



General Assembly

February Session, 2012

Raised Bill No. 324

LCO No. 1583

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Referred to Committee on Public Safety and Security

Introduced by:
(PS)

AN ACT CONCERNING THE DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION.

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

1 Section 1. Section 4-77a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 The estimates of expenditure requirements transmitted by the
4 administrative head of each budgeted agency to the Secretary of the
5 Office of Policy and Management, pursuant to section 4-77, shall
6 include an estimate of the amount required by such agency for the
7 payment of the workers' compensation claims of the employees of each
8 such agency. Appropriations which are recommended in the budget
9 document transmitted by the Governor in the odd-numbered years or
10 the status report transmitted by the Governor in the even-numbered
11 years to the General Assembly pursuant to section 4-71 or contained in
12 the state budget act or any deficiency bill, as provided in section 2-36,
13 for the payment of such claims shall be made as follows: (1) For the
14 Departments of Developmental Services, Mental Health and Addiction
15 Services, Correction, Transportation, [Public Safety] Emergency
16 Services and Public Protection and Children and Families, directly to

17 said agencies; (2) for all other budgeted state agencies, to the
18 Department of Administrative Services which shall maintain an
19 account for payment of workers' compensation claims.

20 Sec. 2. Section 7-294m of the general statutes is repealed and the
21 following is substituted in lieu thereof (*Effective from passage*):

22 (1) The Police Officer Standards and Training Council established
23 under section 7-294b, in conjunction with the office of the Chief State's
24 Attorney and the Connecticut Police Chiefs Association, and (2) the
25 Division of State Police within the Department of [Public Safety]
26 Emergency Services and Public Protection, in conjunction with the
27 office of the Chief State's Attorney, shall provide instruction on the
28 subject of new legal developments which affect police policies and
29 practices concerning the investigation, detection and prosecution of
30 criminal matters, each year to the chief law enforcement officer of each
31 municipality and any person designated by such officer to serve in
32 such capacity in such officer's absence. Each such officer may be given
33 credit for such course of instruction toward the certified review
34 training required by subsection (a) of section 7-294d. Such training
35 program shall be named "The John M. Bailey Seminar on New Legal
36 Developments Impacting Police Policies and Practices".

37 Sec. 3. Section 16-50j of the 2012 supplement to the general statutes
38 is repealed and the following is substituted in lieu thereof (*Effective*
39 *from passage*):

40 (a) There is established a "Connecticut Siting Council", hereinafter
41 referred to as the "council", which shall be within the Department of
42 Energy and Environmental Protection for administrative purposes
43 only.

44 (b) Except for proceedings under chapter 445, this subsection and
45 subsection (c) of this section, the council shall consist of: (1) The
46 Commissioner of Energy and Environmental Protection, or his
47 designee; (2) the chairperson of the Public Utilities Regulatory

48 Authority, or the chairperson's designee; (3) one designee of the
49 speaker of the House and one designee of the president pro tempore of
50 the Senate; and (4) five members of the public, to be appointed by the
51 Governor, at least two of whom shall be experienced in the field of
52 ecology, and not more than one of whom shall have affiliation, past or
53 present, with any utility or governmental utility regulatory agency, or
54 with any person owning, operating, controlling, or presently
55 contracting with respect to a facility, a hazardous waste facility, as
56 defined in section 22a-115, or an ash residue disposal area.

57 (c) For proceedings under chapter 445, subsection (b) of this section
58 and this subsection, the council shall consist of (1) the Commissioners
59 of Public Health and [Public Safety] Emergency Services and Public
60 Protection or their designated representatives; (2) the designees of the
61 speaker of the House of Representatives and the president pro tempore
62 of the Senate as provided in subsection (b) of this section; (3) the five
63 members of the public as provided in subsection (b) of this section; and
64 (4) four ad hoc members, three of whom shall be electors from the
65 municipality in which the proposed facility is to be located and one of
66 whom shall be an elector from a neighboring municipality likely to be
67 most affected by the proposed facility. The municipality most affected
68 by the proposed facility shall be determined by the permanent
69 members of the council. If any one of the five members of the public or
70 of the designees of the speaker of the House of Representatives or the
71 president pro tempore of the Senate resides (A) in the municipality in
72 which a hazardous waste facility is proposed to be located for a
73 proceeding concerning a hazardous waste facility or in which a low-
74 level radioactive waste facility is proposed to be located for a
75 proceeding concerning a low-level radioactive waste facility, or (B) in
76 the neighboring municipality likely to be most affected by the
77 proposed facility, the appointing authority shall appoint a substitute
78 member for the proceedings on such proposal. If any appointee is
79 unable to perform his duties on the council due to illness, or has a
80 substantial financial or employment interest which is in conflict with
81 the proper discharge of his duties under this chapter, the appointing

