member experienced in the delivery,
11375 installation, and removal of residential underground petroleum
11376 storage tanks and remediation of contamination from such tanks,
11377 appointed by the president pro tempore of the Senate; and one
11378 member who is an environmental professional licensed under section
11379 22a-133v and is experienced in investigating and remediating
11380 contamination attributable to underground petroleum storage tanks,
11381 appointed by the Governor. The board shall annually elect one of its
11382 members to serve as chairperson.**]**

11383 **[**(c) Not later than July 1, 2000, the board**]** (b) The commissioner
11384 shall establish guidelines for determining what costs are reasonable for
11385 payment under sections 22a-449*l*, as amended by this act, and 22a-
11386 449n, as amended by this act, and shall establish requirements for
11387 financial assurance, training and performance standards for registered
11388 contractors, as defined in said sections 22a-449*l*, as amended by this
11389 act, and 22a-449n, as amended by this act. The **[**board**]** commissioner
11390 shall make payment pursuant to section 22a-449n, as amended by this
11391 act, to the owner at a rate not to exceed one hundred fifty-seven dollars
11392 per ton of contaminated soil removed which shall be considered as full
11393 payment for all eligible costs for remediation. For any claim filed
11394 pursuant to section 22a-449n, as amended by this act, where no
11395 contaminated soil is removed the **[**board**]** commissioner shall
11396 reimburse eligible costs in accordance with the guidelines pursuant to
11397 this section.

11398 [(d)] (c) To the extent that funds are available, the [board]
11399 commissioner may order payment to registered contractors for
11400 reimbursement of eligible costs for services associated with the
11401 remediation of a residential underground heating oil storage tank
11402 system prior to July 1, 2001, to owners of such systems for payment for
11403 eligible costs incurred after July 1, 2001. No such payment shall be
11404 authorized unless the [board] commissioner deems the costs
11405 reasonable based on the guidelines established pursuant to subsection
11406 [(c)] (b) of this section. Notwithstanding the provisions of this
11407 subsection, if the [board] commissioner determines that the owner may
11408 not receive reimbursement payment from the contractor, the [board]
11409 commissioner may, if reimbursement has not been sent to the
11410 contractor, directly reimburse the owner of such system for eligible
11411 costs incurred by the owner and paid to the registered contractor for
11412 services associated with a remediation of a system prior to July 1, 2001.

11413 Sec. 255. Section 22a-449e of the general statutes is repealed and the
11414 following is substituted in lieu thereof (*Effective from passage*):

11415 (a) The [Commissioner of Energy and Environmental Protection,
11416 after consultation with the members of the board established by
11417 section 22a-449d,] commissioner shall adopt regulations in accordance
11418 with the provisions of chapter 54 setting forth procedures for
11419 reimbursement and payment from the program established under
11420 section 22a-449c, as amended by this act. Such regulations shall include
11421 such provisions as the commissioner deems necessary to carry out the
11422 purposes of sections 22a-449a to [22a-449h, inclusive] 22a-449i,
11423 inclusive, as amended by this act, including, but not limited to,
11424 provisions for (1) notification of eligible parties of the existence of the
11425 [account] underground storage tank petroleum clean-up program; (2)
11426 records required for submission of claims and reimbursement and
11427 payment; (3) periodic and partial reimbursement and payment to
11428 enable responsible parties to meet interim costs, expenses and
11429 obligations; and (4) reimbursement and payment for costs, expenses
11430 and obligations incurred in connection with releases or suspected

11431 releases discovered before or after July 5, 1989, provided
11432 reimbursement and payment shall not be ordered or made for costs,
11433 expenses and obligations incurred by a responsible party on or before
11434 said date.

11435 (b) (1) The commissioner, in accordance with the procedures set
11436 forth in subdivision (2) of this subsection, may prescribe a schedule for
11437 the maximum or range of amounts to be paid for labor, equipment,
11438 materials, services or other costs, expenses or obligations paid or
11439 incurred as a result of a release or suspected release. Such schedule
11440 shall not be a regulation, as defined in section 4-166 and the adoption,
11441 modification, repeal or use of such schedule shall not be subject to the
11442 provisions of chapter 54 concerning a regulation. The amounts in any
11443 such schedule may be less than and shall be not more than the usual,
11444 customary and reasonable amounts charged, as determined by the
11445 commissioner. Notwithstanding the provisions of sections 22a-449a to
11446 22a-449j, inclusive, as amended by this act, or any regulation adopted
11447 by the commissioner pursuant to this section, upon adoption of any
11448 such schedule, the amount to be paid for any labor, equipment,
11449 materials, services or other costs, expenses or other obligations, shall
11450 not exceed the amount established in any such schedule and such
11451 schedule may serve as guidance with respect to any costs, expenses or
11452 other obligations paid or incurred before the adoption of such
11453 schedule.

11454 (2) The commissioner shall adopt, revise or revoke the schedule in
11455 accordance with the provisions of this subsection. **[**After consultation
11456 with the board, the**]** The commissioner shall publish notice of intent to
11457 adopt, revise or revoke the schedule, or any portion thereof, in a
11458 newspaper having substantial circulation in the affected area. There
11459 shall be a comment period of thirty days following publication of such
11460 notice during which interested persons may submit written comments
11461 to the commissioner. The commissioner shall publish notice of the
11462 adoption, revision or revocation of the schedule, or part thereof, in a
11463 newspaper having substantial circulation in the affected area. The

11464 commissioner shall, upon request, review the schedule and shall make
11465 any revisions the commissioner deems necessary to such schedule
11466 once every two years or may do so more frequently as the
11467 commissioner deems necessary. The commissioner **[**, after consultation
11468 with the board,**]** may revise or revoke the schedule, in whole or in part,
11469 using the procedures specified in this subsection. Any person may
11470 request that the commissioner adopt, revise or revoke the schedule in
11471 accordance with this subsection.

11472 (c) Upon adoption of a schedule by the commissioner pursuant to
11473 subsection (b) of this section, the requirements concerning obtaining
11474 three bids for services rendered contained in regulations adopted
11475 pursuant to this section shall not apply, provided that the schedule
11476 includes the subject services.

11477 (d) An environmental professional, who has a currently valid and
11478 effective license issued pursuant to section 22a-133v, shall use a seal, as
11479 provided for in regulations adopted pursuant to section 22a-133v, to
11480 provide written approval required under sections 22a-449c, as
11481 amended by this act, 22a-449f, as amended by this act, and 22a-449p, as
11482 amended by this act, and any approval without a seal shall not
11483 constitute an approval of a licensed environmental professional. The
11484 regulations adopted pursuant to section 22a-133v regarding the use of
11485 a seal and the rules of professional conduct shall apply to the duties of
11486 a licensed environmental professional contained in sections 22a-449a to
11487 22a-449i, inclusive, as amended by this act, and 22a-449p, as amended
11488 by this act.

11489 Sec. 256. Section 22a-449f of the general statutes is repealed and the
11490 following is substituted in lieu thereof (*Effective from passage*):

11491 (a) A responsible party may apply to the **[**Underground Storage
11492 Tank Petroleum Clean-Up Review Board established under section
11493 22a-449d,**]** commissioner for reimbursement for costs paid and
11494 payment of costs incurred as a result of a release, or a suspected
11495 release, including costs of investigating and remediating a release, or a

11496 suspected release, incurred or paid by such party who is determined
11497 not to have been liable for any such release. If a person other than a
11498 responsible party [,] claims to have suffered bodily injury, property
11499 damage or damage to natural resources from a release, the person with
11500 such claim shall make reasonable attempts to provide written notice to
11501 the responsible party of such claim and if such person cannot provide
11502 such notice or if the responsible party does not apply to the [board]
11503 commissioner for payment of such claim not later than sixty days after
11504 receipt of such notice or such other time as may be agreed to by the
11505 parties, the person holding such claim may apply to the [board]
11506 commissioner for payment for such damage or bodily injury.

11507 (b) (1) In addition to all other applicable requirements, a person
11508 seeking payment or reimbursement from the [account] underground
11509 storage tank petroleum clean-up program established pursuant to
11510 section 22a-449c, as amended by this act, shall demonstrate that when
11511 the total costs, expenses or other obligations in response to a release or
11512 suspected release (A) are two hundred fifty thousand dollars or less,
11513 all labor, equipment and materials provided after October 1, 2005, and
11514 all services and activities undertaken after October 1, 2005, are
11515 approved, in writing, either by the commissioner or by a licensed
11516 environmental professional with a currently valid and effective license
11517 issued pursuant to section 22a-133v; and (B) exceed two hundred fifty
11518 thousand dollars, all labor, equipment and materials provided after
11519 October 1, 2005, and all services and activities undertaken after
11520 October 1, 2005, are approved, in writing, by the commissioner,
11521 provided the commissioner may authorize, in writing, a licensed
11522 environmental professional with a currently valid and effective license
11523 issued pursuant to section 22a-133v to approve, in writing, such labor,
11524 equipment, materials, services and activities, in lieu of the
11525 commissioner. The provisions of this subsection shall apply to all costs,
11526 expenses or other obligations for which a person is seeking payment or
11527 reimbursement from the [account and the board shall not order]
11528 program and the commissioner shall not order or make payment or
11529 reimbursement from the [account] program for any cost, expense or

11530 other obligation, unless the person seeking such payment or
11531 reimbursement provides the written approval required by this
11532 subdivision. Any written approval provided by a licensed
11533 environmental professional pursuant to this subdivision shall be
11534 submitted with the application for payment or reimbursement. Any
11535 written approval provided by the commissioner pursuant to this
11536 subdivision shall not constitute an approval pursuant to any other
11537 provision of the general statutes or any regulation. [and shall be
11538 presented to the board prior to the board making a decision regarding
11539 the application that such approval concerns.]

11540 (2) The fees charged by a licensed environmental professional
11541 regarding labor or services rendered in response to a release or
11542 suspected release may be included in any application or request for
11543 payment or reimbursement [submitted to the board] from the
11544 program. The amount to be paid or reimbursed for such fees may also
11545 be established in the schedule adopted by the commissioner pursuant
11546 to subsection (b) of section 22a-449e, as amended by this act.

11547 (3) Providing it is true and accurate, a licensed environmental
11548 professional shall submit [the following] an executed certification
11549 regarding any approval provided under subdivision (1) of this
11550 subsection and section 22a-449p, as amended by this act, that reads: "I
11551 hereby agree that all of the labor, equipment, materials, services, and
11552 activities described in or covered by this certification were appropriate
11553 under the circumstances to abate an emergency or were performed as
11554 part of a plan specifically designed to ensure that the release or
11555 suspected release is or has been investigated in accordance with
11556 prevailing standards and guidelines and remediated consistent with
11557 and to achieve compliance with the remediation standards adopted
11558 under section 22a-133k of the general statutes.". The commissioner
11559 shall not order or make payment or reimbursement from the program
11560 if an application relying upon approval from a licensed environmental
11561 professional pursuant to subdivision (1) of this subsection does not
11562 include such certification of approval.

11563 (c) The [board] commissioner shall order reimbursement or
11564 payment from the program for any cost paid or incurred, as the case
11565 may be, if, (1) such cost is or was incurred after July 5, 1989, (2) a
11566 responsible party was or would have been required to demonstrate
11567 financial responsibility under 40 CFR Part 280.90 et seq. as said
11568 regulation was published in the Federal Register of October 26, 1988,
11569 for the underground storage tank or underground storage tank system
11570 from which the release emanated, whether or not such party is
11571 required to comply with said requirements on the date any such cost is
11572 incurred, provided if the state is the responsible party, the [board]
11573 commissioner may order payment, within available resources, without
11574 regard to whether the state was or would have been required to
11575 demonstrate financial responsibility under said sections 40 CFR Part
11576 280.90 et seq., (3) after the release, if any, the responsible party
11577 incurred a cost, expense or obligation for investigation, cleanup or for
11578 claims of a person other than a responsible party resulting from the
11579 release, provided any such claim shall be required to be finally
11580 adjudicated or settled with the prior written approval of the [board]
11581 commissioner before an application for reimbursement or payment is
11582 made, (4) the [board] commissioner determines that the cost, expense
11583 or other obligation is reasonable and that there are not grounds for
11584 recovery specified in subdivision (1) or (3) of subsection (g) of this
11585 section, (5) the responsible party notified the [board] commissioner, as
11586 soon as practicable, of the release and of any other claim by a person
11587 other than a responsible party, resulting from the release, in
11588 accordance with the regulations adopted pursuant to section 22a-449e,
11589 as amended by this act, (6) the responsible party, or, if a person other
11590 than a responsible party applies for payment or reimbursement from
11591 the [account] program, then such person demonstrates the
11592 remediation, including any monitoring to determine the effectiveness
11593 of the remediation, for which payment or reimbursement is sought is
11594 not more stringent than that required by the remediation standards
11595 established pursuant to section 22a-133k, except to the extent the
11596 responsible party or such person demonstrates that it has been

11597 directed otherwise, in writing, by the commissioner, (7) the responsible
11598 party, or, if a person other than a responsible party applies for
11599 payment or reimbursement, then such person demonstrates that it
11600 does not have insurance, or a contract or other agreement to provide
11601 payment or reimbursement for any cost, expense or other obligation
11602 incurred in response to a release or suspected release, or if there is any
11603 such insurance, contract or other agreement, that any insurance
11604 coverage has been denied or is insufficient to cover the costs, expenses
11605 or other obligations, paid or incurred or that any contract or other
11606 agreement is not able to or is insufficient to cover the costs, expenses or
11607 other obligations, paid or incurred, for which payment or
11608 reimbursement is sought, (8) the responsible party demonstrates and
11609 the **[**board**]** commissioner determines that one of the milestones noted
11610 in section 22a-449p, as amended by this act, has been completed, (9)
11611 the **[**board**]** commissioner determines what, if any, reductions to the
11612 amounts sought should be made based upon the compliance
11613 evaluations performed pursuant to subsection (d) of this section, and
11614 (10) at the time any application or request for payment or
11615 reimbursement, including any supplemental application or request, is
11616 submitted **[**to the board,**]** (A) for applications **[**filed with the
11617 Underground Storage Tank Petroleum Clean-up Review Board**]**
11618 submitted on or after October 1, 2007, there is no underground storage
11619 tank system subject to the financial responsibility demonstration
11620 required in subdivision (2) of this subsection dispensing petroleum on
11621 the property where the release or suspected release emanated or
11622 occurred, and if the application is submitted by the person who owns
11623 or operates or who owned or operated the underground storage tank
11624 system at the time of the release, such person demonstrates, in
11625 addition to all other applicable requirements, that lack of compliance
11626 with provisions of the general statutes and regulations governing
11627 underground storage tank systems was not a proximate cause of the
11628 release or suspected release and that there are not grounds for
11629 recovery specified in subdivision (2) of subsection (g) of this section, or
11630 (B) for applications **[**filed with the Underground Storage Tank

11631 Petroleum Clean-Up Review Board] submitted prior to October 1,
11632 2007, there is no underground storage tank system dispensing
11633 petroleum on the property where the release or suspected release
11634 emanated or occurred, and if the application is submitted by the
11635 person who owns or operates or who owned or operated the
11636 underground storage tank system at the time of the release, such
11637 person demonstrates, in addition to all other applicable requirements,
11638 that lack of compliance with provisions of the general statutes and
11639 regulations governing underground storage tank systems was not a
11640 proximate cause of the release or suspected release and that there are
11641 not grounds for recovery specified in subdivision (2) of subsection (g)
11642 of this section. Subdivision (10) of this subsection shall not apply to
11643 any application [filed with the underground storage tank petroleum
11644 clean-up account] concerning a release of an underground storage tank
11645 system that was reported to the [Commissioner of Energy and
11646 Environmental Protection] commissioner in September, 2003 where
11647 such system was owned or operated by a municipality or other
11648 political subdivision of the state at the time of the release and such
11649 system was removed on or before April 1, 2005. In acting on an
11650 application or a request for payment or reimbursement, the [board]
11651 commissioner, using funds from the [account] program, may contract
11652 with experts, including, but not limited to, attorneys and medical
11653 professionals, to better evaluate and defend against claims and
11654 negotiate claims by persons other than responsible parties. [The costs
11655 of the board for experts shall not be charged to the amount allocated to
11656 the Department of Energy and Environmental Protection pursuant to
11657 section 22a-449c.] If a person other than a responsible party applies to
11658 the [board] commissioner claiming to have suffered bodily injury,
11659 property damage or damage to natural resources, the [board]
11660 commissioner shall order reimbursement or payment from the
11661 program if such person demonstrates that subdivisions (1), (2), (6) and
11662 (7) of this subsection are satisfied, the [board] commissioner
11663 determines that as a result of a release or suspected release such
11664 person has suffered bodily injury, property damage or damage to

11665 natural resources, that the costs, expenses or other obligations incurred
11666 are reasonable and the person submitting such claim demonstrates that
11667 it has attempted to or has provided written notice of its claim to the
11668 responsible party as required in subsection (a) of this section and that
11669 the responsible party has not applied to the [board] commissioner for
11670 payment or reimbursement of this claim. On or before June 30, 2005, if
11671 the [board] commissioner denied reimbursement or provided for only
11672 partial payment or reimbursement from the [account] program
11673 regarding a release, pursuant to subdivision (4) of this subsection, such
11674 denial or partial payment or reimbursement shall remain in effect and
11675 shall apply to all subsequent applications or requests for payment or
11676 reimbursement regarding such release.

11677 (d) (1) Except as provided in this subsection, if at the time any
11678 application or request for payment or reimbursement is submitted to
11679 the [board] commissioner, including any supplemental application or
11680 request, there is an underground storage tank system dispensing
11681 petroleum on the property where the release or suspected release
11682 emanated or occurred, such application or request shall not be deemed
11683 complete and shall not be acted upon by the [board] commissioner
11684 unless such application or request includes a summary of the
11685 compliance status of all the underground storage tank systems on the
11686 subject property. Any such summary shall include an evaluation of
11687 compliance with the design, construction, installation, notification,
11688 general operating, release detecting, system upgrading, abandonment
11689 and removal date requirements of the regulations adopted pursuant to
11690 sections 22a-449 and 22a-449o and shall be prepared by an
11691 independent consultant on a form prescribed by or acceptable to the
11692 commissioner. The summary shall be based on an evaluation of said
11693 underground storage tank systems performed not more than one
11694 hundred eighty days before the [board] commissioner receives an
11695 application or a request for reimbursement or payment, except that
11696 with respect to any provision of the subject regulations regarding
11697 record keeping, periodic monitoring or testing, the summary shall be
11698 based on an evaluation of a one-year period terminating within one

11699 hundred eighty days prior to the [board's] commissioner's receipt of an
11700 application or a request for payment or reimbursement. The summary
11701 shall also include a full description of all corrective measures that have
11702 been taken or that are being taken with regard to any noncompliance
11703 identified in the compliance evaluation performed pursuant to this
11704 subdivision.

11705 (2) With respect to any initial application or request for payment or
11706 reimbursement regarding a release or suspected release the provisions
11707 of subdivision (1) of this subsection shall apply only to applications or
11708 requests received on or after January 1, 2006. With respect to any
11709 supplemental application or request for payment or reimbursement
11710 regarding a release or suspected release, the provisions of subdivision
11711 (1) of this subsection shall apply to each application or request
11712 submitted to the [board] commissioner on or after January 1, 2006,
11713 regardless of when the initial application or request was submitted,
11714 except that submission of a compliance summary shall not be required
11715 if at the time a supplemental application or request is submitted, less
11716 than one year has passed since the performance of a compliance
11717 evaluation submitted with any prior application or request.

11718 (3) The cost of hiring an independent consultant to perform a
11719 compliance evaluation, as required by this subsection, shall be eligible
11720 for payment or reimbursement up to a maximum of one thousand
11721 dollars per compliance evaluation, provided the evaluation is in
11722 conformance with the requirements of this subsection and includes all
11723 underground storage tank systems on the property where a release or
11724 suspected release emanated or occurred. If the schedule adopted by
11725 the commissioner pursuant to subsection (b) of section 22a-449e, as
11726 amended by this act, includes an amount for performing a compliance
11727 evaluation, upon adoption of any such schedule, the amount eligible
11728 for payment or reimbursement for performing a compliance evaluation
11729 shall be the amount prescribed in any such schedule.

11730 (4) Nothing in this subsection shall affect the continued applicability

11731 of any decision of the [board] commissioner to (A) deny
11732 reimbursement or payment, or (B) provide only partial payment or
11733 reimbursement regarding all applications or requests for payment or
11734 reimbursement. Any such decision shall remain in effect and shall not
11735 be subject to reconsideration or reevaluation as a result of this
11736 subsection.

