House Bill No. 6001

June 12 Special Session, Public Act No. 12-1

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 Section 1 of public act 12-104 is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

<table>
<thead>
<tr>
<th>Description</th>
<th>2012-2013</th>
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## House Bill No. 6001

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<th>Agency</th>
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<th>Equipment</th>
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### GENERAL GOVERNMENT

#### GOVERNOR'S OFFICE
- Personal Services: 2,270,218
- Other Expenses: 231,311
- Equipment: 1

#### SECRETARY OF THE STATE
- Personal Services: 1,045,730
- Other Expenses: 563,356
- Equipment: 1

#### LIEUTENANT GOVERNOR'S OFFICE
- Personal Services: 423,042
- Other Expenses: 67,541
- Equipment: 1

#### STATE TREASURER
- Personal Services: 3,381,288
- Other Expenses: 179,350
- Equipment: 1

### New England Governors' Conference
- 113,138

### National Governors' Association
- 134,720

### AGENCY TOTALs
- Governor's Office: 2,749,388
- Secretary of the State: 7,743,486
- Lieutenant Governor's Office: 917,584
- State Treasurer: 3,560,639
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<tr>
<th>Agency</th>
<th>Personal Services</th>
<th>Other Expenses</th>
<th>Equipment</th>
<th>Other Accounts</th>
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### House Bill No. 6001

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*June 12 Sp. Sess., Public Act No. 12-1*
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<td>W. C. Administrator</td>
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<td>Hospital Billing System</td>
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<td>State Insurance and Risk Mgmt Operations</td>
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**DEPARTMENT OF CONSTRUCTION SERVICES**

| Personal Services | 8,894,319 |
| Other Expenses    | 1,046,161 |
| AGENCY TOTAL      | 9,940,480 |

**ATTORNEY GENERAL**

| Personal Services | 29,516,393 |
| Other Expenses    | 940,920    |
| Equipment         | 1          |
| AGENCY TOTAL      | 30,457,314 |

**DIVISION OF CRIMINAL JUSTICE**

<p>| Personal Services | 43,351,437 |
| Other Expenses    | 2,314,353  |
| Equipment         | 23,401     |
| Witness Protection| 220,000    |
| Training and Education | 67,500 |
| Expert Witnesses  | 286,000    |
| Medicaid Fraud Control | 1,155,149 |</p>
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**REGULATION AND PROTECTION**

**DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION**

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**DEPARTMENT OF MOTOR VEHICLES**

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### MILITARY DEPARTMENT

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### DEPARTMENT OF CONSUMER PROTECTION

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### LABOR DEPARTMENT

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### House Bill No. 6001

<table>
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### Council on Environmental Quality

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### Department of Economic and Community Development

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dept of econ and community development

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<table>
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<td>Nanotechnology Study</td>
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<td>CT Asso Performing Arts/Schubert Theater</td>
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<td>Hartford Urban Arts Grant</td>
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<td>New Britain Arts Council</td>
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<td>Housing Assistance and Counseling Program</td>
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<td>Elderly Congregate Rent Subsidy</td>
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<td>Nutmeg Games</td>
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<td>Discovery Museum</td>
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<td>National Theatre for the Deaf</td>
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<td>Culture, Tourism and Art Grant</td>
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<td>CT Trust for Historic Preservation</td>
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<td>Bushnell Theater</td>
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<td>Local Theatre Grant</td>
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<td>Tax Abatement</td>
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<td>Greater Hartford Arts Council</td>
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<td>Stamford Center for the Arts</td>
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<td>Stepping Stones Museum for Children</td>
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<tr>
<td>Maritime Center Authority</td>
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<td>Tourism Districts</td>
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### House Bill No. 6001