82 authority shall appoint a substitute member for proceedings on such
83 proposal. An appointee shall report any substantial financial or
84 employment interest which might conflict with the proper discharge of
85 his duties under this chapter to the appointing authority who shall
86 determine if such conflict exists. If any state agency is the applicant, an
87 appointee shall not be deemed to have a substantial employment
88 conflict of interest because of employment with the state unless such
89 appointee is directly employed by the state agency making the
90 application. Ad hoc members shall be appointed by the chief elected
91 official of the municipality they represent and shall continue their
92 membership until the council issues a letter of completion of the
93 development and management plan to the applicant.

94 (d) For proceedings under sections 22a-285d to 22a-285h, inclusive,
95 the council shall consist of (1) the Commissioners of Public Health and
96 [Public Safety] Emergency Services and Public Protection or their
97 designated representatives; (2) the designees of the speaker of the
98 House of Representatives and the president pro tempore of the Senate
99 as provided in subsection (b) of this section, and (3) five members of
100 the public as provided in subsection (b) of this section. If any one of the
101 five members of the public or of the designees of the speaker of the
102 House of Representatives or the president pro tempore of the Senate
103 resides in the municipality in which an ash residue disposal area is
104 proposed to be located the appointing authority shall appoint a
105 substitute member for the proceedings on such proposal. If any
106 appointee is unable to perform his duties on the council due to illness,
107 or has a substantial financial or employment interest which is in
108 conflict with the proper discharge of his duties under sections 22a-
109 285d to 22a-285h, inclusive, the appointing authority shall appoint a
110 substitute member for proceedings on such proposal. An appointee
111 shall report any substantial financial or employment interest which
112 might conflict with the proper discharge of his duties under said
113 sections to the appointing authority who shall determine if such
114 conflict exists. If any state agency is the applicant, an appointee shall
115 not be deemed to have a substantial employment conflict of interest

116 because of employment with the state unless such appointee is directly
117 employed by the state agency making the application.

118 (e) The chairman of the council shall be appointed by the Governor
119 from among the five public members appointed by him, with the
120 advice and consent of the House or Senate, and shall serve as chairman
121 at the pleasure of the Governor.

122 (f) The public members of the council, including the chairman, the
123 members appointed by the speaker of the House and president pro
124 tempore of the Senate and the four ad hoc members specified in
125 subsection (c) of this section, shall be compensated for their attendance
126 at public hearings, executive sessions, or other council business as may
127 require their attendance at the rate of two hundred dollars, provided in
128 no case shall the daily compensation exceed two hundred dollars.

129 (g) The council shall, in addition to its other duties prescribed in this
130 chapter, adopt, amend, or rescind suitable regulations to carry out the
131 provisions of this chapter and the policies and practices of the council
132 in connection therewith, and appoint and prescribe the duties of such
133 staff as may be necessary to carry out the provisions of this chapter.
134 The chairman of the council, with the consent of five or more other
135 members of the council, may appoint an executive director, who shall
136 be the chief administrative officer of the Connecticut Siting Council.
137 The executive director shall be exempt from classified service.

138 (h) Prior to commencing any hearing pursuant to section 16-50m,
139 the council shall consult with and solicit written comments from (1) the
140 Department of Energy and Environmental Protection, the Department
141 of Public Health, the Council on Environmental Quality, the
142 Department of Agriculture, the Public Utilities Regulatory Authority,
143 the Office of Policy and Management, the Department of Economic
144 and Community Development and the Department of Transportation,
145 and (2) in a hearing pursuant to section 16-50m, for a facility described
146 in subdivision (3) of subsection (a) of section 16-50i, the Department of
147 Emergency Services and Public Protection, [the Department of Public

148 Safety,] the Department of Consumer Protection, the Department of
149 Public Works and the Labor Department. In addition, the Department
150 of Energy and Environmental Protection shall have the continuing
151 responsibility to investigate and report to the council on all
152 applications which prior to October 1, 1973, were within the
153 jurisdiction of the Department of Environmental Protection with
154 respect to the granting of a permit. Copies of such comments shall be
155 made available to all parties prior to the commencement of the
156 hearing. Subsequent to the commencement of the hearing, said
157 departments and council may file additional written comments with
158 the council within such period of time as the council designates. All
159 such written comments shall be made part of the record provided by
160 section 16-50o. Said departments and council shall not enter any
161 contract or agreement with any party to the proceedings or hearings
162 described in this section or section 16-50p, that requires said
163 departments or council to withhold or retract comments, refrain from
164 participating in or withdraw from said proceedings or hearings.