11737 (5) Except as provided for in this subdivision, if at the time any
11738 application or request for payment or reimbursement, including any
11739 supplemental application or request, is submitted, there is no
11740 underground storage tank system dispensing petroleum on the
11741 property where the release or suspected release emanated or occurred,
11742 any such application or request shall be subject to the provisions of
11743 subdivision (10) of subsection (c) of this section, even where a prior
11744 application or request was subject to the provisions of this subsection.
11745 The provisions of this subdivision shall not apply to an application or
11746 request for payment or reimbursement for annual groundwater
11747 remedial actions, including the preparation of a groundwater remedial
11748 action progress report, performed pursuant to subdivision (6) of
11749 section 22a-449p, as amended by this act.

11750 (e) (1) If the compliance evaluation summary performed pursuant to
11751 subsection (d) of this section indicates that any of the violations noted
11752 in this subdivision exist with respect to any underground storage tank
11753 or underground storage tank system on the property at which a release
11754 or suspected release occurred and any such violations have not been
11755 fully corrected by the time an application or request for reimbursement
11756 is submitted to the [board, the board] commissioner, the commissioner
11757 shall reduce any payment or amount to be reimbursed as follows: (A)
11758 A one hundred per cent reduction of the payment or amount to be
11759 reimbursed for failure to meet the tank or piping construction
11760 requirements of section 22a-449o or the regulations adopted pursuant
11761 to section 22a-449 or for failure to report the release to the
11762 commissioner as required by this section, (B) a seventy-five per cent
11763 reduction of the payment or amount to be reimbursed for failure to

11764 have properly functioning cathodic protection, spill prevention,
11765 overfill prevention, or release detection as required by the regulations
11766 adopted pursuant to section 22a-449. Notwithstanding the provisions
11767 of this subsection, the [board] commissioner may reduce any amount
11768 to be paid or reimbursed based on any other violation of the provisions
11769 of the general statutes or regulations of Connecticut state agencies
11770 regarding ownership or operation of an underground storage tank
11771 system.

11772 (2) Nothing in this subsection and no determination by the [board]
11773 commissioner of any issue of fact or law pursuant to this subsection
11774 shall affect the authority of the commissioner under any other statute
11775 or regulations, including, but not limited to, taking any enforcement
11776 action based upon the violations identified in any compliance
11777 evaluation performed pursuant to subsection (d) of this section.

11778 (f) (1) For all work or services performed or materials provided
11779 before October 1, 2004, the [board] commissioner shall not order
11780 payment or reimbursement for any cost paid or incurred, unless when
11781 seeking payment or reimbursement, the application [or any
11782 submission regarding work, services or materials that have been pre-
11783 authorized by the board] is received by the [board] commissioner on or
11784 before April 1, 2005.

11785 (2) For purposes of this subsection, work or services shall be
11786 deemed rendered or performed on the date such work is rendered or
11787 performed and a material shall be deemed provided on the date a
11788 material is made available for use.

11789 (3) After June 30, 2005, the [board] commissioner shall not order
11790 payment or reimbursement for any cost, expense or other obligation,
11791 paid or incurred, unless the application or request for payment or
11792 reimbursement is received by the [board] commissioner not later than
11793 one year after the completion of all or substantially all of the work or
11794 activities necessary to prepare the plan or report required by the
11795 milestones set forth in section 22a-449p, as amended by this act.

11796 (g) The Attorney General, upon the request of the [board or the]
11797 commissioner, may institute an action in the superior court for the
11798 judicial district of Hartford to recover the amounts specified in this
11799 section from any person who owns or operates an underground
11800 storage tank system at the time a release emanates or occurs from such
11801 system or any person who owns the real property on which a release
11802 emanates or occurs, provided such person owned the real property at
11803 or any time after the release emanates or occurs until the time that a
11804 final remediation action report is submitted by a licensed
11805 environmental professional or approved by the commissioner
11806 pursuant to subdivision (7) of section 22a-449p, as amended by this act,
11807 if: (1) Prior to the occurrence of the release, the underground storage
11808 tank or underground storage tank system from which the release
11809 emanated was required by regulations adopted under section 22a-449
11810 to be the subject of an Underground Storage Facility Notification Form,
11811 or EPHM-6 but the person who owns or operates or who owned or
11812 operated such tank or tank system knowingly and intentionally failed
11813 to submit such notification form to the commissioner; (2) the release
11814 results from a reckless, wilful, wanton or intentional act or omission of
11815 such person or a negligent act or omission of such person that
11816 constitutes noncompliance with the general statutes or regulations
11817 governing the installation, operation and maintenance of underground
11818 storage tanks; or (3) the release occurs from an underground storage
11819 tank or system which is not in compliance with a final order issued by
11820 the commissioner pursuant to this chapter or a final judgment issued
11821 by a court concerning noncompliance with a requirement of this
11822 chapter; or (4) payment has been made, including payment to the
11823 commissioner pursuant to subsection (i) of this section, to a person
11824 other than a person against whom an action may be brought pursuant
11825 to this subsection. All costs to the state relating to actions to recover
11826 such payments, including, but not limited to, reasonable attorneys'
11827 fees, shall initially be paid within available resources. In any recovery
11828 [the board or] the commissioner is entitled to recover from such person
11829 (A) all payments made under the program with respect to a release or

11830 suspected release, (B) all payments made by the commissioner
11831 pursuant to subsection (i) of this section with respect to a release or
11832 suspected release, (C) interest on such payments at a rate of ten per
11833 cent per year from the date such payments were made, and (D) all
11834 costs of the state relating to actions to recover such payments,
11835 including, but not limited to, reasonable attorneys' fees. All actions
11836 brought pursuant to this section shall have precedence in the order of
11837 trial, as provided in section 52-191. If the Attorney General has filed an
11838 action against a person seeking recovery of the amounts specified in
11839 this subsection or if the commissioner sends a person a demand letter
11840 regarding costs incurred by the state pursuant to section 22a-451, any
11841 such person against whom an action has been brought or who receives
11842 a demand letter shall not submit an application or request for payment
11843 or reimbursement to the **[**board**]** commissioner seeking payment or
11844 reimbursement of any such amount sought by the Attorney General or
11845 by the commissioner. If any such application or request for payment or
11846 reimbursement is submitted, the **[**board**]** commissioner shall not take
11847 any action regarding any such application or request.

11848 (h) The **[**board**]** commissioner shall render **[**its**]** a decision as to
11849 whether or not to order payment or reimbursement from the program
11850 not more than ninety days after receipt of an application from a
11851 person, provided, in the case of a second or subsequent application,
11852 the **[**board**]** commissioner shall render **[**its**]** a decision not more than
11853 forty-five days after receipt of such application. A copy of the decision
11854 shall be sent to **[**the commissioner and**]** the person seeking payment or
11855 reimbursement by certified mail, return receipt requested. **[**The
11856 commissioner or any**]** Any person aggrieved by the decision of the
11857 **[**board**]** commissioner may, **[**within**]** not later than twenty days **[**from**]**
11858 after the date of issuance of such decision, request a hearing before the
11859 **[**board**]** commissioner in accordance with the provisions of chapter 54.
11860 After such hearing, the **[**board**]** commissioner shall consider the
11861 information submitted **[**to it**]** and affirm or modify **[**its**]** the decision on
11862 the application. A copy of the affirmed or modified decision shall be
11863 sent to all parties to the hearing by certified mail, return receipt

11864 requested. [Once the board] For applications submitted before, on or
11865 after the effective date of this section, once the commissioner renders a
11866 decision regarding an application or request for payment or
11867 reimbursement and no hearing has been requested pursuant to this
11868 subsection regarding any such decision, the costs, expenses or other
11869 obligations addressed by any such decision shall not be resubmitted in
11870 any other application or request.

11871 (i) Whenever the commissioner determines that as a result of a
11872 release [, as defined in section 22a-449a,] or a suspected release, a
11873 clean-up is necessary, including, but not limited to, actions to prevent
11874 or abate pollution or a potential source of pollution and to provide
11875 potable drinking water, the commissioner may undertake such actions
11876 using not more than one million dollars, within available resources, for
11877 each release or suspected release from an underground storage tank or
11878 an underground storage tank system for which the responsible party is
11879 the state or for which a responsible party was or would have been
11880 required to demonstrate financial responsibility under 40 CFR Part
11881 280.90 et seq., as said regulation was published in the Federal Register
11882 of October 26, 1988.

11883 (j) (1) If through an initial application or request for payment or
11884 reimbursement received by the [board] commissioner before June 1,
11885 2005, the [board] commissioner has determined that a person has paid
11886 or incurred costs, expenses or other obligations that are eligible for
11887 payment or reimbursement, with respect to any supplemental
11888 application or request for payment or reimbursement the following
11889 shall apply. The commissioner may identify a category of activities,
11890 costs, expenses, or other obligations that are less than one hundred
11891 thousand dollars for which, in lieu of full payment, the [board]
11892 commissioner may approve a percentage of the costs, expenses or
11893 other obligations paid or incurred. [In making any such
11894 recommendation to the board,] When implementing this subsection,
11895 the commissioner shall consider the amounts previously paid from the
11896 [account] program and any other information the commissioner deems

11897 relevant. Any such percentage shall be not more than, but may be less
11898 than, ninety per cent of the average amount, as determined by the
11899 commissioner, previously paid from the [account] program for any
11900 activity, cost, expense or obligation. [The board shall approve or
11901 disapprove, but shall not modify, payment of the percentage
11902 recommended by the commissioner pursuant to this subdivision.] The
11903 commissioner may, using the procedures specified in this subdivision,
11904 [recommend changes to] modify any percentage previously approved
11905 [by the board under] pursuant to this subdivision.

11906 (2) [If the board approves payment of the percentage recommended
11907 by the commissioner, a] A person with a supplemental application or
11908 request for payment or reimbursement may agree to accept the
11909 percentage payment approved by the [board] commissioner. Any such
11910 acceptance shall be in writing, signed by the person seeking payment
11911 or reimbursement and shall acknowledge that the person is agreeing to
11912 accept less than the full amount sought by such person for the costs,
11913 expenses or other obligations covered by such acceptance. If the
11914 commissioner has prescribed forms, any such acceptance shall be
11915 made using the forms prescribed by the commissioner. Once a
11916 completed written acceptance is received, the [board] commissioner
11917 shall, not later than ninety days after receiving such acceptance,
11918 determine whether to order payment or reimbursement from the
11919 [account] program. [Any such determination by the board shall be
11920 limited to whether the costs, expenses or other obligations are within
11921 those for which the board has approved payment pursuant to
11922 subdivision (1) of this subsection.]

11923 (3) Any amount [ordered to be paid or reimbursed by the board]
11924 paid or reimbursed under this section shall be considered full payment
11925 for any such activity, expense or other obligation and a person shall
11926 not seek any additional reimbursement for any such activity, expense
11927 or other obligation. The categories or activities for which the
11928 commissioner recommends payment of a percentage pursuant to this
11929 [subsection] section may constitute all or a portion of the amounts

11930 sought in a supplemental application or supplemental request for
11931 payment or reimbursement.

11932 (k) Notification to the commissioner pursuant to regulations
11933 adopted pursuant to section 22a-449 shall constitute compliance with
11934 any regulation adopted pursuant to section 22a-449e, as amended by
11935 this act, regarding notification to the [board] commissioner of a release.

11936 Sec. 257. Section 22a-449g of the general statutes is repealed and the
11937 following is substituted in lieu thereof (*Effective from passage*):

11938 [The Commissioner of Energy and Environmental Protection or any]
11939 Any person aggrieved by a decision of the [review board established
11940 under section 22a-449d] commissioner after a hearing pursuant to
11941 subsection (h) of section 22a-449f, as amended by this act, may appeal
11942 from such decision to the superior court for the judicial district of New
11943 Britain within twenty days after the issuance of such decision. Such
11944 appeal shall be in accordance with chapter 54. All such appeals shall be
11945 heard by the court without a jury, and shall have precedence in the
11946 order of trial as provided in section 52-192. [If the review board orders
11947 reimbursement or payment from the account, and a party to the appeal
11948 contests any portion of the ordered reimbursement or payment, the
11949 uncontested portion of the ordered reimbursement or payment shall be
11950 made] If an appeal is taken pursuant to this section, any portion of the
11951 ordered reimbursement or payment that is approved and not the
11952 subject of such appeal, shall be paid by the commissioner, within
11953 available appropriations and subject to the provisions of section 263 of
11954 this act, notwithstanding the pendency of the appeal.

11955 Sec. 258. Section 22a-449k of the general statutes is repealed and the
11956 following is substituted in lieu thereof (*Effective from passage*):

11957 No person shall remove or replace or subcontract for the removal or
11958 replacement of a residential underground heating oil storage tank
11959 system if the person finds such removal or replacement will involve
11960 remediation of contaminated soil or groundwater, unless the person is

11961 a registered contractor. To become a registered contractor, a person
11962 shall provide to the [Commissioner of Energy and Environmental
11963 Protection,] commissioner on forms prescribed by said commissioner,
11964 (1) evidence of financial assurance in the form of liability insurance
11965 coverage or liquid company assets in an amount not less than one
11966 million dollars, and (2) a written statement certifying that such person
11967 has had any training required by law for such business and that such
11968 person has (A) performed no fewer than three residential underground
11969 petroleum storage tank system removals, or (B) has contracted for at
11970 least three removals of residential underground petroleum storage
11971 tank systems. Such person shall pay a registration fee of nine hundred
11972 forty dollars to the commissioner. Each contractor holding a valid
11973 registration on July first shall, not later than August first of that year,
11974 pay a renewal fee to the commissioner of four hundred seventy dollars
11975 in order to maintain such registration. Any money collected for
11976 registration pursuant to this section shall be deposited in the General
11977 Fund. The commissioner may revoke a registration for cause and, on
11978 and after the date the [review board establishes] requirements for
11979 financial assurance, training and performance standards [under] are
11980 established pursuant to subsection [(c)] (b) of section 22a-449d, as
11981 amended by this act, may reject any application for registration that
11982 does not meet such requirements.

11983 Sec. 259. Section 22a-449*l* of the general statutes is repealed and the
11984 following is substituted in lieu thereof (*Effective from passage*):

11985 (a) As used in this section, "registered contractor" means a person
11986 registered with the [Commissioner of Energy and Environmental
11987 Protection] commissioner pursuant to section 22a-449k, as amended by
11988 this act.

11989 (b) Prior to July 1, 2001, if, in the course of removing or replacing a
11990 residential underground heating oil storage tank system, a registered
11991 contractor finds that there has been a spill, as defined in section 22a-
11992 452c, attributable to such system and such contractor estimates that the

11993 remediation of such spill is likely to cost more than five thousand
11994 dollars, such contractor shall immediately notify the Department of
11995 Energy and Environmental Protection regarding such spill. If, after the
11996 contractor's initial estimate, the contractor subsequently determines
11997 that such cost will exceed five thousand dollars, the contractor shall
11998 upon that determination notify the Department of Energy and
11999 Environmental Protection. The department may assess the spill and
12000 confirm that the remediation proposed by the contractor is appropriate
12001 and necessary, or may authorize an environmental professional
12002 licensed under section 22a-133v to assess the spill and make such
12003 confirmation. Any such remediation shall be subject to approval by the
12004 department, except that the department may authorize an
12005 environmental professional licensed under section 22a-133v to make a
12006 recommendation regarding such approval. If a registered contractor
12007 estimates that the remediation of such spill is likely to cost more than
12008 ten thousand dollars, the commissioner or any agent of the
12009 commissioner or an environmental professional licensed under said
12010 section 22a-133v contracted by the department shall inspect the site
12011 and confirm that such remediation is reasonable. The costs of such an
12012 inspection shall be eligible for payment within available resources.

12013 (c) (1) In order to receive reimbursement of eligible costs for services
12014 commenced after July 1, 1999, and prior to July 1, 2001, a registered
12015 contractor shall on or before December 1, 2001, submit to the
12016 **[**Underground Storage Tank Petroleum Clean-Up Review Board
12017 established under section 22a-449d**]** <u>commissioner</u> for a disbursement
12018 from available resources, all reasonable costs for work commenced
12019 prior to July 1, 2001, pursuant to a contract with the owner or the state
12020 for the remediation of a residential underground heating oil storage
12021 tank system for the purpose of providing payment for the costs of such
12022 remediation. An owner of a residential underground heating oil
12023 storage tank system shall not be responsible to the registered
12024 contractor or any subcontractor of the registered contractor for any
12025 costs that are eligible for payment from the residential underground
12026 heating oil storage tank system clean-up program over five hundred

12027 dollars. The registered contractor or any subcontractor shall not bill the
12028 owner for any costs eligible for payment from said program over five
12029 hundred dollars unless the contractor or subcontractor enters into a
12030 separate written contract with the owner, on a form prescribed by the
12031 commissioner, authorizing the contractor or subcontractor to bill the
12032 owner more than five hundred dollars and such separate contract
12033 gives the owner the right to cancel such contract up to three days after
12034 entering into it. Such owner shall provide to the [review board]
12035 commissioner a statement confirming the registered contractor has
12036 been engaged by such owner to remove or to replace such residential
12037 underground heating oil storage tank system and perform the
12038 remediation and shall execute an instrument which provides for
12039 payment to [said account] the program of any amounts realized by the
12040 owner, after any costs of litigation or attorney's fees have been paid,
12041 from a judgment or settlement regarding any claim for the costs of
12042 such remediation made against an insurance policy or any party. In
12043 any service contract entered into between a registered contractor and
12044 an owner for the remediation of a residential underground heating oil
12045 storage tank system, the registered contractor shall clearly identify all
12046 costs, including markup costs, that are not or may not be eligible for
12047 payment under said program.

12048 (2) The registered contractor shall submit documentation,
12049 satisfactory to the [review board] commissioner, of any costs
12050 associated with such remediation. The [review board] commissioner
12051 may deny remediation costs of the registered contractor that the
12052 [review board] commissioner determines are unreasonable based on
12053 the guidelines established pursuant to subsection [(c)] (b) of section
12054 22a-449d, as amended by this act, on and after the date the [review
12055 board] commissioner establishes such guidelines, and may deny
12056 remediation costs (A) in excess of five thousand dollars if the
12057 Department of Energy and Environmental Protection was not notified
12058 in accordance with the provisions of subsection (b) of this section, and
12059 (B) in excess of ten thousand dollars if the site was not inspected in
12060 accordance with the provisions of subsection (b) of this section. The

12061 [review board] commissioner shall deny any such costs in excess of
12062 fifty thousand dollars unless the commissioner determines such
12063 additional costs are warranted to protect public health and the
12064 environment. If a registered contractor fails to submit to the [review
12065 board] commissioner documentation of costs associated with such
12066 remediation that may be eligible for payment from the residential
12067 underground heating oil storage tank system clean-up program or if
12068 the registered contractor submits documentation of such costs but the
12069 [board] commissioner denies payment of such costs, the registered
12070 contractor shall be liable for such costs and shall have no cause of
12071 action against the owner of the underground petroleum storage tank.

12072 (3) A copy of the [review board's] commissioner's decision shall be
12073 sent [to the Commissioner of Energy and Environmental Protection
12074 and] to the registered contractor by certified mail, return receipt
12075 requested. [The commissioner or any] Any contractor aggrieved by a
12076 decision of the [review board] commissioner may, not more than
12077 twenty days after the date the decision was issued, request a hearing
12078 before the [review board] commissioner in accordance with chapter 54.
12079 After such hearing, the [board] commissioner shall consider the
12080 information submitted [to it] and affirm or modify [its] the decision on
12081 the reimbursement. A copy of the affirmed or modified decision shall
12082 be sent to [the commissioner and] any contractor by certified mail,
12083 return receipt requested.

12084 (d) [Neither the Underground Storage Tank Petroleum Clean-Up
12085 Review Board nor the Commissioner of Energy and Environmental
12086 Protection shall] The commissioner shall not accept applications
12087 pursuant to this section on or after December 1, 2001, for the
12088 reimbursement of eligible costs for services completed prior to July 1,
12089 2001, except that, notwithstanding subsection (c) of this section, prior
12090 to July 1, 2004, the [board] commissioner may accept applications for
12091 reimbursement from and make payments to any owner who
12092 demonstrates that the owner paid for eligible costs for services
12093 provided to the owner prior to July 1, 2001, and either (1) the

12094 registered contractor filed an application for reimbursement between
12095 December 1, 2001, and January 1, 2003, or (2) the owner, prior to May
12096 1, 2003, filed a complaint with the **[**board or the**]** commissioner
12097 regarding the failure of the registered contractor to file a timely
12098 application.

12099 Sec. 260. Section 22a-449n of the general statutes is repealed and the
12100 following is substituted in lieu thereof (*Effective from passage*):

12101 (a) As used in this section, "registered contractor" means a person
12102 registered with the Commissioner of Energy and Environmental
12103 Protection pursuant to section 22a-449k, as amended by this act,
12104 "qualifying income" means the owner's adjusted gross income, as
12105 defined in section 12-701, as amended by this act, for the calendar year
12106 immediately preceding the year in which costs eligible for payment
12107 were incurred under this section and "costs eligible for payment"
12108 means costs that are reasonable for payment, as determined by the
12109 guidelines established pursuant to section 22a-449d, as amended by
12110 this act.