<table>
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<th>Organization</th>
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<tr>
<td>Amistad Committee for the Freedom Trail</td>
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<td>New Haven Festival of Arts and Ideas</td>
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<td>New Haven Arts Council</td>
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<td>Palace Theater</td>
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<td>Beardsley Zoo</td>
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<td>Mystic Aquarium</td>
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<td>Quinebaug Tourism</td>
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<td>Northwestern Tourism</td>
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<td>Eastern Tourism</td>
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<td>Central Tourism</td>
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<td>Twain/Stowe Homes</td>
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### DEPARTMENT OF HOUSING

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### AGRICULTURAL EXPERIMENT STATION

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<td>Mosquito Control</td>
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<td>Wildlife Disease Prevention</td>
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### HEALTH AND HOSPITALS

### DEPARTMENT OF PUBLIC HEALTH

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<td>Childhood Lead Poisoning</td>
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# House Bill No. 6001

<table>
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<tr>
<td>Breast and Cervical Cancer Detection and Treatment</td>
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<td>Children with Special Health Care Needs</td>
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<tr>
<td>Medicaid Administration</td>
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<td>Fetal and Infant Mortality Review</td>
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<td>Rape Crisis</td>
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<td>X-Ray Screening and Tuberculosis Care</td>
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<td>Genetic Diseases Programs</td>
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<td>Immunization Services</td>
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<td>Local and District Departments of Health</td>
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<td>School Based Health Clinics</td>
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## OFFICE OF THE CHIEF MEDICAL EXAMINER

<table>
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<tr>
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<td>Personal Services</td>
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<td>Equipment</td>
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<td>Medicolegal Investigations</td>
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## DEPARTMENT OF DEVELOPMENTAL SERVICES

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<td>Human Resource Development</td>
<td>208,801</td>
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<td>Family Support Grants</td>
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<td>Cooperative Placements Program</td>
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<td>Clinical Services</td>
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<td>Early Intervention</td>
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<td>Community Respite Care Programs</td>
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<tr>
<td>Workers’ Compensation Claims</td>
<td>15,246,035</td>
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*June 12 Sp. Sess., Public Act No. 12-1*  
13 of 474
### House Bill No. 6001

<table>
<thead>
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<th>Description</th>
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<tbody>
<tr>
<td>Pilot Program for Autism Services</td>
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<td>Supplemental Payments for Medical Services</td>
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<td>Rent Subsidy Program</td>
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<td>Family Reunion Program</td>
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<td>Employment Opportunities and Day Services</td>
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<td>Community Residential Services</td>
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<td><strong>DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES</strong></td>
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<td>Housing Supports and Services</td>
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<td>Managed Service System</td>
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<td>Legal Services</td>
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<td>Connecticut Mental Health Center</td>
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<td>TBI Community Services</td>
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<td>Jail Diversion</td>
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<td>Behavioral Health Medications</td>
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<td>Prison Overcrowding</td>
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<td>Medicaid Adult Rehabilitation Option</td>
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<td>Persistent Violent Felony Offenders Act</td>
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<td>Nursing Home Contract</td>
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<td>Grants for Substance Abuse Services</td>
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<td>Grants for Mental Health Services</td>
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**June 12 Sp. Sess., Public Act No. 12-1**
### House Bill No. 6001

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<table>
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<td><strong>HUSKY Information and Referral</strong></td>
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<td>Genetic Tests in Paternity Actions</td>
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<td>State Food Stamp Supplement</td>
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<td><strong>HUSKY B Program</strong></td>
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[HUSKY Program] 29,890,000