165 Sec. 4. Subdivision (12) of section 21-39a of the 2012 supplement to
166 the general statutes is repealed and the following is substituted in lieu
167 thereof (*Effective from passage*):

168 (12) "Licensing authority" means the chief of police of any town or
169 city or, if such town or city does not have an organized local police
170 department, the Commissioner of [Public Safety] Emergency Services
171 and Public Protection.

172 Sec. 5. Subsection (b) of section 21-40 of the 2012 supplement to the
173 general statutes is repealed and the following is substituted in lieu
174 thereof (*Effective from passage*):

175 (b) The person so licensed shall pay, for the benefit of any such city
176 or town, respectively, or if the licensing authority of such city or town
177 is the Commissioner of [Public Safety] Emergency Services and Public
178 Protection, for the benefit of the Department of [Public Safety]
179 Emergency Services and Public Protection, to the licensing authority a

180 license fee of fifty dollars, and twenty-five dollars per year thereafter
181 for renewal of such license, and shall, at the time of receiving such
182 license, file, with the licensing authority of such city or town, a bond to
183 such city or town, with competent surety, in the penal sum of two
184 thousand dollars, to be approved by such licensing authority, and
185 conditioned for the faithful performance of the duties and obligations
186 pertaining to the business so licensed, unless such person is also
187 licensed as a secondhand dealer in accordance with section 21-47d, in
188 which case the licensing authority shall waive the payment of renewal
189 fees and filing of a bond required by this subsection.

190 Sec. 6. Subsection (b) of section 21-47d of the 2012 supplement to the
191 general statutes is repealed and the following is substituted in lieu
192 thereof (*Effective from passage*):

193 (b) Any person granted a license under subsection (a) of this section
194 shall pay, for the benefit of the city or town, respectively, or if the
195 licensing authority is the Commissioner of [Public Safety] Emergency
196 Services and Public Protection, for the benefit of the Department of
197 [Public Safety] Emergency Services and Public Protection, to the
198 licensing authority a license fee of two hundred fifty dollars, and one
199 hundred dollars per year thereafter, for renewal of such license, and
200 shall, at the time of receiving such license, file, with the licensing
201 authority, a bond to such city or town, with competent surety, in the
202 amount of ten thousand dollars, to be approved by such licensing
203 authority and conditioned for the faithful performance of the duties
204 and obligations pertaining to the business so licensed.

205 Sec. 7. Subdivision (14) of section 22a-115 of the general statutes is
206 repealed and the following is substituted in lieu thereof (*Effective from*
207 *passage*):

208 (14) "Permanent council members" means the membership for
209 proceedings under this chapter, consisting of the Commissioners of
210 Public Health and [Public Safety] Emergency Services and Public
211 Protection or their designees, five members appointed by the Governor

212 and one designee each of the speaker of the House and the president
213 pro tempore of the Senate;

214 Sec. 8. Subsection (e) of section 22a-119 of the 2012 supplement to
215 the general statutes is repealed and the following is substituted in lieu
216 thereof (*Effective from passage*):

217 (e) Prior to commencing any hearing pursuant to this section the
218 council shall consult with and solicit written comments from the
219 Departments of Energy and Environmental Protection, Public Health,
220 Economic and Community Development, [Public Safety] Emergency
221 Services and Public Protection and Transportation, the Office of Policy
222 and Management and the Council on Environmental Quality. Copies
223 of comments submitted by such agencies shall be available to all
224 parties prior to commencement of the public hearing. Agencies
225 consulted may file additional comments within thirty days of the
226 conclusion of the hearing and such additional comments shall be a part
227 of the record.