12111 (b) If, in the course of removing or replacing a residential
12112 underground heating oil storage tank system, a registered contractor
12113 finds that there has been a spill, as defined in section 22a-452c,
12114 attributable to such a system, or if such contractor estimates that the
12115 remediation of such spill is likely to cost more than ten thousand
12116 dollars then such contractor shall immediately notify the Department
12117 of Energy and Environmental Protection. The commissioner may
12118 assess the spill and confirm that the remediation proposed by the
12119 contractor is appropriate and necessary, or may authorize an
12120 environmental professional licensed under section 22a-133v to assess
12121 the spill and make such confirmation. Any such remediation shall be
12122 subject to approval by the commissioner. The commissioner may
12123 authorize an environmental professional licensed under section 22a-
12124 133v to make a recommendation regarding such approval. The costs of
12125 an inspection pursuant to this section shall be eligible for payment

12126 under the residential underground heating oil storage tank system
12127 clean-up program established under subsection (a) of section 22a-449c,
12128 as amended by this act. The commissioner may revoke a registration
12129 pursuant to section 22a-449k, as amended by this act, for failure of a
12130 contractor to notify the department as required by this section.

12131 (c) On or after July 1, 2001, to be eligible for payment pursuant to
12132 this section, an owner shall submit the following information to the
12133 [Commissioner of Energy and Environmental Protection]
12134 commissioner, in such form as the commissioner may require, prior to
12135 entering into a contract with a registered contractor for remediation of
12136 a spill attributable to a residential underground heating oil storage
12137 tank system: (1) The name and Social Security number of the property
12138 owner; (2) a verification that such tank serves the owner's primary
12139 residence; (3) a verification of the owner's qualifying income; and (4)
12140 the name of the registered contractor who will perform the
12141 remediation. The commissioner shall, not later than thirty days
12142 following receipt of such information, send a written notice to the
12143 owner that specifies whether the owner is eligible for payment under
12144 this section, whether funds are available for the owner under this
12145 section and the amount of remediation costs for which the owner is
12146 responsible prior to receiving payment under this section.

12147 (d) Subject to the provisions of subsection (e) of this section, an
12148 owner may be reimbursed for all reasonable costs for work
12149 commenced on or after July 1, 2001, in accordance with the following:
12150 (1) If an owner's qualifying income is less than or equal to fifty
12151 thousand dollars, the owner may be reimbursed for costs eligible for
12152 payment in excess of five hundred dollars; (2) if an owner's qualifying
12153 income is greater than fifty thousand dollars and less than or equal to
12154 one hundred thousand dollars, the owner may be reimbursed for costs
12155 eligible for payment in excess of two thousand dollars; (3) if an owner's
12156 qualifying income is greater than one hundred thousand dollars and
12157 less than or equal to one hundred fifty thousand dollars, the owner
12158 may be reimbursed for costs eligible for payment in excess of four

12159 thousand dollars; (4) if an owner's qualifying income is greater than
12160 one hundred fifty thousand dollars and less than or equal to two
12161 hundred thousand dollars, the owner may be reimbursed for costs
12162 eligible for payment in excess of five thousand dollars; (5) if an owner's
12163 qualifying income is greater than two hundred thousand dollars and
12164 less than or equal to two hundred fifty thousand dollars, the owner
12165 may be reimbursed for costs eligible for payment in excess of seven
12166 thousand five hundred dollars; (6) if an owner's qualifying income is
12167 greater than two hundred fifty thousand dollars and less than or equal
12168 to five hundred thousand dollars, the owner may be reimbursed for
12169 costs eligible for payment in excess of ten thousand dollars; (7) if an
12170 owner's qualifying income is greater than five hundred thousand
12171 dollars, the owner is not eligible for payment of costs. No registered
12172 contractor or any subcontractor of a registered contractor shall accept
12173 payment for any costs eligible for payment from said program until it
12174 has provided the owner with the information necessary to apply for a
12175 disbursement pursuant to subsection (e) of this section.

12176 (e) (1) On or after July 1, 2001, an owner shall submit to the
12177 **[**Underground Storage Tank Petroleum Clean-Up Review Board
12178 established under section 22a-449d**]** commissioner an application that
12179 is postmarked no later than December 31, 2001, for a disbursement
12180 from the residential underground heating oil storage tank system
12181 clean-up program, within available resources, documentation of all
12182 costs eligible for payment for work performed pursuant to a contract
12183 with the owner for the remediation of a residential underground
12184 heating oil storage tank system for the purpose of providing payment
12185 for the costs of such remediation, provided such owner has complied
12186 with the provisions of subdivisions (1) and (2) of subsection (a) of
12187 section 22a-449j and provided such remediation was completed on or
12188 before December 1, 2001. Such payments shall be made in accordance
12189 with subsection (d) of this section. Such owner shall provide to the
12190 **[**review board**]** commissioner a statement confirming that the
12191 registered contractor has been engaged by such owner to remove or to
12192 replace such residential underground heating oil storage tank system,

12193 except that a storage tank system and any associated ancillary
12194 equipment shall not be subject to such requirement and perform the
12195 remediation and shall execute an instrument which provides for
12196 payment to [said account] the program of any amounts realized by the
12197 owner, after any costs of litigation or attorney's fees have been paid,
12198 from a judgment or settlement regarding any claim for the costs of
12199 such remediation made against an insurance policy or any person.

12200 (2) In any service contract entered into between a registered
12201 contractor and an owner for the remediation of a residential
12202 underground heating oil storage tank system, the registered contractor
12203 shall clearly identify all costs, including markup costs, that are not or
12204 may not be eligible for payment from said program.

12205 (3) The owner shall submit documentation, satisfactory to the
12206 [review board] commissioner, of any costs associated with such
12207 remediation. The [review board] commissioner may deny payment of
12208 remediation costs that the [review board] commissioner determines are
12209 unreasonable based on the guidelines established pursuant to
12210 subsection [(c)] (b) of section 22a-449d, as amended by this act, on and
12211 after the date the [review board] commissioner establishes such
12212 guidelines. The [review board] commissioner shall deny any such costs
12213 if the owner fails to comply with subsection (c) of this section and any
12214 such costs in excess of fifty thousand dollars unless the commissioner
12215 determines such additional costs are warranted to protect public health
12216 and the environment.

12217 (4) A copy of the [review board's] commissioner's decision shall be
12218 sent to the [Commissioner of Energy and Environmental Protection
12219 and to the] owner by certified mail, return receipt requested. [The
12220 commissioner or] Any owner aggrieved by a decision of the [review
12221 board] commissioner may, not more than twenty days after the date
12222 the decision was issued, request a hearing before the [review board]
12223 commissioner in accordance with chapter 54. After such hearing, the
12224 [board] commissioner shall consider the information submitted [to it]

12225 and affirm or modify [its] the decision. A copy of the affirmed or
12226 modified decision shall be sent to the [commissioner and] owner by
12227 certified mail, return receipt requested.

12228 (5) No owner shall be entitled to reimbursement both under this
12229 section and section 22a-449*l*, as amended by this act.

12230 Sec. 261. Section 22a-449p of the general statutes is repealed and the
12231 following is substituted in lieu thereof (*Effective from passage*):

12232 Notwithstanding any provision of sections 22a-449a to 22a-449i,
12233 inclusive, as amended by this act, or any regulation adopted pursuant
12234 to said sections, except as provided for in subdivision (6) of this
12235 section, with respect to the investigation and remediation of a release,
12236 the underground storage tank petroleum clean-up program
12237 established pursuant to section 22a-449c, as amended by this act, shall
12238 be used to provide payment or reimbursement only when any of the
12239 following milestones are completed:

12240 (1) A release response report prepared by an environmental
12241 professional, as defined in section 22a-133v, has been submitted to the
12242 [Commissioner of Energy and Environmental Protection]
12243 commissioner which report describes: (A) All initial response actions
12244 taken that are necessary to prevent an on-going release and to mitigate
12245 an explosion, fire or other safety hazard resulting from the release; (B)
12246 the results of an initial site investigation that determines the presence
12247 and extent of free product from the release, the potential for or
12248 existence of groundwater pollution from the release which threatens
12249 the quality of drinking water well or wells, and whether the release
12250 has resulted in soil vapors or indoor air that threatens public health;
12251 and (C) all interim actions taken and proposed to remove such free
12252 product to the extent technically practicable, to provide potable water
12253 to any person whose drinking water has been polluted by a substance
12254 from the release which is above the groundwater protection criteria or
12255 above a level determined by the Commissioner of Public Health to be
12256 an unacceptable risk of injury to the health or safety of persons using

12257 such groundwater as a public or private source of water for drinking
12258 or other personal or domestic uses, whichever is more stringent, and to
12259 mitigate any risk to public health from polluted soil vapor or indoor
12260 air resulting from the release.

12261 (2) An interim remedial action report approved, in writing, by a
12262 licensed environmental professional has been submitted to the
12263 **[**Commissioner of Energy and Environmental Protection**]**
12264 commissioner or an interim remedial action report has been approved,
12265 in writing, by the commissioner. Such interim remedial action report
12266 shall describe in detail all interim remedial action taken to: (A) Remove
12267 free product to the maximum extent technically practicable; (B) ensure
12268 that all persons whose drinking water was polluted by the release have
12269 been provided potable water; and (C) ensure that soil vapors which
12270 pose a risk to public health are prevented from migrating into any
12271 overlying buildings.

12272 (3) An investigation report and remedial action plan approved, in
12273 writing, by a licensed environmental professional has been submitted
12274 to the **[**Commissioner of Energy and Environmental Protection**]**
12275 commissioner, or an investigation report and remedial action plan has
12276 been approved, in writing, by the commissioner. Such investigation
12277 report and remedial action plan shall include a detailed description of
12278 an investigation which determines the existing and potential extent
12279 and degree of soil, surface water, soil vapor and groundwater
12280 pollution, on and off-site, resulting from the release and describes all
12281 actions proposed to remediate soil, surface water, air or groundwater
12282 polluted by the release in accordance with the regulations adopted
12283 pursuant to section 22a-133k.

12284 (4) A soil remedial action report approved, in writing, by a licensed
12285 environmental professional has been submitted to the **[**Commissioner
12286 of Energy and Environmental Protection**]** commissioner, or a soil
12287 remedial action report has been approved, in writing, by the
12288 commissioner. Such soil remedial action report shall describe in detail

12289 the extent of soil pollution resulting from the release, all remedial
12290 actions taken to abate such soil pollution, and all documentation that
12291 demonstrates that such soil pollution has been remediated in
12292 accordance with the regulations adopted pursuant to section 22a-133k.

12293 (5) A groundwater remedial action progress report approved, in
12294 writing, by a licensed environmental professional has been submitted
12295 to the [Commissioner of Energy and Environmental Protection]
12296 commissioner or a groundwater remedial action progress report has
12297 been approved, in writing, by the commissioner. Such report may only
12298 be submitted after all construction necessary to implement the
12299 approved groundwater remedial actions has been completed and the
12300 groundwater remedial actions have been operated and monitored for
12301 one year. Such report shall include a detailed description of the
12302 remedial actions, the results of groundwater or any other monitoring
12303 conducted, an analysis of whether the remedial actions are effective,
12304 and a proposal for any changes in the groundwater remedial actions
12305 and monitoring that may be necessary to achieve compliance with the
12306 regulations adopted pursuant to section 22a-133k.

12307 (6) An annual groundwater remedial action progress report
12308 approved, in writing, by a licensed environmental professional has
12309 been submitted to the [Commissioner of Energy and Environmental
12310 Protection] commissioner or approved, in writing, by the
12311 commissioner. Such report shall include a detailed description of the
12312 remedial actions, the results of groundwater or any other monitoring
12313 conducted for the year covered by the report, an analysis of whether
12314 the remedial actions are effective, and a proposal for any changes in
12315 the groundwater remedial actions and monitoring that may be
12316 necessary to achieve compliance with the regulations adopted
12317 pursuant to section 22a-133k. A responsible party pursuant to section
12318 22a-449f, as amended by this act, may submit to the [board]
12319 commissioner up to, but not more than, four separate applications or
12320 requests for payment or reimbursement in a calendar year regarding
12321 costs, expenses or obligations paid or incurred concerning annual

12322 groundwater monitoring or compliance with this subdivision.

12323 (7) A final remedial action report approved by a licensed
12324 environmental professional has been submitted to the [Commissioner
12325 of Energy and Environmental Protection] commissioner, or a final
12326 remedial action report has been approved, in writing, by the
12327 commissioner, that documents that the release has been investigated in
12328 accordance with prevailing standards and guidelines and that the soil,
12329 surface water, groundwater and air polluted by the release has been
12330 remediated in accordance with the regulations adopted pursuant to
12331 section 22a-133k.

12332 (8) The [Commissioner of Energy and Environmental Protection]
12333 commissioner may adopt regulations, in accordance with the
12334 provisions of chapter 54, establishing milestones for investigation and
12335 remediation of releases or suspected releases from underground
12336 storage tank systems, including milestones that differ from those set
12337 forth in this section. Upon the adoption of such regulations, the
12338 milestones for investigation and remediation for which payment or
12339 reimbursement is available from the program shall be those set forth in
12340 the regulations.

12341 (9) This section shall apply to an application or request for
12342 reimbursement or payment received by the [board] commissioner on
12343 or after October 1, 2005, regardless of when the release or suspected
12344 release occurred, whether actions in response to the release or
12345 suspected release have already occurred or whether prior applications
12346 or requests seeking payment or reimbursement have already been
12347 submitted to the [board] commissioner.

12348 Sec. 262. (NEW) (*Effective from passage*) (a) (1) Notwithstanding the
12349 provisions of sections 22a-449a to 22a-449i, inclusive, of the general
12350 statutes, as amended by this act, and any regulations adopted
12351 pursuant to section 22a-449e of the general statutes, as amended by
12352 this act, any amount available for purposes of the underground storage
12353 tank clean-up program shall be distributed as follows: (A) One-quarter

12354 for payment or reimbursement to municipal applicants and other
12355 applicants; (B) one-quarter for payment or reimbursement to small
12356 station applicants; (C) one-quarter for payment or reimbursement to
12357 mid-size station applicants; and (D) one-quarter for payment or
12358 reimbursement to large station applicants. If at any time there is an
12359 amount remaining in one such category and if in such category there
12360 are no pending applications or applications for which payment or
12361 reimbursement has been ordered by the commissioner but has not
12362 been made, then such amount shall be redistributed for payment or
12363 reimbursement in the following order of priority: (i) First to municipal
12364 applicants and other applicants, (ii) if after redistribution pursuant to
12365 subclause (i) of this subdivision there is an amount remaining, then to
12366 small station applicants, (iii) if after redistribution pursuant to
12367 subclauses (i) and (ii) of this subdivision there is an amount remaining,
12368 then to mid-size station applicants, and (iv) if after redistribution
12369 pursuant to subclauses (i), (ii) and (iii) of this subdivision there is an
12370 amount remaining, then to large station applicants.

12371 (2) The commissioner shall determine whether an applicant is a
12372 municipal applicant, small, mid-size or large station applicant or other
12373 applicant. Such determination shall be based on the applicant's status
12374 at the time the commissioner received the applicant's first application
12375 for payment or reimbursement. In making such determination, the
12376 commissioner shall include all affiliates of an applicant and shall
12377 consider any underground storage tank system owned, operated,
12378 leased or used by an applicant on the property of another to be an
12379 interest in a parcel of real property. The commissioner shall make one
12380 such determination per applicant. Such determination shall apply to all
12381 applications submitted by such applicant before, on or after the
12382 effective date of this section, including, but not limited to, applications
12383 for which payment or reimbursement has been ordered by the
12384 commissioner but has not been made. In the case of assignees under
12385 subdivision (2) of subsection (a) of section 22a-449c of the general
12386 statutes, as amended by this act, the assignee shall assume the status of
12387 the assignor. Each applicant shall submit information regarding

12388 whether it is a municipal applicant, small, mid-size or large station
12389 applicant or other applicant to the commissioner, on a form prescribed
12390 by the commissioner, and shall provide any additional information the
12391 commissioner deems necessary to make such determination. The
12392 commissioner shall not order payment or reimbursement to an
12393 applicant until the commissioner makes the determination required
12394 under this subdivision for such applicant.

12395 (b) Notwithstanding the provisions of sections 22a-449a to 22a-449i,
12396 inclusive, of the general statutes, as amended by this act, payment or
12397 reimbursement to municipal applicants, small station applicants and
12398 other applicants shall be in accordance with this subsection and shall
12399 follow the order of priority set forth in this subsection. The provisions
12400 of this subsection shall apply to all applications submitted by such
12401 applicants before, on or after the effective date of this section,
12402 including, but not limited to, applications for which payment or
12403 reimbursement has been ordered by the commissioner but has not
12404 been made. Priority shall be given to those applications for which the
12405 commissioner has ordered payment or reimbursement beginning from
12406 the earliest date payment or reimbursement was ordered. If payment
12407 or reimbursement was ordered on the same day, priority shall be given
12408 to those applications that were received by the commissioner earliest.
12409 If there are insufficient funds to satisfy payment and reimbursement of
12410 municipal applicants, small station applicants and other applicants, the
12411 prioritization established pursuant to this subsection shall carry over
12412 to the subsequent fiscal quarter, and if necessary, from year to year.

12413 (c) (1) Notwithstanding the provisions of sections 22a-449a to 22a-
12414 449i, inclusive, of the general statutes, as amended by this act, and any
12415 regulations adopted pursuant to section 22a-449e of the general
12416 statutes, as amended by this act, payment or reimbursement to mid-
12417 size station applicants and large station applicants under the program
12418 shall be in accordance with this subsection and shall follow the order
12419 of priority set forth in this subsection.

12420 (2) The provisions of this subsection shall create a reverse auction
12421 system, and shall apply to all applications submitted by mid-size or
12422 large station applicants before, on or after the effective date of this
12423 section, including, but not limited to, applications for which payment
12424 or reimbursement has been ordered by the commissioner but has not
12425 been made. For purposes of this section, a payment election at or
12426 below the amount specified in subparagraph (A) or (B) of this
12427 subdivision shall be called the "reduced payment election".

12428 (A) In the fiscal year beginning July 1, 2012, no payment shall be
12429 made to mid-size station applicants in excess of thirty-five cents on
12430 each dollar the commissioner orders to be paid or reimbursed under
12431 the program. In the fiscal year beginning July 1, 2013, and each fiscal
12432 year thereafter, such amount shall increase by ten cents on each dollar
12433 per fiscal year and in such years no payment or reimbursement shall
12434 be made in excess of the amount in effect for such fiscal year. After
12435 such amount reaches one dollar, it shall no longer increase. In addition,
12436 if a mid-size station applicant agrees, in writing, not to submit any
12437 applications seeking payment or reimbursement under the program on
12438 or after October 1, 2012, such applicant shall receive an additional ten
12439 cents on each dollar that would be paid to such applicant pursuant to
12440 this subdivision, provided such additional ten cents shall not be
12441 counted when determining such mid-sized station applicant's priority
12442 for payment pursuant to subdivision (4) of this subsection and shall
12443 not result in an applicant receiving more than one dollar on each dollar
12444 the commissioner orders to be paid or reimbursed under the program.

12445 (B) In the fiscal year beginning July 1, 2012, no payment shall be
12446 made to large station applicants in excess of twenty cents on each
12447 dollar the commissioner orders to be paid or reimbursed under the
12448 program. In the fiscal year beginning July 1, 2013, and each fiscal year
12449 thereafter, such amount shall increase by five cents per fiscal year and
12450 in such years no payment or reimbursement shall be made in excess of
12451 the amount in effect for such fiscal year. After such amount reaches
12452 one dollar, it shall no longer increase.

12453 (3) (A) Each mid-size station applicant and large station applicant
12454 shall submit a payment election to the commissioner. Such payment
12455 election shall indicate what, if any, reduced payment election the
12456 applicant accepts. Such payment election shall be submitted, on a form
12457 prescribed by the commissioner, between July first and August first, or
12458 such additional time periods prescribed by the commissioner,
12459 annually, unless:

12460 (i) Such applicant is submitting an application for the first time, in
12461 which case such applicant shall submit a payment election with such
12462 application; or

12463 (ii) Such applicant has submitted a reduced payment election, in
12464 which case, a subsequent payment election shall not be required, but
12465 may be submitted if an applicant agrees to accept a lower reduced
12466 payment election than was made in the previously submitted payment
12467 election.

12468 (B) An applicant's payment election, including a reduced payment
12469 election, shall apply to, and shall be the same for, all applications
12470 submitted by such applicant before, on or after the effective date of this
12471 section, including, but not limited to, applications for which payment
12472 or reimbursement has been ordered by the commissioner but has not
12473 been made. An applicant's payment election shall remain in effect
12474 regardless of when the commissioner orders payment or
12475 reimbursement for an application or when payment for an application
12476 is made. An applicant's payment election shall be final and shall not be
12477 modified unless an applicant subsequently agrees to a lower reduced
12478 payment election pursuant to subparagraph (A)(ii) of this subdivision.

12479 (C) An applicant's acceptance of payment or reimbursement in the
12480 amounts specified in such applicant's reduced payment election shall
12481 be considered final and full payment of all applications covered by
12482 such election and with the acceptance of such payment or
12483 reimbursement, an applicant agrees that it shall not seek any
12484 additional payment or reimbursement of any kind in any

12485 administrative or judicial proceeding for any cost, expense or other
12486 obligation associated with any such applications.

12487 (4) Among mid-size station applicants or among large station
12488 applicants, priority for payment or reimbursement shall be given to
12489 those applicants who, through the payment election process set forth
12490 in subdivision (3) of this subsection, agree to accept the greatest
12491 reduction in the amount ordered for payment or reimbursement by the
12492 commissioner under the program, provided such payment shall not
12493 exceed the amount set forth in subparagraph (A) or (B) of subdivision
12494 (2) of this subsection, as applicable. In the case where the reduced
12495 payment election is equal among two or more mid-size station
12496 applicants or among two or more large station applicants, priority
12497 shall be given to those applications for which the commissioner
12498 ordered payment or reimbursement, beginning from the earliest date
12499 payment or reimbursement was ordered. In the case where such
12500 reduced payment election is equal among applicants and the
12501 commissioner ordered payment or reimbursement on the same day,
12502 priority shall be given to those applications that were received by the
12503 commissioner earliest. Any mid-size or large station applicant that
12504 chooses not to make the reduced payment election shall receive
12505 payment when the amount specified in subparagraph (A) or (B) of
12506 subdivision (2) of this subsection, as applicable, reaches one dollar and
12507 there are no mid-size and large station applicants with applications for
12508 which the commissioner has ordered payment or reimbursement, and
12509 who made the reduced payment election, remaining to be paid.
12510 Among mid-size station applicants who choose not to make the
12511 reduced payment election or among large station applicants who
12512 choose not to make the reduced payment election, priority with respect
12513 to the issuance of payment or reimbursement shall be given to those
12514 applications for which the commissioner has ordered payment or
12515 reimbursement, beginning from the earliest date payment or
12516 reimbursement was ordered. If there are insufficient funds to satisfy
12517 payment and reimbursement of mid-size and large station applicants,
12518 the prioritization established pursuant to this subsection shall carry

12519 over to the subsequent fiscal quarter, and if necessary, from year to
12520 year, provided such prioritization may change based upon a
12521 subsequent reduced payment election submitted pursuant to
12522 subparagraph (A)(ii) of subdivision (3) of this subsection.

12523 Sec. 263. (NEW) (*Effective from passage*) (a) Notwithstanding the
12524 provisions of section 22a-449(d)-109(p) of the regulations of
12525 Connecticut state agencies, this section shall constitute notice of the
12526 cancellation of the underground storage tank petroleum clean-up
12527 program, established pursuant to section 22a-449c of the general
12528 statutes, as amended by this act, as a financial assurance mechanism.

12529 (b) On and after October 1, 2013, any municipality or person who
12530 owns or operates one or more underground storage tank systems on
12531 five or fewer separate parcels of real property and is subject to the
12532 financial responsibility requirements of section 22a-449(d)-109 of the
12533 regulations of Connecticut state agencies shall not use the program to
12534 demonstrate such financial responsibility.

12535 (c) On and after October 1, 2012, any person who owns or operates
12536 one or more underground storage tank systems on more than five
12537 separate parcels of real property and is subject to the financial
12538 responsibility requirements of section 22a-449(d)-109 of the regulations
12539 of Connecticut state agencies shall not use the program to demonstrate
12540 such financial responsibility.

12541 (d) The owner or operator of an underground storage tank system
12542 shall, not later than thirty days after a written request from the
12543 commissioner, provide the commissioner with any information the
12544 commissioner deems necessary to determine whether an owner or
12545 operator is subject to subsection (b) or (c) of this section. All
12546 underground storage tank systems located within or outside this state,
12547 owned or operated by such person, shall be included in such
12548 determination.

12549 Sec. 264. (NEW) (*Effective from passage*) (a) Notwithstanding the

12550 provisions of the general statutes or regulations of Connecticut state
12551 agencies, on or after October 1, 2014, no person, regardless of whether
12552 such person has submitted an application to the underground storage
12553 tank petroleum clean-up program, established pursuant to section 22a-
12554 449c of the general statutes, as amended by this act, but who otherwise
12555 constitutes a municipal applicant, small station applicant or other
12556 applicant, shall submit an application to the commissioner for
12557 reimbursement or payment from the program, pursuant to sections
12558 22a-449a to 22a-449i, inclusive, of the general statutes, as amended by
12559 this act, section 22a-449p of the general statutes, as amended by this
12560 act, and section 262 of this act. Such person may submit an application
12561 for payment or reimbursement to the program on or before September
12562 30, 2014, for a release reported to the commissioner before October 1,
12563 2013, but shall not submit any application to the program for a release
12564 reported to the commissioner on or after October 1, 2013.

12565 (b) Notwithstanding the provisions of the general statutes or
12566 regulations of Connecticut state agencies, on or after October 1, 2013,
12567 no person, regardless of whether such person has submitted an
12568 application to the program, but who otherwise constitutes a mid-size
12569 station applicant, shall submit to the commissioner an application for
12570 reimbursement or payment from the program, pursuant to sections
12571 22a-449a to 22a-449i, inclusive, of the general statutes, as amended by
12572 this act, section 22a-449p of the general statutes, as amended by this
12573 act, and section 262 of this act. Such person may submit an application
12574 for payment or reimbursement to the program on or before September
12575 30, 2013, for a release reported to the commissioner before October 1,
12576 2012, but shall not submit any application to the program for a release
12577 reported to the commissioner on or after October 1, 2012.

12578 (c) Notwithstanding the provisions of the general statutes or
12579 regulations of Connecticut state agencies, on or after October 1, 2012,
12580 no person, regardless of whether such person has submitted an
12581 application to the program, but who otherwise constitutes a large
12582 station applicant, shall submit an application for payment or

12583 reimbursement pursuant to sections 22a-449a to 22a-449i, inclusive, of
12584 the general statutes, as amended by this act, section 22a-449p of the
12585 general statutes, as amended by this act, and section 262 of this act.

12586 Sec. 265. Section 23-10e of the general statutes is repealed and the
12587 following is substituted in lieu thereof (*Effective July 1, 2012*):

12588 (a) The Commissioner of Energy and Environmental Protection
12589 shall **[**preserve the following trails for equine use: (1) Larkin State Park
12590 trails (Southbury-Oxford-Middlebury); (2) Airline State Park trails -
12591 south and north (Colchester-Hebron-Lebanon-Windham-Hampton-
12592 Pomfret-Putnam); (3) Hop River State Park trails (Bolton-Coventry-
12593 Andover-Columbia); (4) Moosup Valley State Park trails (Sterling-
12594 Plainfield); (5) Huntington State Park trails; (6) Natchaug State Forest
12595 trails; and (7) Cockaponset State Forest trails**]** permit equestrian use on
12596 multi-use trails on state park and forest lands, unless specifically
12597 prohibited by said commissioner. Prior to a decision to prohibit equine
12598 use of any multi-use trail on state park and forest lands that have
12599 historically been utilized by equestrians, said commissioner shall
12600 consult with the Equine Advisory Council established pursuant to
12601 section 23-10d.

12602 (b) Nothing in this section shall prohibit nonequine uses by the
12603 public of the trails specified in subsection (a) of this section nor
12604 prohibit the Commissioner of Energy and Environmental Protection
12605 from temporarily closing any multi-use trail for safety reasons or the
12606 protection of natural resources.

12607 (c) The **[**preservation of a trail**]** permitting of equestrian use on a
12608 multi-use trail by the Commissioner of Energy and Environmental
12609 Protection pursuant to subsection (a) of this section shall not be
12610 deemed an expansion of such trail.

12611 Sec. 266. Section 17b-239 of the 2012 supplement to the general
12612 statutes is repealed and the following is substituted in lieu thereof
12613 (*Effective from passage*):

12614 (a) The rate to be paid by the state to hospitals receiving
12615 appropriations granted by the General Assembly and to freestanding
12616 chronic disease hospitals, providing services to persons aided or cared
12617 for by the state for routine services furnished to state patients, shall be
12618 based upon reasonable cost to such hospital, or the charge to the
12619 general public for ward services or the lowest charge for semiprivate
12620 services if the hospital has no ward facilities, imposed by such
12621 hospital, whichever is lowest, except to the extent, if any, that the
12622 commissioner determines that a greater amount is appropriate in the
12623 case of hospitals serving a disproportionate share of indigent patients.
12624 Such rate shall be promulgated annually by the Commissioner of
12625 Social Services. Nothing contained in this section shall authorize a
12626 payment by the state for such services to any such hospital in excess of
12627 the charges made by such hospital for comparable services to the
12628 general public. Notwithstanding the provisions of this section, for the
12629 rate period beginning July 1, 2000, rates paid to freestanding chronic
12630 disease hospitals and freestanding psychiatric hospitals shall be
12631 increased by three per cent. For the rate period beginning July 1, 2001,
12632 a freestanding chronic disease hospital or freestanding psychiatric
12633 hospital shall receive a rate that is two and one-half per cent more than
12634 the rate it received in the prior fiscal year and such rate shall remain
12635 effective until December 31, 2002. Effective January 1, 2003, a
12636 freestanding chronic disease hospital or freestanding psychiatric
12637 hospital shall receive a rate that is two per cent more than the rate it
12638 received in the prior fiscal year. Notwithstanding the provisions of this
12639 subsection, for the period commencing July 1, 2001, and ending June
12640 30, 2003, the commissioner may pay an additional total of no more
12641 than three hundred thousand dollars annually for services provided to
12642 long-term ventilator patients. For purposes of this subsection, "long-
12643 term ventilator patient" means any patient at a freestanding chronic
12644 disease hospital on a ventilator for a total of sixty days or more in any
12645 consecutive twelve-month period. Effective July 1, 2007, each
12646 freestanding chronic disease hospital shall receive a rate that is four
12647 per cent more than the rate it received in the prior fiscal year.

12648 (b) Effective October 1, 1991, the rate to be paid by the state for the
12649 cost of special services rendered by such hospitals shall be established
12650 annually by the commissioner for each such hospital based on the
12651 reasonable cost to each hospital of such services furnished to state
12652 patients. Nothing contained **[**herein**]** in this subsection shall authorize
12653 a payment by the state for such services to any such hospital in excess
12654 of the charges made by such hospital for comparable services to the
12655 general public.

12656 (c) The term "reasonable cost" as used in this section means the cost
12657 of care furnished such patients by an efficient and economically
12658 operated facility, computed in accordance with accepted principles of
12659 hospital cost reimbursement. The commissioner may adjust the rate of
12660 payment established under the provisions of this section for the year
12661 during which services are furnished to reflect fluctuations in hospital
12662 costs. Such adjustment may be made prospectively to cover anticipated
12663 fluctuations or may be made retroactive to any date subsequent to the
12664 date of the initial rate determination for such year or in such other
12665 manner as may be determined by the commissioner. In determining
12666 "reasonable cost" the commissioner may give due consideration to
12667 allowances for fully or partially unpaid bills, reasonable costs
12668 mandated by collective bargaining agreements with certified collective
12669 bargaining agents or other agreements between the employer and
12670 employees, provided "employees" shall not include persons employed
12671 as managers or chief administrators, requirements for working capital
12672 and cost of development of new services, including additions to and
12673 replacement of facilities and equipment. The commissioner shall not
12674 give consideration to amounts paid by the facilities to employees as
12675 salary, or to attorneys or consultants as fees, where the responsibility
12676 of the employees, attorneys or consultants is to persuade or seek to
12677 persuade the other employees of the facility to support or oppose
12678 unionization. Nothing in this subsection shall prohibit the
12679 commissioner from considering amounts paid for legal counsel related
12680 to the negotiation of collective bargaining agreements, the settlement
12681 of grievances or normal administration of labor relations.

12682 (d) The state shall also pay to such hospitals for each outpatient
12683 clinic and emergency room visit a reasonable rate to be established
12684 annually by the commissioner for each hospital, such rate to be
12685 determined by the reasonable cost of such services. The emergency
12686 room visit rates in effect June 30, 1991, shall remain in effect through
12687 June 30, 1993, except those which would have been decreased effective
12688 July 1, 1991, or July 1, 1992, shall be decreased. Nothing contained
12689 **[**herein**]** in this subsection shall authorize a payment by the state for
12690 such services to any hospital in excess of the charges made by such
12691 hospital for comparable services to the general public. For those
12692 outpatient hospital services paid on the basis of a ratio of cost to
12693 charges, the ratios in effect June 30, 1991, shall be reduced effective
12694 July 1, 1991, by the most recent annual increase in the consumer price
12695 index for medical care. For those outpatient hospital services paid on
12696 the basis of a ratio of cost to charges, the ratios computed to be
12697 effective July 1, 1994, shall be reduced by the most recent annual
12698 increase in the consumer price index for medical care. The emergency
12699 room visit rates in effect June 30, 1994, shall remain in effect through
12700 December 31, 1994. The Commissioner of Social Services shall establish
12701 a fee schedule for outpatient hospital services to be effective on and
12702 after January 1, 1995, and may annually modify such fee schedule if
12703 such modification is needed to ensure that the conversion to an
12704 administrative services organization is cost neutral to hospitals in the
12705 aggregate and ensures patient access. Utilization shall not be a factor in
12706 determining cost neutrality. Except with respect to the rate periods
12707 beginning July 1, 1999, and July 1, 2000, such fee schedule shall be
12708 adjusted annually beginning July 1, 1996, to reflect necessary increases
12709 in the cost of services. Notwithstanding the provisions of this
12710 subsection, the fee schedule for the rate period beginning July 1, 2000,
12711 shall be increased by ten and one-half per cent, effective June 1, 2001.
12712 Notwithstanding the provisions of this subsection, outpatient rates in
12713 effect as of June 30, 2003, shall remain in effect through June 30, 2005.
12714 Effective July 1, 2006, subject to available appropriations, the
12715 commissioner shall increase outpatient service fees for services that

12716 may include clinic, emergency room, magnetic resonance imaging, and
12717 computerized axial tomography.

12718 (e) The commissioner shall adopt regulations, in accordance with
12719 the provisions of chapter 54, establishing criteria for defining
12720 emergency and nonemergency visits to hospital emergency rooms. All
12721 nonemergency visits to hospital emergency rooms shall be paid at the
12722 hospital's outpatient clinic services rate. Nothing contained in this
12723 subsection or the regulations adopted hereunder shall authorize a
12724 payment by the state for such services to any hospital in excess of the
12725 charges made by such hospital for comparable services to the general
12726 public.

12727 (f) On and after October 1, 1984, the state shall pay to an acute care
12728 general hospital for the inpatient care of a patient who no longer
12729 requires acute care a rate determined by the following schedule: For
12730 the first seven days following certification that the patient no longer
12731 requires acute care the state shall pay the hospital at a rate of fifty per
12732 cent of the hospital's actual cost; for the second seven-day period
12733 following certification that the patient no longer requires acute care the
12734 state shall pay seventy-five per cent of the hospital's actual cost; for the
12735 third seven-day period following certification that the patient no
12736 longer requires acute care and for any period of time thereafter, the
12737 state shall pay the hospital at a rate of one hundred per cent of the
12738 hospital's actual cost. On and after July 1, 1995, no payment shall be
12739 made by the state to an acute care general hospital for the inpatient
12740 care of a patient who no longer requires acute care and is eligible for
12741 Medicare unless the hospital does not obtain reimbursement from
12742 Medicare for that stay.

12743 **[**(g) Effective June 1, 2001, the commissioner shall establish inpatient
12744 hospital rates in accordance with the method specified in regulations
12745 adopted pursuant to this section and applied for the rate period
12746 beginning October 1, 2000, except that the commissioner shall update
12747 each hospital's target amount per discharge to the actual allowable cost

12748 per discharge based upon the 1999 cost report filing multiplied by
12749 sixty-two and one-half per cent if such amount is higher than the target
12750 amount per discharge for the rate period beginning October 1, 2000, as
12751 adjusted for the ten per cent incentive identified in Section 4005 of
12752 Public Law 101-508. If a hospital's rate is increased pursuant to this
12753 subsection, the hospital shall not receive the ten per cent incentive
12754 identified in Section 4005 of Public Law 101-508. For rate periods
12755 beginning October 1, 2001, through September 30, 2006, the
12756 commissioner shall not apply an annual adjustment factor to the target
12757 amount per discharge. Effective April 1, 2005, the revised target
12758 amount per discharge for each hospital with a target amount per
12759 discharge less than three thousand seven hundred fifty dollars shall be
12760 three thousand seven hundred fifty dollars. Effective October 1, 2007,
12761 the commissioner, in consultation with the Secretary of the Office of
12762 Policy and Management, shall establish, within available
12763 appropriations, an increased target amount per discharge of not less
12764 than four thousand two hundred fifty dollars for each hospital with a
12765 target amount per discharge less than four thousand two hundred fifty
12766 dollars for the rate period ending September 30, 2007, and the
12767 commissioner may apply an annual adjustment factor to the target
12768 amount per discharge for hospitals that are not increased as a result of
12769 this adjustment. Not later than October 1, 2008, the commissioner shall
12770 submit a report to the joint standing committees of the General
12771 Assembly having cognizance of matters relating to public health,
12772 human services and appropriations and the budgets of state agencies
12773 identifying any increased target amount per discharge established or
12774 annual adjustment factor applied on or after October 1, 2006, and the
12775 associated cost increase estimates related to such actions.**]**

12776 Sec. 267. Subdivision (5) of section 32-23hh of the general statutes is
12777 repealed and the following is substituted in lieu thereof (*Effective July*
12778 *1, 2012*):

12779 (5) "Person" means a person as defined in subsection **[**(s)**]** (r) of
12780 section 32-23d, as amended by this act; and

12781 Sec. 268. Subdivision (5) of section 32-23yy of the general statutes is
12782 repealed and the following is substituted in lieu thereof (*Effective July*
12783 *1, 2012*):

12784 (5) "Person" means a person, as defined in subsection **[**(s)**]** (r) of
12785 section 32-23d, as amended by this act;

12786 Sec. 269. Subdivision (1) of section 46b-120 of the 2012 supplement
12787 to the general statutes, as amended by section 82 of public act 09-7 of
12788 the September special session, sections 9 and 10 of public act 11-71,
12789 section 12 of public act 11-157 and section 3 of public act 11-240, is
12790 repealed and the following is substituted in lieu thereof (*Effective*
12791 *October 1, 2012*):

12792 (1) "Child" means any person under eighteen years of age who has
12793 not been legally emancipated, except that (A) for purposes of
12794 delinquency matters and proceedings, "child" means any person **[**(i)**]**
12795 who (i) is at least seven years of age at the time of the alleged
12796 commission of a delinquent act and who is (I) under eighteen years of
12797 age **[**who**]** and has not been legally emancipated, or **[**(ii)**]** (II) eighteen
12798 years of age or older **[**who,**]** and committed a delinquent act prior to
12799 attaining eighteen years of age, **[**has committed a delinquent act or,**]** or
12800 (ii) is subsequent to attaining eighteen years of age, (I) violates any
12801 order of the Superior Court or any condition of probation ordered by
12802 the Superior Court with respect to a delinquency proceeding, or (II)
12803 wilfully fails to appear in response to a summons under section 46b-
12804 133 or at any other court hearing in a delinquency proceeding of which
12805 the child had notice, and (B) for purposes of family with service needs
12806 matters and proceedings, child means a person who is at least seven
12807 years of age and is under eighteen years of age;

12808 Sec. 270. Subdivision (5) of section 46b-120 of the 2012 supplement
12809 to the general statutes, as amended by section 82 of public act 09-7 of
12810 the September special session, sections 9 and 10 of public act 11-71,
12811 section 12 of public act 11-157 and section 3 of public act 11-240, is
12812 repealed and the following is substituted in lieu thereof (*Effective*

12813 *October 1, 2012*):

12814 (5) "Family with service needs" means a family that includes a child
12815 who is at least seven years of age and is under eighteen years of age
12816 who (A) has without just cause run away from the parental home or
12817 other properly authorized and lawful place of abode, (B) is beyond the
12818 control of the child's or youth's parent, parents, guardian or other
12819 custodian, (C) has engaged in indecent or immoral conduct, (D) is a
12820 truant or habitual truant or who, while in school, has been
12821 continuously and overtly defiant of school rules and regulations, or (E)
12822 is thirteen years of age or older and has engaged in sexual intercourse
12823 with another person and such other person is thirteen years of age or
12824 older and not more than two years older or younger than such child or
12825 youth;

12826 Sec. 271. (NEW) (*Effective October 1, 2012*) (a) In any juvenile matter,
12827 as defined in section 46b-121 of the general statutes, in which a child or
12828 youth is alleged to have committed a delinquent act or an act or
12829 omission for which a petition may be filed under section 46b-149 of the
12830 general statutes, the child or youth shall not be tried, convicted,
12831 adjudicated or subject to any disposition pursuant to section 46b-140 of
12832 the general statutes, as amended by this act, or 46b-149 of the general
12833 statutes while the child or youth is not competent. For the purposes of
12834 this section, a transfer to the regular criminal docket of the Superior
12835 Court pursuant to section 46b-127 of the general statutes, as amended
12836 by this act, shall not be considered a disposition. A child or youth is
12837 not competent if the child or youth is unable to understand the
12838 proceedings against him or her or to assist in his or her own defense.