228 Sec. 9. Subsection (c) of section 28-32a of the general statutes is
229 repealed and the following is substituted in lieu thereof (*Effective from*
230 *passage*):

231 (c) Information provided by licensed wholesalers pursuant to this
232 section shall not be subject to disclosure under the Freedom of
233 Information Act, as defined in section 1-200, and shall be available only
234 to the Department of Consumer Protection, the Department of Public
235 Health, the [Office] Division of Emergency Management and
236 Homeland Security within the Department of Emergency Services and
237 Public Protection and such other agencies or entities as the
238 Commissioner of Consumer Protection determines, after request by
239 such agency or entity and demonstration of a need for the information
240 for purposes of public health preparedness, pharmacological-terrorism
241 prevention or response, medication integrity or such other purpose
242 deemed appropriate by the commissioner.

243 Sec. 10. Section 29-10b of the general statutes is repealed and the
244 following is substituted in lieu thereof (*Effective from passage*):

245 The Commissioner of [Public Safety] Emergency Services and Public
246 Protection shall charge the following fees for the item or service
247 indicated:

248 (1) Each search of the record files made pursuant to a request for a
249 copy of an accident or investigative report which results in no
250 document being produced, six dollars, and on and after July 1, 1993,
251 sixteen dollars.

252 (2) Each copy of an accident or investigative report, six dollars, and
253 on and after July 1, 1993, sixteen dollars.

254 Sec. 11. Section 45a-99 of the general statutes is repealed and the
255 following is substituted in lieu thereof (*Effective from passage*):

256 (a) The courts of probate shall have concurrent jurisdiction with the
257 Superior Court, as provided in section 52-11, to grant a change of
258 name, except a change of name granted in accordance with subsection
259 (a) of section 46b-63, except that no court of probate may issue an order
260 or otherwise allow for the change of name of a person who is required
261 to register with the Commissioner of [Public Safety] Emergency
262 Services and Public Protection as a sexual offender unless such person
263 complies with the requirements of subdivision (1) of subsection (b) of
264 this section.

265 (b) (1) Any person who is required to register with the
266 Commissioner of [Public Safety] Emergency Services and Public
267 Protection as a sexual offender who files an application with the Court
268 of Probate for a change of name shall (A) prior to filing such
269 application, notify the Commissioner of [Public Safety] Emergency
270 Services and Public Protection, on such form as the commissioner may
271 prescribe, that the person intends to file an application for a change of
272 name, indicating the change of name sought, and (B) include with such

273 application a sworn statement that such change of name is not being
 274 sought for the purpose of avoiding the legal consequences of a
 275 criminal conviction, including, but not limited to, a criminal conviction
 276 that requires such person to register as a sexual offender.

277 (2) The Commissioner of [Public Safety] Emergency Services and
 278 Public Protection shall have standing to challenge such person's
 279 application for a change of name in the court of probate where such
 280 change of name is sought. The commissioner shall challenge the
 281 change of name through the Attorney General. The court of probate
 282 may deny such person's application for a change of name if the court
 283 finds, by a preponderance of the evidence, that the person is applying
 284 for such change of name for the purpose of avoiding the legal
 285 consequences of a criminal conviction.

286 (c) Whenever the court, pursuant to this section, orders a change of
 287 name of a person, the court shall notify the Commissioner of [Public
 288 Safety] Emergency Services and Public Protection of the issuance of
 289 such order if the court finds that such person is listed in the registry
 290 established and maintained pursuant to section 54-257.

291 Sec. 12. Section 53-202e of the general statutes is repealed and the
 292 following is substituted in lieu thereof (*Effective from passage*):

293 Any individual may arrange in advance to relinquish an assault
 294 weapon to a police department or the Department of [Public Safety]
 295 Emergency Services and Public Protection. The assault weapon shall
 296 be transported in accordance with the provisions of section 53-202f.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	4-77a
Sec. 2	<i>from passage</i>	7-294m
Sec. 3	<i>from passage</i>	16-50j
Sec. 4	<i>from passage</i>	21-39a(12)
Sec. 5	<i>from passage</i>	21-40(b)

Sec. 6	<i>from passage</i>	21-47d(b)
Sec. 7	<i>from passage</i>	22a-115(14)
Sec. 8	<i>from passage</i>	22a-119(e)
Sec. 9	<i>from passage</i>	28-32a(c)
Sec. 10	<i>from passage</i>	29-10b
Sec. 11	<i>from passage</i>	45a-99
Sec. 12	<i>from passage</i>	53-202e

Statement of Purpose:

To make technical and conforming changes to certain statutes resulting from the consolidation of agencies and the establishment of the Department of Emergency Services and Public Protection.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]