12839 (b) If, at any time during a proceeding on a juvenile matter, it
12840 appears that the child or youth is not competent, counsel for the child
12841 or youth, the prosecutorial official, or the court, on its own motion,
12842 may request an examination to determine the child's or youth's
12843 competency. Whenever a request for a competency examination is
12844 under consideration by the court, the child or youth shall be

12845 represented by counsel in accordance with the provisions of sections
12846 46b-135 and 46b-136 of the general statutes.

12847 (c) A child or youth alleged to have committed an offense is
12848 presumed to be competent. The age of the child or youth is not a per se
12849 determinant of incompetency. The burden of going forward with the
12850 evidence and proving that the child or youth is not competent by a
12851 preponderance of the evidence shall be on the party raising the issue of
12852 competency, except that if the court raises the issue of competency, the
12853 burden of going forward with the evidence shall be on the state. The
12854 court may call its own witnesses and conduct its own inquiry.

12855 (d) If the court finds that the request for a competency examination
12856 is justified and that there is probable cause to believe that the child or
12857 youth has committed the alleged offense, the court shall order a
12858 competency examination of the child or youth. Competency
12859 examinations shall be conducted, within available appropriations, by
12860 (1) a clinical team constituted under policies and procedures
12861 established by the Chief Court Administrator, or (2) if agreed to by all
12862 parties, a physician specializing in psychiatry who has experience in
12863 conducting forensic interviews and in child and adult psychiatry. Any
12864 clinical team constituted under this section shall consist of three
12865 persons: A clinical psychologist with experience in child and
12866 adolescent psychology, and two of the following three types of
12867 professionals: (A) A clinical social worker licensed pursuant to chapter
12868 383b of the general statutes, (B) a child and adolescent psychiatric
12869 nurse clinical specialist holding a master's degree in nursing, or (C) a
12870 physician specializing in psychiatry. At least one member of the
12871 clinical team shall have experience in conducting forensic interviews
12872 and at least one member of the clinical team shall have experience in
12873 child and adolescent psychology. The court may authorize a physician,
12874 a clinical psychologist, a child and adolescent psychiatric nurse
12875 specialist or a clinical social worker licensed pursuant to chapter 383b
12876 of the general statutes, selected by the child or youth, to observe the
12877 examination, at the expense of the child or youth or, if the child or

12878 youth is represented by counsel appointed through the Public
12879 Defender Services Commission, the Office of the Chief Public
12880 Defender. In addition, counsel for the child or youth, his or her
12881 designated representative and, if the child or youth is represented by a
12882 public defender, a social worker from the Division of Public Defender
12883 Services, may observe the examination.

12884 (e) The examination shall be completed not later than fifteen
12885 business days after the date it was ordered, unless the time for
12886 completion is extended by the court for good cause shown. The
12887 members of the clinical team or the examining physician shall prepare
12888 and sign, without notarization, a written report and file such report
12889 with the court not later than twenty-one business days after the date of
12890 the order. The report shall address the child's or youth's ability to
12891 understand the proceedings against such child or youth and such
12892 child's or youth's ability to assist in his or her own defense. If the
12893 opinion of the clinical team or the examining physician set forth in
12894 such report is that the child cannot understand the proceedings against
12895 such child or youth or is not able to assist in his or her own defense,
12896 the members of the team or the examining physician must determine
12897 and address in their report: (1) Whether there is a substantial
12898 probability that the child or youth will attain or regain competency
12899 within ninety days of an intervention being ordered by the court; and
12900 (2) the nature and type of intervention, in the least restrictive setting
12901 possible, recommended to attain or regain competency. On receipt of
12902 the written report, the clerk of the court shall cause copies of such
12903 written report to be delivered to counsel for the state and counsel for
12904 the child or youth at least forty-eight hours prior to the hearing held
12905 under subsection (f) of this section.

12906 (f) The court shall hold a hearing as to the competency of the child
12907 or youth not later than ten business days after the court receives the
12908 written report of the clinical team or the examining physician pursuant
12909 to subsection (e) of this section. A child or youth may waive such
12910 evidentiary hearing only if the clinical team or examining physician

12911 has determined without qualification that the child or youth is
12912 competent. Any evidence regarding the child's or youth's competency,
12913 including, but not limited to, the written report, may be introduced in
12914 evidence at the hearing by either the child or youth or the state. If the
12915 written report is introduced as evidence, at least one member of the
12916 clinical team or the examining physician shall be present to testify as to
12917 the determinations in the report, unless the clinical team's or the
12918 examining physician's presence is waived by the child or youth and
12919 the state. Any member of the clinical team shall be considered
12920 competent to testify as to the clinical team's determinations.

12921 (g) (1) If the court, after the competency hearing, finds by a
12922 preponderance of the evidence that the child or youth is competent,
12923 the court shall continue with the prosecution of the juvenile matter. (2)
12924 If the court, after the competency hearing, finds that the child or youth
12925 is not competent, the court shall determine: (A) Whether there is a
12926 substantial probability that the child or youth will attain or regain
12927 competency within ninety days of an intervention being ordered by
12928 the court; and (B) whether the recommended intervention to attain or
12929 regain competency is appropriate. In making its determination on an
12930 appropriate intervention, the court may consider: (i) The nature and
12931 circumstances of the alleged offense; (ii) the length of time the clinical
12932 team or examining physician estimates it will take for the child or
12933 youth to attain or regain competency; (iii) whether the child or youth
12934 poses a substantial risk to reoffend; and (iv) whether the child or youth
12935 is able to receive community-based services or treatment that would
12936 prevent the child or youth from reoffending.

12937 (h) If the court finds that there is not a substantial probability that
12938 the child or youth will attain or regain competency within ninety days
12939 or that the recommended intervention to attain or regain competency
12940 is not appropriate, the court may issue an order in accordance with
12941 subsection (k) of this section.

12942 (i) (1) If the court finds that there is a substantial probability that the

12943 child or youth will attain or regain competency within ninety days if
12944 provided an appropriate intervention, the court shall schedule a
12945 hearing on the implementation of such intervention within five
12946 business days.

12947 (2) An intervention implemented for the purpose of restoring
12948 competency shall comply with the following conditions: (A) The
12949 period of intervention shall not exceed ninety days, unless extended
12950 for an additional ninety days in accordance with the criteria set forth in
12951 subsection (j) of this section; and (B) the intervention services shall be
12952 provided by the Department of Children and Families or, if the child's
12953 or youth's parent or guardian agrees to pay for such services, by any
12954 appropriate person, agency, mental health facility or treatment
12955 program that agrees to provide appropriate intervention services in the
12956 least restrictive setting available to the child or youth and comply with
12957 the requirements of this section.

12958 (3) Prior to the hearing, the court shall notify the Commissioner of
12959 Children and Families, the commissioner's designee or the appropriate
12960 person, agency, mental health facility or treatment program that has
12961 agreed to provide appropriate intervention services to the child or
12962 youth that an intervention to attain or regain competency will be
12963 ordered. The commissioner, the commissioner's designee or the
12964 appropriate person, agency, mental health facility or treatment
12965 program shall be provided with a copy of the report of the clinical
12966 team or examining physician and shall report to the court on a
12967 proposed implementation of the intervention prior to the hearing.

12968 (4) At the hearing, the court shall review the written report and
12969 order an appropriate intervention for a period not to exceed ninety
12970 days in the least restrictive setting available to restore competency. In
12971 making its determination, the court shall use the criteria set forth in
12972 subdivision (2) of subsection (g) of this section. Upon ordering an
12973 intervention, the court shall set a date for a hearing, to be held at least
12974 ten business days after the completion of the intervention period, for

12975 the purpose of reassessing the child's or youth's competency.

12976 (j) (1) At least ten business days prior to the date of any scheduled
12977 hearing on the issue of the reassessment of the child's or youth's
12978 competency, the Commissioner of Children and Families, the
12979 commissioner's designee or other person, agency, mental health facility
12980 or treatment program providing intervention services to restore a child
12981 or youth to competency shall report on the progress of such
12982 intervention services to the clinical team or examining physician.

12983 (2) Upon receipt of the report on the progress of such intervention,
12984 the child or youth shall be reassessed by the original clinical team or
12985 examining physician, except that if the original team or examining
12986 physician is unavailable, the court may appoint a new clinical team
12987 that, where possible, shall include at least one member of the original
12988 team, or a new examining physician. The new clinical team or
12989 examining physician shall have the same qualifications as the original
12990 team or examining physician, as provided in subsection (d) of this
12991 section, and shall have access to clinical information available from the
12992 provider of the intervention services. Not less than two business days
12993 prior to the date of any scheduled hearing on the reassessment of the
12994 child's or youth's competency, the clinical team or examining physician
12995 shall submit a report to the court that includes: (A) The clinical
12996 findings of the provider of the intervention services and the facts upon
12997 which the findings are made; (B) the clinical team's or the examining
12998 physician's opinion on whether the child or youth has attained or
12999 regained competency or is making progress toward attaining or
13000 regaining competency within the period covered by the intervention
13001 order; and (C) any other information concerning the child or youth
13002 requested by the court, including, but not limited to, the method of
13003 intervention or the type, dosage and effect of any medication the child
13004 or youth is receiving.

13005 (3) Within two business days of the filing of a reassessment report,
13006 the court shall hold a hearing to determine if the child or youth has

13007 attained or regained competency within the period covered by the
13008 intervention order. If the court finds that the child or youth has
13009 attained or regained competency, the court shall continue with the
13010 prosecution of the juvenile matter. If the court finds that the child or
13011 youth has not attained or regained competency within the period
13012 covered by the intervention order, the court shall determine whether
13013 further efforts to attain or regain competency are appropriate. The
13014 court shall make its determination of whether further efforts to attain
13015 or regain competency are appropriate in accordance with the criteria
13016 set forth in subdivision (2) of subsection (g) of this section. If the court
13017 finds that further intervention to attain or regain competency is
13018 appropriate, the court shall order a new period for restoration of
13019 competency not to exceed ninety days. If the court finds that further
13020 intervention to attain or regain competency is not appropriate or the
13021 child or youth has not attained or regained competency after an
13022 additional intervention of ninety days, the court shall issue an order in
13023 accordance with subsection (k) of this section.

13024 (k) (1) If the court determines after the period covered by the
13025 intervention order that the child or youth has not attained or regained
13026 competency and that there is not a substantial probability that the
13027 child or youth will attain or regain competency, or that further
13028 intervention to attain or regain competency is not appropriate based
13029 on the criteria set forth in subdivision (2) of subsection (g) of this
13030 section, the court shall: (A) Dismiss the petition if it is a delinquency or
13031 family with service needs petition; (B) vest temporary custody of the
13032 child or youth in the Commissioner of Children and Families and
13033 notify the Office of the Chief Public Defender, which shall assign an
13034 attorney to serve as guardian ad litem for the child or youth and
13035 investigate whether a petition should be filed under section 46b-129 of
13036 the general statutes, as amended by this act; or (C) order that the
13037 Department of Children and Families or some other person, agency,
13038 mental health facility or treatment program, or such child's or youth's
13039 probation officer, conduct or obtain an appropriate assessment and,
13040 where appropriate, propose a plan for services that can appropriately

13041 address the child's or youth's needs in the least restrictive setting
13042 available and appropriate. Any plan for services may include a plan
13043 for interagency collaboration for the provision of appropriate services
13044 after the child or youth attains the age of eighteen.

13045 (2) Not later than ten business days after the issuance of an order
13046 pursuant to subparagraph (B) or (C) of subdivision (1) of this
13047 subsection, the court shall hold a hearing to review the order of
13048 temporary custody or any recommendations of the Department of
13049 Children and Families, such probation officer or such attorney or
13050 guardian ad litem for the child or youth.

13051 (3) If the child or youth is adjudicated neglected, uncared-for or
13052 abused subsequent to such a petition being filed, or if a plan for
13053 services pursuant to subparagraph (C) of subdivision (1) of this
13054 subsection has been approved by the court and implemented, the court
13055 may dismiss the delinquency or family with service needs petition, or,
13056 in the discretion of the court, order that the prosecution of the case be
13057 suspended for a period not to exceed eighteen months. During the
13058 period of suspension, the court may order the Department of Children
13059 and Families to provide periodic reports to the court to ensure that
13060 appropriate services are being provided to the child or youth. If during
13061 the period of suspension, the child or youth or the parent or guardian
13062 of the child or youth does not comply with the requirements set forth
13063 in the plan for services, the court may hold a hearing to determine
13064 whether the court should follow the procedure under subparagraph
13065 (B) of subdivision (1) of this subsection for instituting a petition
13066 alleging that a child is neglected, uncared for or abused. Whenever the
13067 court finds that the need for the suspension of prosecution is no longer
13068 necessary, but not later than the expiration of such period of
13069 suspension, the delinquency or family with service needs petition shall
13070 be dismissed.

13071 Sec. 272. Subsection (c) of section 46b-129 of the 2012 supplement to
13072 the general statutes is repealed and the following is substituted in lieu

13073 thereof (*Effective October 1, 2012*):

13074 (c) The preliminary hearing on the order of temporary custody or
13075 order to appear or the first hearing on a petition filed pursuant to
13076 subsection (a) of this section shall be held in order for the court to:

13077 (1) Advise the parent or guardian of the allegations contained in all
13078 petitions and applications that are the subject of the hearing and the
13079 parent's or guardian's right to counsel pursuant to subsection (b) of
13080 section 46b-135;

13081 (2) **[**assure**]** Ensure that an attorney, and where appropriate, a
13082 separate guardian ad litem has been appointed to represent the child
13083 or youth in accordance with subsection (b) of section 51-296a and
13084 sections 46b-129a, as amended by this act, and 46b-136;

13085 (3) **[**upon**]** Upon request, appoint an attorney to represent the
13086 respondent when the respondent is unable to afford representation, in
13087 accordance with subsection (b) of section 51-296a;

13088 (4) **[**advise**]** Advise the parent or guardian of the right to a hearing
13089 on the petitions and applications, to be held not later than ten days
13090 after the date of the preliminary hearing if the hearing is pursuant to
13091 an order of temporary custody or an order to show cause;

13092 (5) **[**accept**]** Accept a plea regarding the truth of **[**such**]** the
13093 allegations;

13094 (6) **[**make**]** Make any interim orders, including visitation orders, that
13095 the court determines are in the best interests of the child or youth. The
13096 court, after a hearing pursuant to this subsection, shall order specific
13097 steps the commissioner and the parent or guardian shall take for the
13098 parent or guardian to regain or to retain custody of the child or youth;

13099 (7) **[**take**]** Take steps to determine the identity of the father of the
13100 child or youth, including, if necessary, inquiring of the mother of the
13101 child or youth, under oath, as to the identity and address of any person

13102 who might be the father of the child or youth and ordering genetic
13103 testing, and order service of the petition and notice of the hearing date,
13104 if any, to be made upon him;

13105 (8) [if] If the person named as the father appears [,] and admits that
13106 he is the father, provide him and the mother with the notices that
13107 comply with section 17b-27 and provide them with the opportunity to
13108 sign a paternity acknowledgment and affirmation on forms that
13109 comply with section 17b-27. Such documents shall be executed and
13110 filed in accordance with chapter 815y and a copy delivered to the clerk
13111 of the superior court for juvenile matters. The clerk of the superior
13112 court for juvenile matters shall send a certified copy of the paternity
13113 acknowledgment and affirmation to the Department of Public Health
13114 for filing in the paternity registry maintained under section 19a-42a,
13115 and shall maintain a certified copy of the paternity acknowledgment
13116 and affirmation in the court file;

13117 (9) [in the event that] If the person named as a father appears and
13118 denies that he is the father of the child or youth, [advise him that he
13119 may have no further standing in any proceeding concerning the child,
13120 and either] order genetic testing to determine paternity [or direct him
13121 to execute a written denial of paternity on a form promulgated by the
13122 Office of the Chief Court Administrator. Upon execution of such a
13123 form by the putative father,] in accordance with section 46b-168. If the
13124 results of the genetic tests indicate a ninety-nine per cent or greater
13125 probability that the person named as father is the father of the child or
13126 youth, such results shall constitute a rebuttable presumption that the
13127 person named as father is the father of the child or youth, provided the
13128 court finds evidence that sexual intercourse occurred between the
13129 mother and the person named as father during the period of time in
13130 which the child was conceived. If the court finds such rebuttable
13131 presumption, the court may issue judgment adjudicating paternity
13132 after providing the father an opportunity for a hearing. The clerk of the
13133 court shall send a certified copy of any judgment adjudicating
13134 paternity to the Department of Public Health for filing in the paternity

13135 registry maintained under section 19a-42a. If the results of the genetic
13136 tests indicate that the person named as father is not the biological
13137 father of the child or youth, the court shall enter a judgment that he is
13138 not the father and the court [may] shall remove him from the case and
13139 afford him no further standing in the case or in any subsequent
13140 proceeding regarding the child or youth; [until such time as paternity
13141 is established by formal acknowledgment or adjudication in a court of
13142 competent jurisdiction;]

13143 (10) [identify] Identify any person or persons related to the child or
13144 youth by blood or marriage residing in this state who might serve as
13145 licensed foster parents or temporary custodians and order the
13146 Commissioner of Children and Families to investigate and report to
13147 the court, not later than thirty days after the preliminary hearing, the
13148 appropriateness of [placement of] placing the child or youth with such
13149 relative or relatives; and

13150 (11) [in] In accordance with the provisions of the Interstate Compact
13151 on the Placement of Children pursuant to section 17a-175, identify any
13152 person or persons related to the child or youth by blood or marriage
13153 residing out of state who might serve as licensed foster parents or
13154 temporary custodians, and order the Commissioner of Children and
13155 Families to investigate and determine, within a reasonable time, the
13156 appropriateness of [placement of] placing the child or youth with such
13157 relative or relatives.

13158 Sec. 273. Subparagraph (C) of subdivision (2) of section 46b-129a of
13159 the 2012 supplement to the general statutes is repealed and the
13160 following is substituted in lieu thereof (*Effective July 1, 2012*):

13161 (C) The primary role of any counsel for the child shall be to
13162 advocate for the child in accordance with the Rules of Professional
13163 Conduct, except that if the child is incapable of expressing the child's
13164 wishes to the child's counsel because of age or other incapacity, the
13165 counsel for the child shall advocate for the best interests of the child.

13166 Sec. 274. Subsection (b) of section 46b-140 of the 2012 supplement to
13167 the general statutes is repealed and the following is substituted in lieu
13168 thereof (*Effective July 1, 2012*):

13169 (b) Upon conviction of a child as delinquent, the court: (1) May (A)
13170 **[**place the child in the care of any institution or agency which is
13171 permitted by law to care for children; (B)**]** order the child to participate
13172 in an alternative incarceration program; **[**(C)**]** (B) order the child to
13173 participate in a program at a wilderness school **[**program**]** facility
13174 operated by the Department of Children and Families; **[**(D)**]** (C) order
13175 the child to participate in a youth service bureau program; **[**(E)**]** (D)
13176 place the child on probation; **[**(F)**]** (E) order the child or the parents or
13177 guardian of the child, or both, to make restitution to the victim of the
13178 offense in accordance with subsection (d) of this section; **[**(G)**]** (F) order
13179 the child to participate in a program of community service in
13180 accordance with subsection (e) of this section; or **[**(H)**]** (G) withhold or
13181 suspend execution of any judgment; and (2) shall impose the penalty
13182 established in subsection (b) of section 30-89 **[**,**]** for any violation of said
13183 subsection (b).

13184 Sec. 275. Subdivision (4) of subsection (d) of section 46b-129 of the
13185 2012 supplement to the general statutes is repealed and the following
13186 is substituted in lieu thereof (*Effective October 1, 2012*):

13187 (4) Any person related to a child or youth may file a motion to
13188 intervene for purposes of seeking **[**permanent**]** guardianship of a child
13189 or youth more than ninety days after the date of the preliminary
13190 hearing. The granting of such motion to intervene shall be solely in the
13191 court's discretion, except that such motion shall be granted absent
13192 good cause shown whenever the child's or youth's most recent
13193 placement has been disrupted or is about to be disrupted. The court
13194 may, in the court's discretion, order the Commissioner of Children and
13195 Families to conduct an assessment of such relative granted intervenor
13196 status pursuant to this subdivision.

13197 Sec. 276. Subsections (j) to (r), inclusive, of section 46b-129 of the

13198 2012 supplement to the general statutes are repealed and the following
13199 is substituted in lieu thereof (*Effective October 1, 2012*):

13200 (j) (1) For the purposes of this subsection and subsection (k) of this
13201 section, "permanent legal guardianship" means a permanent
13202 guardianship, as defined in section 45a-604, as amended by this act.

13203 [(j)] (2) Upon finding and adjudging that any child or youth is
13204 uncared-for, neglected or abused the court may (A) commit such child
13205 or youth to the Commissioner of Children and Families, [. Such] and
13206 such commitment shall remain in effect until further order of the court,
13207 except that such commitment may be revoked or parental rights
13208 terminated at any time by the court; [, or the court may] (B) vest such
13209 child's or youth's legal guardianship in any private or public agency
13210 that is permitted by law to care for neglected, uncared-for or abused
13211 children or youths or with any other person or persons found to be
13212 suitable and worthy of such responsibility by the court, including, but
13213 not limited to, any relative of such child or youth by blood or
13214 marriage; (C) vest such child's or youth's permanent legal
13215 guardianship in any person or persons found to be suitable and
13216 worthy of such responsibility by the court, including, but not limited
13217 to, any relative of such child or youth by blood or marriage in
13218 accordance with the requirements set forth in subdivision (5) of this
13219 subsection; or (D) place the child or youth in the custody of the parent
13220 or guardian with protective supervision by the Commissioner of
13221 Children and Families subject to conditions established by the court.

13222 (3) If the court determines that the commitment should be revoked
13223 and the child's or youth's legal guardianship or permanent legal
13224 guardianship should vest in someone other than the respondent
13225 parent, parents or former guardian, or if parental rights are terminated
13226 at any time, there shall be a rebuttable presumption that an award of
13227 legal guardianship or permanent legal guardianship upon revocation
13228 to, or adoption upon termination of parental rights by, any relative
13229 who is licensed as a foster parent for such child or youth, or who is,

13230 pursuant to an order of the court, the temporary custodian of the child
13231 or youth at the time of the revocation or termination, shall be in the
13232 best interests of the child or youth and that such relative is a suitable
13233 and worthy person to assume legal guardianship or permanent legal
13234 guardianship upon revocation or to adopt such child or youth upon
13235 termination of parental rights. The presumption may be rebutted by a
13236 preponderance of the evidence that an award of legal guardianship or
13237 permanent legal guardianship to, or an adoption by, such relative
13238 would not be in the child's or youth's best interests and such relative is
13239 not a suitable and worthy person. The court shall order specific steps
13240 that the parent must take to facilitate the return of the child or youth to
13241 the custody of such parent.

13242 (4) The commissioner shall be the guardian of such child or youth
13243 for the duration of the commitment, provided the child or youth has
13244 not reached the age of eighteen years or, in the case of a child or youth
13245 in full-time attendance in a secondary school, a technical school, a
13246 college or a state-accredited job training program, provided such child
13247 or youth has not reached the age of twenty-one years, by consent of
13248 such child or youth, or until another guardian has been legally
13249 appointed, and in like manner, upon such vesting of the care of such
13250 child or youth, such other public or private agency or individual shall
13251 be the guardian of such child or youth until such child or youth has
13252 reached the age of eighteen years or, in the case of a child or youth in
13253 full-time attendance in a secondary school, a technical school, a college
13254 or a state-accredited job training program, until such child or youth
13255 has reached the age of twenty-one years or until another guardian has
13256 been legally appointed. The commissioner may place any child or
13257 youth so committed to the commissioner in a suitable foster home or in
13258 the home of a person related by blood or marriage to such child or
13259 youth or in a licensed child-caring institution or in the care and
13260 custody of any accredited, licensed or approved child-caring agency,
13261 within or without the state, provided a child shall not be placed
13262 outside the state except for good cause and unless the parents or
13263 guardian of such child are notified in advance of such placement and

13264 given an opportunity to be heard, or in a receiving home maintained
13265 and operated by the Commissioner of Children and Families. In
13266 placing such child or youth, the commissioner shall, if possible, select a
13267 home, agency, institution or person of like religious faith to that of a
13268 parent of such child or youth, if such faith is known or may be
13269 ascertained by reasonable inquiry, provided such home conforms to
13270 the standards of said commissioner and the commissioner shall, when
13271 placing siblings, if possible, place such children together. **[**As an
13272 alternative to commitment, the court may place the child or youth in
13273 the custody of the parent or guardian with protective supervision by
13274 the Commissioner of Children and Families subject to conditions
13275 established by the court.**]** Upon the issuance of an order committing
13276 the child or youth to the Commissioner of Children and Families, or
13277 not later than sixty days after the issuance of such order, the court shall
13278 determine whether the Department of Children and Families made
13279 reasonable efforts to keep the child or youth with his or her parents or
13280 guardian prior to the issuance of such order and, if such efforts were
13281 not made, whether such reasonable efforts were not possible, taking
13282 into consideration the child's or youth's best interests, including the
13283 child's or youth's health and safety.

13284 (5) Prior to issuing an order for permanent legal guardianship, the
13285 court shall provide notice to each parent that the parent may not file a
13286 motion to terminate the permanent legal guardianship, or the court
13287 shall indicate on the record why such notice could not be provided,
13288 and the court shall find by clear and convincing evidence that the
13289 permanent legal guardianship is in the best interests of the child or
13290 youth and that the following have been proven by clear and
13291 convincing evidence:

13292 (A) One of the statutory grounds for termination of parental rights
13293 exists, as set forth in subsection (j) of section 17a-112, or the parents
13294 have voluntarily consented to the establishment of the permanent legal
13295 guardianship;

13296 (B) Adoption of the child or youth is not possible or appropriate;

13297 (C) (i) If the child or youth is as least twelve years of age, such child
13298 or youth consents to the proposed permanent legal guardianship, or
13299 (ii) if the child is under twelve years of age, the proposed permanent
13300 legal guardian is: (I) A relative, or (II) already serving as the
13301 permanent legal guardian of at least one of the child's siblings, if any;

13302 (D) The child or youth has resided with the proposed permanent
13303 legal guardian for at least a year; and

13304 (E) The proposed permanent legal guardian is (i) a suitable and
13305 worthy person, and (ii) committed to remaining the permanent legal
13306 guardian and assuming the right and responsibilities for the child or
13307 youth until the child or youth attains the age of majority.

13308 (6) An order of permanent legal guardianship may be reopened and
13309 modified and the permanent legal guardian removed upon the filing
13310 of a motion with the court, provided it is proven by a fair
13311 preponderance of the evidence that the permanent legal guardian is no
13312 longer suitable and worthy. A parent may not file a motion to
13313 terminate a permanent legal guardianship. If, after a hearing, the court
13314 terminates a permanent legal guardianship, the court, in appointing a
13315 successor legal guardian or permanent legal guardian for the child or
13316 youth shall do so in accordance with this subsection.

13317 (k) (1) Nine months after placement of the child or youth in the care
13318 and custody of the commissioner pursuant to a voluntary placement
13319 agreement, or removal of a child or youth pursuant to section 17a-101g
13320 or an order issued by a court of competent jurisdiction, whichever is
13321 earlier, the commissioner shall file a motion for review of a
13322 permanency plan. Nine months after a permanency plan has been
13323 approved by the court pursuant to this subsection, the commissioner
13324 shall file a motion for review of the permanency plan. Any party
13325 seeking to oppose the commissioner's permanency plan, including a
13326 relative of a child or youth by blood or marriage who has intervened

13327 pursuant to subsection (d) of this section and is licensed as a foster
13328 parent for such child or youth or is vested with such child's or youth's
13329 temporary custody by order of the court, shall file a motion in
13330 opposition not later than thirty days after the filing of the
13331 commissioner's motion for review of the permanency plan, which
13332 motion shall include the reason therefor. A permanency hearing on
13333 any motion for review of the permanency plan shall be held not later
13334 than ninety days after the filing of such motion. The court shall hold
13335 evidentiary hearings in connection with any contested motion for
13336 review of the permanency plan and credible hearsay evidence
13337 regarding any party's compliance with specific steps ordered by the
13338 court shall be admissible at such evidentiary hearings. The
13339 commissioner shall have the burden of proving that the proposed
13340 permanency plan is in the best interests of the child or youth. After the
13341 initial permanency hearing, subsequent permanency hearings shall be
13342 held not less frequently than every twelve months while the child or
13343 youth remains in the custody of the Commissioner of Children and
13344 Families. The court shall provide notice to the child or youth, the
13345 parent or guardian of such child or youth, and any intervenor of the
13346 time and place of the court hearing on any such motion not less than
13347 fourteen days prior to such hearing.

13348 (2) At a permanency hearing held in accordance with the provisions
13349 of subdivision (1) of this subsection, the court shall approve a
13350 permanency plan that is in the best interests of the child or youth and
13351 takes into consideration the child's or youth's need for permanency.
13352 The child's or youth's health and safety shall be of paramount concern
13353 in formulating such plan. Such permanency plan may include the goal
13354 of (A) revocation of commitment and reunification of the child or
13355 youth with the parent or guardian, with or without protective
13356 supervision; (B) transfer of guardianship or permanent legal
13357 guardianship; (C) long-term foster care with a relative licensed as a
13358 foster parent; (D) filing of termination of parental rights and adoption;
13359 or (E) another planned permanent living arrangement ordered by the
13360 court, provided the Commissioner of Children and Families has

13361 documented a compelling reason why it would not be in the best
13362 **[**interest**]** interests of the child or youth for the permanency plan to
13363 include the goals in subparagraphs (A) to (D), inclusive, of this
13364 subdivision. Such other planned permanent living arrangement may
13365 include, but not be limited to, placement of a child or youth in an
13366 independent living program or long term foster care with an identified
13367 foster parent.

13368 (3) At a permanency hearing held in accordance with the provisions
13369 of subdivision (1) of this subsection, the court shall review the status of
13370 the child, the progress being made to implement the permanency plan,
13371 determine a timetable for attaining the permanency plan, determine
13372 the services to be provided to the parent if the court approves a
13373 permanency plan of reunification and the timetable for such services,
13374 and determine whether the commissioner has made reasonable efforts
13375 to achieve the permanency plan. The court may revoke commitment if
13376 a cause for commitment no longer exists and it is in the best interests of
13377 the child or youth.

13378 (4) If the court approves the permanency plan of adoption: (A) The
13379 Commissioner of Children and Families shall file a petition for
13380 termination of parental rights not later than sixty days after such
13381 approval if such petition has not previously been filed; (B) the
13382 commissioner may conduct a thorough adoption assessment and
13383 child-specific recruitment; and (C) the court may order that the child
13384 be photo-listed within thirty days if the court determines that such
13385 photo-listing is in the best **[**interest**]** interests of the child. As used in
13386 this subdivision, "thorough adoption assessment" means conducting
13387 and documenting face-to-face interviews with the child, foster care
13388 providers and other significant parties and "child specific recruitment"
13389 means recruiting an adoptive placement targeted to meet the
13390 individual needs of the specific child, including, but not limited to, use
13391 of the media, use of photo-listing services and any other in-state or
13392 out-of-state resources that may be used to meet the specific needs of
13393 the child, unless there are extenuating circumstances that indicate that

13394 such efforts are not in the best [interest] interests of the child.

13395 (l) The Commissioner of Children and Families shall pay directly to
13396 the person or persons furnishing goods or services determined by said
13397 commissioner to be necessary for the care and maintenance of such
13398 child or youth the reasonable expense thereof, payment to be made at
13399 intervals determined by said commissioner; and the Comptroller shall
13400 draw his or her order on the Treasurer, from time to time, for such part
13401 of the appropriation for care of committed children or youths as may
13402 be needed in order to enable the commissioner to make such
13403 payments. The commissioner shall include in the department's annual
13404 budget a sum estimated to be sufficient to carry out the provisions of
13405 this section. Notwithstanding that any such child or youth has income
13406 or estate, the commissioner may pay the cost of care and maintenance
13407 of such child or youth. The commissioner may bill to and collect from
13408 the person in charge of the estate of any child or youth aided under
13409 this chapter, or the payee of such child's or youth's income, the total
13410 amount expended for care of such child or youth or such portion
13411 thereof as any such estate or payee is able to reimburse, provided the
13412 commissioner shall not collect from such estate or payee any
13413 reimbursement for the cost of care or other expenditures made on
13414 behalf of such child or youth from (1) the proceeds of any cause of
13415 action received by such child or youth; (2) any lottery proceeds due to
13416 such child or youth; (3) any inheritance due to such child or youth; (4)
13417 any payment due to such child or youth from a trust other than a trust
13418 created pursuant to 42 USC 1396p, as amended from time to time; or
13419 (5) the decedent estate of such child or youth.

13420 (m) The commissioner, a parent or the child's attorney may file a
13421 motion to revoke a commitment, and, upon finding that cause for
13422 commitment no longer exists, and that such revocation is in the best
13423 interests of such child or youth, the court may revoke the commitment
13424 of such child or youth. No such motion shall be filed more often than
13425 once every six months.

13426 (n) If the court has ordered legal guardianship of a child or youth to
13427 be vested in a suitable and worthy person pursuant to subsection (j) of
13428 this section, the child's or youth's parent or former legal guardian may
13429 file a petition to reinstate guardianship of the child or youth in such
13430 parent or former legal guardian. Upon the filing of such a petition, the
13431 court may order the Commissioner of Children and Families to
13432 investigate the home conditions and needs of the child or youth and
13433 the home conditions of the person seeking reinstatement of
13434 guardianship, and to make a recommendation to the court. A party to
13435 a petition for reinstatement of guardianship shall not be entitled to
13436 court-appointed counsel or representation by Division of Public
13437 Defender Services assigned counsel, except as provided in section 46b-
13438 136. Upon finding that the cause for the removal of guardianship no
13439 longer exists, and that reinstatement is in the best interests of the child
13440 or youth, the court may reinstate the guardianship of the parent or the
13441 former legal guardian. No such petition may be filed more often than
13442 once every six months.

13443 **[**(n)**]** (o) Upon service on the parent, guardian or other person
13444 having control of the child or youth of any order issued by the court
13445 pursuant to the provisions of subsections (b) and (j) of this section, the
13446 child or youth concerned shall be surrendered to the person serving
13447 the order who shall forthwith deliver the child or youth to the person,
13448 agency, department or institution awarded custody in the order. Upon
13449 refusal of the parent, guardian or other person having control of the
13450 child or youth to surrender the child or youth as provided in the order,
13451 the court may cause a warrant to be issued charging the parent,
13452 guardian or other person having control of the child or youth with
13453 contempt of court. If the person arrested is found in contempt of court,
13454 the court may order such person confined until the person complies
13455 with the order, but for not more than six months, or may fine such
13456 person not more than five hundred dollars, or both.

13457 **[**(o)**]** (p) A foster parent, prospective adoptive parent or relative
13458 caregiver shall receive notice and have the right to be heard for the

13459 purposes of this section in Superior Court in any proceeding
13460 concerning a foster child living with such foster parent, prospective
13461 adoptive parent or relative caregiver. A foster parent, prospective
13462 adoptive parent or relative caregiver who has cared for a child or
13463 youth shall have the right to be heard and comment on the best
13464 interests of such child or youth in any proceeding under this section
13465 which is brought not more than one year after the last day the foster
13466 parent, prospective adoptive parent or relative caregiver provided
13467 such care.

13468 **[**(p)**]** (q) Upon motion of any sibling of any child committed to the
13469 Department of Children and Families pursuant to this section, such
13470 sibling shall have the right to be heard concerning visitation with, and
13471 placement of, any such child. In awarding any visitation or modifying
13472 any placement, the court shall be guided by the best interests of all
13473 siblings affected by such determination.

13474 **[**(q)**]** (r) The provisions of section 17a-152, regarding placement of a
13475 child from another state, and section 17a-175, regarding the Interstate
13476 Compact on the Placement of Children, shall apply to placements
13477 pursuant to this section. In any proceeding under this section
13478 involving the placement of a child or youth in another state where the
13479 provisions of section 17a-175 are applicable, the court shall, before
13480 ordering or approving such placement, state for the record the court's
13481 finding concerning compliance with the provisions of section 17a-175.
13482 The court's statement shall include, but not be limited to: (1) A finding
13483 that the state has received notice in writing from the receiving state, in
13484 accordance with subsection (d) of Article III of section 17a-175,
13485 indicating that the proposed placement does not appear contrary to the
13486 interests of the child, (2) the court has reviewed such notice, (3)
13487 whether or not an interstate compact study or other home study has
13488 been completed by the receiving state, and (4) if such a study has been
13489 completed, whether the conclusions reached by the receiving state as a
13490 result of such study support the placement.

13491 [(r)] (s) In any proceeding under this section, the Department of
13492 Children and Families shall provide notice to [every] each attorney of
13493 record for each party involved in the proceeding when the department
13494 seeks to transfer a child or youth in its care, custody or control to an
13495 out-of-state placement.

13496 Sec. 277. Section 45a-604 of the general statutes is repealed and the
13497 following is substituted in lieu thereof (*Effective October 1, 2012*):

13498 As used in sections 45a-603 to 45a-622, inclusive, and section 278 of
13499 this act:

13500 (1) "Mother" means a woman who can show proof by means of a
13501 birth certificate or other sufficient evidence of having given birth to a
13502 child and an adoptive mother as shown by a decree of a court of
13503 competent jurisdiction or otherwise;

13504 (2) "Father" means a man who is a father under the law of this state
13505 including a man who, in accordance with section 46b-172, executes a
13506 binding acknowledgment of paternity and a man determined to be a
13507 father under chapter 815y;

13508 (3) "Parent" means a mother as defined in subdivision (1) of this
13509 section or a "father" as defined in subdivision (2) of this section;

13510 (4) "Minor" or "minor child" means a person under the age of
13511 eighteen;

13512 (5) "Guardianship" means guardianship of the person of a minor,
13513 and includes: (A) The obligation of care and control; (B) the authority
13514 to make major decisions affecting the minor's education and welfare,
13515 including, but not limited to, consent determinations regarding
13516 marriage, enlistment in the armed forces and major medical,
13517 psychiatric or surgical treatment; and (C) upon the death of the minor,
13518 the authority to make decisions concerning funeral arrangements and
13519 the disposition of the body of the minor;

13520 (6) "Guardian" means [one] a person who has the authority and
13521 obligations of "guardianship", as defined in subdivision (5) of this
13522 section;

13523 (7) "Termination of parental rights" means the complete severance
13524 by court order of the legal relationship, with all its rights and
13525 responsibilities, between the child and the child's parent or parents so
13526 that the child is free for adoption, except that it shall not affect the right
13527 of inheritance of the child or the religious affiliation of the child;

13528 (8) "Permanent guardianship" means a guardianship, as defined in
13529 subdivision (5) of this section, that is intended to endure until the
13530 minor reaches the age of majority without termination of the parental
13531 rights of the minor's parents; and

13532 (9) "Permanent guardian" means a person who has the authority
13533 and obligations of a permanent guardianship, as defined in
13534 subdivision (8) of this section.

13535 Sec. 278. (NEW) (*Effective October 1, 2012*) (a) In appointing a
13536 guardian of the person of a minor pursuant to section 45a-616 of the
13537 general statutes, or at any time following such appointment, the court
13538 of probate may establish a permanent guardianship if the court
13539 provides notice to each parent that the parent may not petition for
13540 reinstatement as guardian or petition to terminate the permanent
13541 guardianship, except as provided in subsection (b) of this section, or
13542 the court indicates on the record why such notice could not be
13543 provided, and the court finds by clear and convincing evidence that
13544 the establishment of a permanent guardianship is in the best interests
13545 of the minor and that the following have been proven by clear and
13546 convincing evidence:

13547 (1) One of the grounds for termination of parental rights, as set forth
13548 in subparagraphs (A) to (G), inclusive, of subdivision (2) of subsection
13549 (g) of section 45a-717 of the general statutes exists, or the parents have
13550 voluntarily consented to the appointment of a permanent guardian;

13551 (2) Adoption of the minor is not possible or appropriate;

13552 (3) (A) If the minor is at least twelve years of age, such minor
13553 consents to the proposed appointment of a permanent guardian, or (B)
13554 if the minor is under twelve years of age, the proposed permanent
13555 guardian is a relative or already serving as the permanent guardian of
13556 at least one of the minor's siblings;

13557 (4) The minor has resided with the proposed permanent guardian
13558 for at least one year; and

13559 (5) The proposed permanent guardian is suitable and worthy and
13560 committed to remaining the permanent guardian and assuming the
13561 rights and responsibilities for the minor until the minor reaches the age
13562 of majority.

13563 (b) If a permanent guardian appointed under this section becomes
13564 unable or unwilling to serve as permanent guardian, the court may
13565 appoint a successor guardian or permanent guardian in accordance
13566 with this section and sections 45a-616 and 45a-617 of the general
13567 statutes, as amended by this act, or may reinstate a parent of the minor
13568 who was previously removed as guardian of the person of the minor if
13569 the court finds that the factors that resulted in the removal of the
13570 parent as guardian have been resolved satisfactorily, and that it is in
13571 the best interests of the child to reinstate the parent as guardian.

13572 Sec. 279. Section 45a-611 of the general statutes is repealed and the
13573 following is substituted in lieu thereof (*Effective October 1, 2012*):

13574 (a) **[**Any**]** <u>Except as provided in subsection (d) of this section, any</u>
13575 parent who has been removed as the guardian of the person of a minor
13576 may apply to the court of probate which removed him or her for
13577 reinstatement as the guardian of the person of the minor, if in his or
13578 her opinion the factors which resulted in removal have been resolved
13579 satisfactorily.

13580 (b) In the case of a parent who seeks reinstatement, the court shall

13581 hold a hearing following notice to the guardian, to the parent or
13582 parents and to the minor, if over twelve years of age, as provided in
13583 section 45a-609. If the court determines that the factors which resulted
13584 in the removal of the parent have been resolved satisfactorily, the court
13585 may remove the guardian and reinstate the parent as guardian of the
13586 person of the minor, if it determines that it is in the best interests of the
13587 minor to do so. At the request of a parent, guardian, counsel or
13588 guardian ad litem representing one of the parties, filed within thirty
13589 days of the decree, the court shall make findings of fact to support its
13590 conclusions.

13591 (c) The provisions of this section shall also apply to the
13592 reinstatement of any guardian of the person of a minor other than a
13593 parent.

13594 (d) Notwithstanding the provisions of this section, and subject to the
13595 provisions of subsection (b) of section 278 of this act, a parent who has
13596 been removed as guardian of the person of a minor may not petition
13597 for reinstatement as guardian if a court has established a permanent
13598 guardianship for the person of the minor pursuant to section 278 of
13599 this act.

13600 Sec. 280. Section 45a-613 of the general statutes is repealed and the
13601 following is substituted in lieu thereof (*Effective October 1, 2012*):

13602 (a) Any guardian, **[**or**]** coguardians or permanent guardian of the
13603 person of a minor appointed under section 45a-616 or section 278 of
13604 this act, or appointed by a court of comparable jurisdiction in another
13605 state, may be removed by the court of probate which made the
13606 appointment, and another guardian, **[**or**]** coguardian or permanent
13607 guardian appointed, in the same manner as that provided in sections
13608 45a-603 to 45a-622, inclusive, for removal of a parent as guardian.

13609 (b) Any removal of a guardian, coguardian or permanent guardian
13610 under subsection (a) of this section shall be preceded by notice to the
13611 guardian, **[**or**]** coguardians or permanent guardian, the parent or

13612 parents and the minor if over twelve years of age, as provided by
13613 section 45a-609.

13614 (c) If a new guardian, coguardian or permanent guardian is
13615 appointed, the court shall send a copy of that order to the parent or
13616 parents of the minor.

13617 Sec. 281. Section 45a-614 of the general statutes is repealed and the
13618 following is substituted in lieu thereof (*Effective October 1, 2012*):

13619 (a) [The] Except as provided in subsection (b) of this section, the
13620 following persons may apply to the court of probate for the district in
13621 which the minor resides for the removal as guardian of one or both
13622 parents of the minor: (1) Any adult relative of the minor, including
13623 those by blood or marriage; (2) the court on its own motion; or (3)
13624 counsel for the minor.

13625 (b) A parent may not petition for the removal of a permanent
13626 guardian appointed pursuant to section 278 of this act.

13627 Sec. 282. Section 45a-617 of the general statutes is repealed and the
13628 following is substituted in lieu thereof (*Effective October 1, 2012*):

13629 When appointing a guardian, [or] coguardians or permanent
13630 guardian of the person of a minor, the court shall take into
13631 consideration the following factors: (1) The ability of the prospective
13632 guardian, [or] coguardians or permanent guardian to meet, on a
13633 continuing day to day basis, the physical, emotional, moral and
13634 educational needs of the minor; (2) the minor's wishes, if he or she is
13635 over the age of twelve or is of sufficient maturity and capable of
13636 forming an intelligent preference; (3) the existence or nonexistence of
13637 an established relationship between the minor and the prospective
13638 guardian, [or] coguardians or permanent guardian; and (4) the best
13639 interests of the child. There shall be a rebuttable presumption that
13640 appointment of a grandparent or other relative related by blood or
13641 marriage as a guardian, coguardian or permanent guardian is in the

13642 best interests of the minor child.

13643 Sec. 283. Section 46b-127 of the 2012 supplement to the general
13644 statutes, as amended by section 84 of public act 09-7 of the September
13645 special session, section 18 of public act 11-157 and section 10 of public
13646 act 12-5, is repealed and the following is substituted in lieu thereof
13647 (*Effective October 1, 2012*):

13648 (a) (1) The court shall automatically transfer from the docket for
13649 juvenile matters to the regular criminal docket of the Superior Court
13650 the case of any child charged with the commission of a capital felony
13651 under the provisions of section 53a-54b in effect prior to the effective
13652 date of **[**this**]** section 10 of public act 12-5, a class A or B felony or a
13653 violation of section 53a-54d, provided such offense was committed
13654 after such child attained the age of fourteen years and counsel has been
13655 appointed for such child if such child is indigent. Such counsel may
13656 appear with the child but shall not be permitted to make any argument
13657 or file any motion in opposition to the transfer. The child shall be
13658 arraigned in the regular criminal docket of the Superior Court at the
13659 next court date following such transfer, provided any proceedings held
13660 prior to the finalization of such transfer shall be private and shall be
13661 conducted in such parts of the courthouse or the building **[**wherein**]** in
13662 which the court is located **[**as shall be**]** that are separate and apart from
13663 the other parts of the court which are then being **[**held**]** used for
13664 proceedings pertaining to adults charged with crimes. **[**The file of any
13665 case so transferred shall remain sealed until the end of the tenth
13666 working day following such arraignment unless the state's attorney
13667 has filed a motion pursuant to this subsection, in which case such file
13668 shall remain sealed until the court makes a decision on the motion.**]**

13669 (2) A state's attorney may, **[**not later than ten working days**]** at any
13670 time after such arraignment, file a motion to transfer the case of any
13671 child charged with the commission of a class B felony or a violation of
13672 subdivision (2) of subsection (a) of section 53a-70 to the docket for
13673 juvenile matters for proceedings in accordance with the provisions of

13674 this chapter. [The court sitting for the regular criminal docket shall,
13675 after hearing and not later than ten working days after the filing of
13676 such motion, decide such motion.]

13677 (b) (1) Upon motion of a prosecutorial official, [and order of the
13678 court,] the superior court for juvenile matters shall conduct a hearing
13679 to determine whether the case of any child charged with the
13680 commission of a class C or D felony or an unclassified felony shall be
13681 transferred from the docket for juvenile matters to the regular criminal
13682 docket of the Superior Court. [, provided] The court shall not order
13683 that the case be transferred under this subdivision unless the court
13684 finds that (A) such offense was committed after such child attained the
13685 age of fourteen years, [and the court finds ex parte that] (B) there is
13686 probable cause to believe the child has committed the act for which
13687 [he] the child is charged, and (C) the best interests of the child and the
13688 public will not be served by maintaining the case in the superior court
13689 for juvenile matters. In making such findings, the court shall consider
13690 (i) any prior criminal or juvenile offenses committed by the child, (ii)
13691 the seriousness of such offenses, (iii) any evidence that the child has
13692 intellectual disability or mental illness, and (iv) the availability of
13693 services in the docket for juvenile matters that can serve the child's
13694 needs. Any motion under this subdivision shall be made, and any
13695 hearing under this subdivision shall be held, not later than thirty days
13696 after the child is arraigned in the superior court for juvenile matters.
13697 [The file of any case so transferred shall remain sealed until such time
13698 as the court sitting for the regular criminal docket accepts such
13699 transfer.]

13700 (2) [The] If a case is transferred to the regular criminal docket
13701 pursuant to subdivision (1) of this subsection, the court sitting for the
13702 regular criminal docket may return [any such] the case to the docket
13703 for juvenile matters [not later than ten working days after the date of
13704 the transfer] at any time prior to a jury rendering a verdict or the entry
13705 of a guilty plea for good cause shown for proceedings in accordance
13706 with the provisions of this chapter. [The child shall be arraigned in the

13707 regular criminal docket of the Superior Court by the next court date
13708 following such transfer, provided any proceedings held prior to the
13709 finalization of such transfer shall be private and shall be conducted in
13710 such parts of the courthouse or the building wherein court is located as
13711 shall be separate and apart from the other parts of the court which are
13712 then being held for proceedings pertaining to adults charged with
13713 crimes.]

13714 (c) Upon the effectuation of the transfer, such child shall stand trial
13715 and be sentenced, if convicted, as if such child were eighteen years of
13716 age. Such child shall receive credit against any sentence imposed for
13717 time served in a juvenile facility prior to the effectuation of the
13718 transfer. A child who has been transferred may enter a guilty plea to a
13719 lesser offense if the court finds that such plea is made knowingly and
13720 voluntarily. Any child transferred to the regular criminal docket who
13721 pleads guilty to a lesser offense shall not resume such child's status as
13722 a juvenile regarding such offense. If the action is dismissed or nolled or
13723 if such child is found not guilty of the charge for which such child was
13724 transferred or of any lesser included offenses, the child shall resume
13725 such child's status as a juvenile until such child attains the age of
13726 eighteen years.

13727 (d) Any child whose case is transferred to the regular criminal
13728 docket of the Superior Court who is detained pursuant to such case
13729 shall be in the custody of the Commissioner of Correction upon the
13730 finalization of such transfer. A transfer shall be final (1) upon [the
13731 expiration of ten working days after] the arraignment [if no] on the
13732 regular criminal docket until a motion [has been] filed by the state's
13733 attorney pursuant to subsection (a) of this section [or, if such motion
13734 has been filed, upon the decision of] is granted by the court, [to deny
13735 such motion,] or (2) upon the [court accepting the transfer pursuant to
13736 subsection (b) of this section] arraignment on the regular criminal
13737 docket of a transfer ordered pursuant to subsection (b) of this section
13738 until the court sitting for the regular criminal docket orders the case
13739 returned to the docket for juvenile matters for good cause shown. Any

13740 child whose case is returned to the docket for juvenile matters who is
13741 detained pursuant to such case shall be in the custody of the Judicial
13742 Department.

13743 (e) The transfer of a child to a Department of Correction facility shall
13744 be limited [to the provisions of] as provided in subsection (d) of this
13745 section and said subsection shall not be construed to permit the
13746 transfer of or otherwise reduce or eliminate any other population of
13747 juveniles in detention or confinement within the Judicial Department
13748 or the Department of Children and Families.

13749 (f) Upon the motion of any party or upon the court's own motion,
13750 the case of any youth age sixteen or seventeen, except a case that has
13751 been transferred to the regular criminal docket of the Superior Court
13752 pursuant to subsection (a) or (b) of this section, which is pending on
13753 the youthful offender docket, regular criminal docket of the Superior
13754 Court or any docket for the presentment of defendants in motor
13755 vehicle matters, where the youth is charged with committing any
13756 offense or violation for which a term of imprisonment may be
13757 imposed, other than a violation of section 14-227a or 14-227g, may,
13758 before trial or before the entry of a guilty plea, be transferred to the
13759 docket for juvenile matters if (1) the youth is alleged to have
13760 committed such offense or violation on or after January 1, 2010, while
13761 sixteen years of age, or is alleged to have committed such offense or
13762 violation on or after July 1, 2012, while seventeen years of age, and (2)
13763 after a hearing considering the facts and circumstances of the case and
13764 the prior history of the youth, the court determines that the programs
13765 and services available pursuant to a proceeding in the superior court
13766 for juvenile matters would more appropriately address the needs of
13767 the youth and that the youth and the community would be better
13768 served by treating the youth as a delinquent. Upon ordering such
13769 transfer, the court shall vacate any pleas entered in the matter and
13770 advise the youth of the youth's rights, and the youth shall (A) enter
13771 pleas on the docket for juvenile matters in the jurisdiction where the
13772 youth resides, and (B) be subject to prosecution as a delinquent child.

13773 The decision of the court concerning the transfer of a youth's case from
13774 the youthful offender docket, regular criminal docket of the Superior
13775 Court or any docket for the presentment of defendants in motor
13776 vehicle matters shall not be a final judgment for purposes of appeal.

13777 Sec. 284. Subsection (d) of section 46b-122 of the 2012 supplement to
13778 the general statutes is repealed and the following is substituted in lieu
13779 thereof (*Effective October 1, 2012*):

13780 (d) Nothing in this section shall be construed to affect the
13781 confidentiality of records of cases of juvenile matters as set forth in
13782 section 46b-124 or the right of foster parents to be heard pursuant to
13783 subsection **[**(o)**]** (p) of section 46b-129, as amended by this act.

13784 Sec. 285. Subdivision (4) of subsection (a) of section 10-264i of the
13785 2012 supplement to the general statutes is repealed and the following
13786 is substituted in lieu thereof (*Effective July 1, 2012*):

13787 (4) For the fiscal years ending June 30, 2009, and June 30, 2010, in
13788 addition to the grants otherwise provided pursuant to this section, the
13789 Commissioner of Education may provide supplemental transportation
13790 grants to regional educational service centers for the purposes of
13791 transportation to interdistrict magnet schools. Any such grant shall be
13792 provided within available appropriations and after the commissioner
13793 has reviewed and approved the total interdistrict magnet school
13794 transportation budget for a regional educational service center,
13795 including all revenue and expenditure estimates. For the fiscal year
13796 ending June 30, 2010, in addition to the grants otherwise provided
13797 pursuant to this section, the Commissioner of Education, with the
13798 approval of the Secretary of the Office of Policy and Management, may
13799 provide supplemental transportation grants to the Hartford school
13800 district and the Capitol Region Education Council for the purposes of
13801 transportation of students who are not residents of Hartford to
13802 interdistrict magnet schools operated by the Capitol Region Education
13803 Council or the Hartford school district. For the fiscal year ending June
13804 30, **[**2011**]** 2012, in addition to the grants otherwise provided pursuant

13805 to this section, the Commissioner of Education may provide
13806 supplemental transportation grants to regional educational service
13807 centers for the purposes of transportation to interdistrict magnet
13808 schools that assist the state in meeting the goals of the 2008 stipulation
13809 and order for Milo Sheff, et al. v. William A. O'Neill, et al. Any such
13810 grant shall be provided within available appropriations and upon a
13811 comprehensive financial review of all transportation activities as
13812 prescribed by the commissioner. The commissioner may require the
13813 regional educational service center to provide an independent financial
13814 review, by an auditor selected by the Commissioner of Education, the
13815 costs of which may be paid from funds that are part of the
13816 supplemental transportation grant. Any such grant shall be paid as
13817 follows: Up to [seventy-five] fifty per cent of the grant on or before
13818 June 30, [2011] 2012, and the balance on or before September 1, [2011]
13819 2012, upon completion of the comprehensive financial review.

13820 Sec. 286. (*Effective from passage*) The unexpended balance of funds
13821 appropriated in section 67 of public act 11-61 to the Department of
13822 Education, for Magnet Schools, shall not lapse on June 30, 2012, and
13823 such funds shall be available for the purpose of Sheff programming,
13824 including the payment of supplemental magnet transportation costs,
13825 pursuant to subdivision (4) of subsection (a) of section 10-264i of the
13826 general statutes, as amended by this act, during the fiscal year ending
13827 June 30, 2013.

13828 Sec. 287. (*Effective July 1, 2012*) Up to $700,000 appropriated in
13829 section 67 of public act 11-61 to the Department of Education, for
13830 Magnet Schools, for the fiscal year ending June 30, 2012, shall not lapse
13831 on June 30, 2012, and such funds shall be transferred to Other
13832 Expenses, and shall be available for the litigation costs associated with
13833 the Connecticut Coalition for Justice in Education Funding v. Rell
13834 lawsuit and school reform activities during the fiscal year ending June
13835 30, 2013.

13836 Sec. 288. (*Effective July 1, 2012*) Up to $200,000 appropriated in

13837 section 67 of public act 11-61 to the Department of Education, for
13838 Interdistrict Cooperation, for the fiscal year ending June 30, 2012, shall
13839 not lapse on June 30, 2012, and such funds shall be transferred to Other
13840 Expenses, and shall be available for technology initiatives with local
13841 and regional school districts during the fiscal year ending June 30,
13842 2013.

13843 Sec. 289. Subparagraph (B) of subdivision (2) of subsection (e) of
13844 section 10-16p of the 2012 supplement to the general statutes, as
13845 amended by section 1 of public act 12-50, is repealed and the following
13846 is substituted in lieu thereof (*Effective July 1, 2012*):

13847 (B) For the fiscal year ending June 30, 2012, and each fiscal year
13848 thereafter, if funds appropriated for the purposes of subsection (c) of
13849 this section are not expended, an amount up to five hundred thousand
13850 dollars of such unexpended funds may be available for the provision
13851 of professional development for early childhood education program
13852 providers offered by a professional development and program
13853 improvement system within the Connecticut State University System
13854 and available for use in accordance with the provisions of this
13855 subparagraph for the subsequent fiscal year. The Commissioner of
13856 Education may use such unexpended funds on and after July 1, 2012,
13857 in consultation with the president of the Board of Regents for Higher
13858 Education, to support early childhood education programs accepting
13859 state funds in satisfying the staff qualifications requirements of
13860 subparagraphs (B) and (C) of subdivision (2) of subsection (b) of this
13861 section. The Department of Education shall use any such funds to
13862 provide assistance to individual staff members, giving priority to those
13863 staff members attending an institution of higher education (1)
13864 accredited by the Board of Regents for Higher Education or State
13865 Board of Education, and (2) regionally accredited, at a maximum of
13866 five thousand dollars per staff member per year for the cost of higher
13867 education courses leading to a bachelor's degree or, not later than
13868 December 31, 2013, an associate's degree, as such degrees are described
13869 in said subparagraphs (B) and (C) at an in-state public institution of

13870 higher education or a Connecticut-based for-profit or nonprofit
13871 institution of higher education, provided such staff members have
13872 applied for all available federal and state scholarships and grants, and
13873 such assistance does not exceed such staff members' financial need.
13874 Individual staff members shall apply for such unexpended funds in a
13875 manner determined by the Department of Education. The
13876 Commissioner of Education shall determine, in consultation with the
13877 president of the Board of Regents for Higher Education, how such
13878 unexpended funds shall be distributed.

13879 Sec. 290. Section 10-262f of the 2012 supplement to the general
13880 statutes is amended by adding subdivisions (38) and (39) as follows
13881 (*Effective July 1, 2012*):

13882 (NEW) (38) "Local funding percentage" means that for the fiscal year
13883 two years prior to the fiscal year in which the grant is to be paid
13884 pursuant to section 10-262i, as amended by this act, the number
13885 obtained by dividing (A) total current educational expenditures less (i)
13886 expenditures for (I) land and capital building expenditures, and
13887 equipment otherwise supported by a state grant pursuant to chapter
13888 173, including debt service, (II) health services for nonpublic school
13889 children, and (III) adult education, (ii) expenditures directly
13890 attributable to (I) state grants received by or on behalf of school
13891 districts, except those grants for the categories of expenditures
13892 described in subparagraphs (A)(i)(I) to (A)(i)(III), inclusive, of this
13893 subdivision, and except grants received pursuant to chapter 173, (II)
13894 federal grants received by or on behalf of local or regional boards of
13895 education, except those grants for adult education and federal impact
13896 aid, and (III) receipts from the operation of child nutrition services and
13897 student activities services, (iii) expenditures of funds from private and
13898 other sources, and (iv) tuition received by the district for the education
13899 of nonresident students, by (B) total current educational expenditures
13900 less expenditures for (i) land and capital building expenditures, and
13901 equipment otherwise supported by a state grant pursuant to chapter
13902 173, including debt service, (ii) health services for nonpublic school

13903 children, and (iii) adult education.

13904 (NEW) (39) "Minimum local funding percentage" means (A) for the
13905 fiscal year ending June 30, 2013, twenty per cent, (B) for the fiscal year
13906 ending June 30, 2014, twenty-one per cent, (C) for the fiscal year
13907 ending June 30, 2015, twenty-two per cent, (D) for the fiscal year
13908 ending June 30, 2016, twenty-three per cent, and (E) for the fiscal year
13909 ending June 30, 2017, twenty-four per cent.

13910 Sec. 291. Subsection (f) of section 10-262i of the 2012 supplement to
13911 the general statutes, as amended by section 62 of public act 12-116, is
13912 repealed and the following is substituted in lieu thereof (*Effective July*
13913 *1, 2012*):

13914 (f) (1) Except as otherwise provided under the provisions of
13915 subdivisions (3) and (4) of this subsection, for the fiscal year ending
13916 June 30, 2012, the budgeted appropriation for education shall be not
13917 less than the budgeted appropriation for education for the fiscal year
13918 ending June 30, 2011, plus any reductions made pursuant to section 19
13919 of public act 09-1 of the June 19 special session, except that (A) for the
13920 fiscal year ending June 30, 2012, any district with a number of resident
13921 students for the school year commencing July 1, 2011, that is lower
13922 than such district's number of resident students for the school year
13923 commencing July 1, 2010, may reduce such district's budgeted
13924 appropriation for education by the difference in number of resident
13925 students for such school years multiplied by three thousand, provided
13926 such reduction shall not exceed one-half of one per cent of the district's
13927 budgeted appropriation for education for the fiscal year ending June
13928 30, 2011, and (B) for the fiscal year ending June 30, 2012, any district
13929 that (i) does not maintain a high school and pays tuition to another
13930 school district pursuant to section 10-33 for resident students to attend
13931 high school in another district, and (ii) the number of resident students
13932 attending high school for such district for the school year commencing
13933 July 1, 2011, is lower than such district's number of resident students
13934 attending high school for the school year commencing July 1, 2010,

13935 may reduce such district's budgeted appropriation for education by
13936 the difference in number of resident students attending high school for
13937 such school years multiplied by the tuition paid per student pursuant
13938 to section 10-33.

13939 (2) Except as otherwise provided under the provisions of
13940 subdivisions (3) [and (4)] to (5), inclusive, of this subsection, for the
13941 fiscal year ending June 30, 2013, the budgeted appropriation for
13942 education shall be not less than the budgeted appropriation for
13943 education for the fiscal year ending June 30, 2012, except that a town
13944 may reduce its budgeted appropriation for education for the fiscal year
13945 ending June 30, 2013, by one of the following: (A) Any district with a
13946 number of resident students for the school year commencing July 1,
13947 2012, that is lower than such district's number of resident students for
13948 the school year commencing July 1, 2011, may reduce such district's
13949 budgeted appropriation for education by the difference in number of
13950 resident students for such school years multiplied by three thousand,
13951 provided such reduction shall not exceed one-half of one per cent of
13952 the district's budgeted appropriation for education for the fiscal year
13953 ending June 30, 2012, (B) any district that (i) does not maintain a high
13954 school and pays tuition to another school district pursuant to section
13955 10-33 for resident students to attend high school in another district,
13956 and (ii) the number of resident students attending high school for such
13957 district for the school year commencing July 1, 2012, is lower than such
13958 district's number of resident students attending high school for the
13959 school year commencing July 1, 2011, may reduce such district's
13960 budgeted appropriation for education by the difference in number of
13961 resident students attending high school for such school years
13962 multiplied by the tuition paid per student pursuant to section 10-33, or
13963 (C) any district that realizes new and documentable savings through
13964 increased intradistrict efficiencies approved by the Commissioner of
13965 Education or through regional collaboration or cooperative
13966 arrangements pursuant to section 10-158a may reduce such district's
13967 budgeted appropriation for education in an amount equal to half of the
13968 savings experienced as a result of such intradistrict efficiencies,

13969 regional collaboration or cooperative arrangement, provided such
13970 reduction shall not exceed one-half of one per cent of the district's
13971 budgeted appropriation for education for the fiscal year ending June
13972 30, 2012.

13973 (3) The Commissioner of Education may permit a district to reduce
13974 its budgeted appropriation for education for the fiscal year ending
13975 June 30, 2012, or June 30, 2013, in an amount determined by the
13976 commissioner if such district has permanently ceased operations and
13977 closed one or more schools in the district due to declining enrollment
13978 at such closed school or schools in the fiscal year ending June 30, 2011,
13979 June 30, 2012, or June 30, 2013.

13980 (4) **[**No**]** Except as otherwise provided in subdivision (5) of this
13981 subsection, no town shall be eligible to reduce its budgeted
13982 appropriation for education for the fiscal years ending June 30, 2012,
13983 and June 30, 2013, pursuant to this subsection if (A) the school district
13984 for the town is in its third year or more of being identified as in need of
13985 improvement pursuant to section 10-223e, as amended by **[**this act**]**
13986 public act 12-116, and (i) has failed to make adequate yearly progress
13987 in mathematics or reading at the whole district level, or (ii) has
13988 satisfied the requirements for adequate yearly progress in mathematics
13989 or reading pursuant to Section 1111(b)(2)(I) of Subpart 1 of Part A of
13990 Title I of the No Child Left Behind Act, P.L. 107-110, as amended from
13991 time to time, or (B) the school district for the town (i) has been
13992 identified as in need of improvement pursuant to section 10-223e, as
13993 amended by **[**this act**]** public act 12-116, and (ii) has a poverty rate
13994 greater than ten per cent. For purposes of this subparagraph, "poverty
13995 rate" means the quotient of the number of related children ages five to
13996 seventeen, inclusive, in families in poverty in a school district, divided
13997 by the total school age population of such school district based on the
13998 2009 population estimate produced by the Bureau of Census of the
13999 United States Department of Commerce.

14000 (5) For the fiscal year ending June 30, 2013, the budgeted

14001 appropriation for a town designated as an alliance district, as defined
14002 in section 34 of public act 12-116, shall be not less than the sum of (A)
14003 the budgeted appropriation for the fiscal year ending June 30, 2012,
14004 and (B) the amount necessary to meet the minimum local funding
14005 percentage, as defined in subdivision (39) of section 10-262f, as
14006 amended by this act, except the commissioner may permit a town
14007 designated as an alliance district to reduce its budgeted appropriation
14008 for education if such town can demonstrate that its local contribution
14009 for the fiscal year ending June 30, 2013, has increased when compared
14010 to the local contribution used in determining its local funding
14011 percentage, as defined in subdivision (38) of section 10-262f, as
14012 amended by this act.

14013 Sec. 292. (*Effective July 1, 2012*) (a) The sum of $2,300,000
14014 appropriated in section 67 of public act 11-61 to the Department of
14015 Education, for Personal Services, for the fiscal year ending June 30,
14016 2012, shall not lapse on June 30, 2012, and such funds shall continue to
14017 be available for the purpose of funding a loan to the city of Bridgeport
14018 to be included in the budgeted appropriation for education for the
14019 fiscal year ending June 30, 2012, for the city of Bridgeport during the
14020 fiscal year ending June 30, 2013.

14021 (b) The sum of $700,000 appropriated in section 67 of public act 11-
14022 61 to the Department of Education, for Sheff Settlement, for the fiscal
14023 year ending June 30, 2012, shall not lapse on June 30, 2012, and such
14024 funds shall continue to be available for the purpose of funding a loan
14025 to the city of Bridgeport to be included in the budgeted appropriation
14026 for education for the fiscal year ending June 30, 2012, for the city of
14027 Bridgeport during the fiscal year ending June 30, 2013.

14028 (c) The sum of $500,000 appropriated in section 67 of public act 11-
14029 61 to the Department of Education, for OPEN Choice Program, for the
14030 fiscal year ending June 30, 2012, shall not lapse on June 30, 2012, and
14031 such funds shall continue to be available for the purpose of funding a
14032 loan to the city of Bridgeport to be included in the budgeted

14033 appropriation for education for the fiscal year ending June 30, 2012, for
14034 the city of Bridgeport during the fiscal year ending June 30, 2013.

14035 (d) The Commissioner of Education may, upon approval by the
14036 Secretary of the Office of Policy and Management, provide a loan of up
14037 to three million five hundred thousand dollars to the city of Bridgeport
14038 for the purposes of inclusion in the budgeted appropriation of
14039 education for the fiscal year ending June 30, 2012, to cover education
14040 expenditures incurred during such fiscal year. As a condition of
14041 making such loan under this section, the commissioner (1) shall
14042 require the selection of a superintendent of schools or chief financial
14043 officer of the Bridgeport school district from a pool of up to three
14044 candidates approved by the commissioner, and (2) may require
14045 additional process or outcome targets and objectives to be included in
14046 the alliance district plan submitted by the board of education pursuant
14047 to section 34 of public act 12-116. The city of Bridgeport shall repay
14048 such loan not later than June 30, 2015. The commissioner may permit
14049 the city of Bridgeport to repay such loan by reducing the equalization
14050 aid grant received pursuant to section 10-262h of the general statutes,
14051 as amended by this act, in each fiscal year of such repayment. The
14052 commissioner may, upon approval from the secretary, forgive all or a
14053 portion of such loan if the city of Bridgeport has complied with the
14054 conditions of such loan and the commissioner has approved the
14055 alliance district plan submitted by the board of education pursuant to
14056 section 34 of public act 12-116.

14057 Sec. 293. Section 45 of public act 12-133 is repealed. (*Effective from*
14058 *passage*)

14059 Sec. 294. Section 29-3b of the general statutes is repealed. (*Effective*
14060 *from passage*)

14061 Sec. 295. Subsections (c) to (j), inclusive, and subsection (l) of section
14062 32-11a of the 2012 supplement to the general statutes and sections 32-
14063 23c and 32-23g of the general statutes are repealed. (*Effective July 1,*
14064 *2012*)

14065 Sec. 296. Section 23-10c of the general statutes is repealed. (*Effective*
14066 *July 1, 2012*)

14067 Sec. 297. Sections 17b-650b to 17b-650d, inclusive, of the 2012
14068 supplement to the general statutes and sections 17b-688j and 19a-617c
14069 of the general statutes are repealed. (*Effective July 1, 2012*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	*July 1, 2012*	PA 12-104, Sec. 1
Sec. 2	*July 1, 2012*	17b-282c(a)
Sec. 3	*from passage*	17b-239c(b)
Sec. 4	*from passage*	12-263b(a)
Sec. 5	*July 1, 2012*	17b-244(a)
Sec. 6	*July 1, 2012*	17b-340(g)
Sec. 7	*July 1, 2012*	New section
Sec. 8	*July 1, 2012*	17b-261
Sec. 9	*July 1, 2012*	17b-365(a)
Sec. 10	*July 1, 2012*	17b-366(a)
Sec. 11	*July 1, 2012*	New section
Sec. 12	*July 1, 2012*	20-101
Sec. 13	*July 1, 2012*	17b-242a
Sec. 14	*July 1, 2012*	17b-605a
Sec. 15	*July 1, 2012*	17b-340(h)(1)
Sec. 16	*January 1, 2013*	17b-340(f)(4)
Sec. 17	*October 1, 2012*	New section
Sec. 18	*October 1, 2012*	17b-280
Sec. 19	*July 1, 2012*	17a-317
Sec. 20	*from passage and applicable to any claim of the state arising on or after July 1, 2011*	17b-93(a)
Sec. 21	*July 1, 2012*	New section
Sec. 22	*from passage*	New section
Sec. 23	*July 1, 2012*	17b-802
Sec. 24	*July 1, 2012*	14-21p(b)
Sec. 25	*from passage*	17b-112k
Sec. 26	*July 1, 2012*	17b-261n
Sec. 27	*July 1, 2012*	17b-491a

Sec. 28	*July 1, 2012*	17b-650a
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Sec. 34	*July 1, 2012*	5-198(22)
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Sec. 36	*July 1, 2012*	9-20(c)
Sec. 37	*July 1, 2012*	10-76i(a)
Sec. 38	*July 1, 2012*	10-76y(a)
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Sec. 61	*July 1, 2012*	12-217pp(a)(7)
Sec. 62	*July 1, 2012*	12-217pp(e)(1)
Sec. 63	*July 1, 2012*	14-11b
Sec. 64	*July 1, 2012*	14-253a(b)
Sec. 65	*July 1, 2012*	17a-248(9)
Sec. 66	*July 1, 2012*	17b-612
Sec. 67	*July 1, 2012*	17b-614

Sec. 68	*July 1, 2012*	17b-615(b)
Sec. 69	*July 1, 2012*	17b-650e
Sec. 70	*July 1, 2012*	17b-651a
Sec. 71	*July 1, 2012*	17b-653
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Sec. 88	*July 1, 2012*	31-349b(a)
Sec. 89	*July 1, 2012*	46a-27
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Sec. 94	*July 1, 2012*	46a-33b
Sec. 95	*July 1, 2012*	51-245(d)
Sec. 96	*from passage*	New section
Sec. 97	*from passage*	2-53*l*
Sec. 98	*July 1, 2012*	12-19a
Sec. 99	*from passage*	10-392
Sec. 100	*July 1, 2012*	19a-402
Sec. 101	*July 1, 2012*	46a-52
Sec. 102	*from passage*	10-183t
Sec. 103	*July 1, 2012*	PA 12-104, Sec. 30
Sec. 104	*July 1, 2012*	New section
Sec. 105	*July 1, 2012*	4a-12(a)
Sec. 106	*July 1, 2012*	12-62f(c)
Sec. 107	*July 1, 2012*	New section

Sec. 108	*July 1, 2012*	New section
Sec. 109	*July 1, 2012*	New section
Sec. 110	*from passage*	PA 11-48, Sec. 20
Sec. 111	*July 1, 2012*	PA 12-104, Sec. 13
Sec. 112	*from passage*	8-37r
Sec. 113	*from passage*	New section
Sec. 114	*from passage*	32-1b
Sec. 115	*July 1, 2012*	New section
Sec. 116	*from passage*	PA 11-6, Sec. 50(b)
Sec. 117	*July 1, 2012*	New section
Sec. 118	*from passage*	PA 11-48, Sec. 204(c)
Sec. 119	*from passage*	PA 11-48, Sec. 205(c)
Sec. 120	*from passage*	27-39
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Sec. 122	*July 1, 2012*	8-13w
Sec. 123	*October 1, 2012*	New section
Sec. 124	*July 1, 2012, and applicable to sales occurring on and after said date*	12-412(58)
Sec. 125	*from passage*	8-265dd(b)
Sec. 126	*from passage*	8-265ee
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Sec. 128	*from passage*	8-265gg(a)
Sec. 129	*October 1, 2012*	New section
Sec. 130	*October 1, 2012*	36a-701b
Sec. 131	*July 1, 2012*	46b-38c(f)
Sec. 132	*from passage*	51-49a
Sec. 133	*from passage*	51-49b
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Sec. 138	*from passage*	46b-233a
Sec. 139	*from passage*	New section
Sec. 140	*from passage*	51-50a(a)(1)
Sec. 141	*October 1, 2012*	19a-112a
Sec. 142	*October 1, 2012*	54-56d(i) to (r)
Sec. 143	*October 1, 2012*	45a-727(a)(1)
Sec. 144	*July 1, 2012*	54-1m

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Sec. 146	*July 1, 2012*	New section
Sec. 147	*from passage*	New section
Sec. 148	*July 1, 2012*	New section
Sec. 149	*from passage*	New section
Sec. 150	*July 1, 2012*	New section
Sec. 151	*July 1, 2012*	32-35(b)
Sec. 152	*July 1, 2012*	New section
Sec. 153	*July 1, 2012*	8-250(42)
Sec. 154	*July 1, 2012*	32-1c(a)
Sec. 155	*July 1, 2012*	32-1e(a)
Sec. 156	*July 1, 2012*	32-1k
Sec. 157	*July 1, 2012*	32-1o(a)
Sec. 158	*July 1, 2012*	32-4h
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Sec. 160	*July 1, 2012*	32-39(34)
Sec. 161	*July 1, 2012*	32-450(1)
Sec. 162	*July 1, 2012*	32-462(a)(1)
Sec. 163	*July 1, 2012*	32-479
Sec. 164	*July 1, 2012*	32-480
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Sec. 166	*July 1, 2012*	32-701(a)
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Sec. 168	*July 1, 2012*	32-23k
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Sec. 176	*July 1, 2012*	32-23j
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Sec. 180	*July 1, 2012*	32-23zz
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Sec. 182	*July 1, 2012*	8-13q
Sec. 183	*July 1, 2012*	8-13s
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Sec. 185	*July 1, 2012*	1-120(1)
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Sec. 191	*July 1, 2012*	4-66k
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Sec. 193	*from passage*	32-9zz(c)
Sec. 194	*from passage*	32-9zz(d)
Sec. 195	*from passage and applicable to income years commencing on or after January 1, 2011*	12-217(a)(1)
Sec. 196	*from passage and applicable to income years commencing on or after January 1, 2011*	12-213(a)(9)
Sec. 197	*from passage and applicable to taxable years commencing on or after January 1, 2011*	12-701(a)(20)
Sec. 198	*from passage*	New section
Sec. 199	*July 1, 2012, and applicable to income or taxable years commencing on or after January 1, 2012*	12-217pp
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Sec. 202	*from passage*	New section
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Sec. 204	*from passage*	PA 11-1 of the October Sp. Sess., Sec. 5
Sec. 205	*from passage*	New section
Sec. 206	*July 1, 2012*	New section
Sec. 207	*October 1, 2012*	New section
Sec. 208	*from passage*	New section
Sec. 209	*from passage*	4-66h
Sec. 210	*from passage*	32-4l(a)
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Sec. 212	*from passage*	19a-7f
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Sec. 216	*July 1, 2012, and applicable to calendar years commencing on or after January 1, 2012*	38a-91nn
Sec. 217	*July 1, 2012*	38a-91oo
Sec. 218	*from passage*	38a-1081(a) to (c)
Sec. 219	*from passage*	38a-1081(e)
Sec. 220	*July 1, 2012*	New section
Sec. 221	*July 1, 2012*	10a-19g
Sec. 222	*July 1, 2012*	10a-19h
Sec. 223	*July 1, 2012*	New section
Sec. 224	*July 1, 2012*	New section
Sec. 225	*July 1, 2012*	New section
Sec. 226	*from passage*	New section
Sec. 227	*from passage*	New section
Sec. 228	*from passage*	New section
Sec. 229	*from passage*	New section
Sec. 230	*from passage*	New section
Sec. 231	*from passage*	10-19o(a)
Sec. 232	*July 1, 2012*	New section
Sec. 233	*July 1, 2012*	New section
Sec. 234	*July 1, 2012*	New section
Sec. 235	*July 1, 2012*	New section
Sec. 236	*from passage*	10-16mm(g)
Sec. 237	*July 1, 2012*	10-65
Sec. 238	*July 1, 2012*	New section
Sec. 239	*July 1, 2012*	New section
Sec. 240	*July 1, 2012*	New section
Sec. 241	*from passage*	29-7b(c)
Sec. 242	*July 1, 2012*	28-24(a)
Sec. 243	*from passage*	New section
Sec. 244	*from passage*	29-4
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Sec. 246	*from passage*	29-1s(a)
Sec. 247	*July 1, 2012*	29-1s(a)
Sec. 248	*October 1, 2012*	29-1s(a)

Sec. 249	*July 1, 2012*	New section
Sec. 250	*July 1, 2012*	4-98(c)
Sec. 251	*July 1, 2012*	22a-233a
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Sec. 253	*from passage*	22a-449c
Sec. 254	*from passage*	22a-449d
Sec. 255	*from passage*	22a-449e
Sec. 256	*from passage*	22a-449f
Sec. 257	*from passage*	22a-449g
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Sec. 259	*from passage*	22a-449*l*
Sec. 260	*from passage*	22a-449n
Sec. 261	*from passage*	22a-449p
Sec. 262	*from passage*	New section
Sec. 263	*from passage*	New section
Sec. 264	*from passage*	New section
Sec. 265	*July 1, 2012*	23-10e
Sec. 266	*from passage*	17b-239
Sec. 267	*July 1, 2012*	32-23hh(5)
Sec. 268	*July 1, 2012*	32-23yy(5)
Sec. 269	*October 1, 2012*	46b-120(1)
Sec. 270	*October 1, 2012*	46b-120(5)
Sec. 271	*October 1, 2012*	New section
Sec. 272	*October 1, 2012*	46b-129(c)
Sec. 273	*July 1, 2012*	46b-129a(2)(C)
Sec. 274	*July 1, 2012*	46b-140(b)
Sec. 275	*October 1, 2012*	46b-129(d)(4)
Sec. 276	*October 1, 2012*	46b-129(j) to (r)
Sec. 277	*October 1, 2012*	45a-604
Sec. 278	*October 1, 2012*	New section
Sec. 279	*October 1, 2012*	45a-611
Sec. 280	*October 1, 2012*	45a-613
Sec. 281	*October 1, 2012*	45a-614
Sec. 282	*October 1, 2012*	45a-617
Sec. 283	*October 1, 2012*	46b-127
Sec. 284	*October 1, 2012*	46b-122(d)
Sec. 285	*July 1, 2012*	10-264i(a)(4)
Sec. 286	*from passage*	New section
Sec. 287	*July 1, 2012*	New section
Sec. 288	*July 1, 2012*	New section

Sec. 289	*July 1, 2012*	10-16p(e)(2)(B)
Sec. 290	*July 1, 2012*	10-262f
Sec. 291	*July 1, 2012*	10-262i(f)
Sec. 292	*July 1, 2012*	New section
Sec. 293	*from passage*	Repealer section
Sec. 294	*from passage*	Repealer section
Sec. 295	*July 1, 2012*	Repealer section
Sec. 296	*July 1, 2012*	Repealer section
Sec. 297	*July 1, 2012*	Repealer section