<p>| Charter Oak Health Plan       | 3,350,000 |
| HUSKY Performance Monitoring  | [175,000] 219,000 |
| Old Age Assistance            | 36,417,524 |
| Aid to the Blind              | 758,644 |
| Aid to the Disabled           | 60,649,215 |
| Temporary Assistance to Families - TANF | 113,187,034 |
| Emergency Assistance          | 1 |
| Food Stamp Training Expenses  | 12,000 |
| Connecticut Pharmaceutical Assistance Contract to the Elderly | 310,000 |
| Healthy Start                 | 1,497,708 |
| DMHAS-Disproportionate Share  | 108,935,000 |
| Connecticut Home Care Program | [47,942,500] 47,316,100 |
| Human Resource Development-Hispanic Programs | 941,034 |
| Services to the Elderly       | 3,929,683 |
| Safety Net Services           | 1,900,307 |</p>
<table>
<thead>
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<tr>
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<td>Services for Persons With Disabilities</td>
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<td>Child Care Services-TANF/CCDBG</td>
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<td>State Administered General Assistance</td>
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<td>Alzheimer Respite Care</td>
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<td>Teen Pregnancy Prevention</td>
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<td>Medicaid - Administrative Services &amp; Adjustments</td>
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[DEPARTMENT OF SOCIAL SERVICES - MEDICAID]

[Hospital Inpatient] 528,760,403

[Hospital Outpatient] 406,569,000
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<td>Vision</td>
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<td>Lab &amp; X-Ray</td>
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STATE DEPARTMENT ON AGING
### House Bill No. 6001

<table>
<thead>
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<tbody>
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<td>Educational Aid for Blind and Visually Handicapped Children</td>
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<tr>
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<tr>
<td>Supplementary Relief and Services</td>
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<td>Vocational Rehabilitation - Blind</td>
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<td>Special Training for the Deaf Blind</td>
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<td>Connecticut Radio Information Service</td>
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<td>Employment Opportunities</td>
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<td>Independent Living Centers</td>
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<td>AGENCY TOTAL</td>
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### EDUCATION, MUSEUMS, LIBRARIES

<table>
<thead>
<tr>
<th>AGENCY TOTAL</th>
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<tbody>
<tr>
<td><strong>DEPARTMENT OF EDUCATION</strong></td>
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<tr>
<td>Personal Services</td>
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<td>Early Childhood Program</td>
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<td>Program</td>
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<td>Capitol Scholarship Program</td>
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<td>Connecticut Aid for Public College Students</td>
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**UNIVERSITY OF CONNECTICUT**

<table>
<thead>
<tr>
<th>Expense</th>
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<tbody>
<tr>
<td>Operating Expenses</td>
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<td>Tuition Freeze</td>
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<td>Veterinary Diagnostic Laboratory</td>
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<td>Kirklyn M Kerr Grant Program</td>
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**UNIVERSITY OF CONNECTICUT HEALTH CENTER**

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<td>AHEC</td>
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**TEACHERS' RETIREMENT BOARD**

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<th>Expense</th>
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<tbody>
<tr>
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### House Bill No. 6001

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<tr>
<th>Retirees Health Service Cost</th>
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### BOARD OF REGENTS FOR HIGHER EDUCATION

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<th>National Service Act</th>
<th>328,365</th>
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<tbody>
<tr>
<td>Charter Oak State College</td>
<td>2,456,083</td>
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<tr>
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<tr>
<td>Connecticut State University</td>
<td>141,194,660</td>
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<td>Board of Regents</td>
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### CORRECTIONS

### DEPARTMENT OF CORRECTION

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<td>Stress Management</td>
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<td>Workers' Compensation Claims</td>
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<td>Inmate Medical Services</td>
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<td>Board of Pardons and Paroles</td>
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<td>Distance Learning</td>
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<td>Aid to Paroled and Discharged Inmates</td>
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<tr>
<td>Legal Services to Prisoners</td>
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<td>Volunteer Services</td>
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<td>Community Support Services</td>
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### DEPARTMENT OF CHILDREN AND FAMILIES

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<td>Short-Term Residential Treatment</td>
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<td>Substance Abuse Screening</td>
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<td>Emergency Needs</td>
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<td>Differential Response System</td>
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<td>Health Assessment and Consultation</td>
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<tr>
<td>Grants for Psychiatric Clinics for Children</td>
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<tr>
<td>Day Treatment Centers for Children</td>
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<tr>
<td>Juvenile Justice Outreach Services</td>
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<tr>
<td>Child Abuse and Neglect Intervention</td>
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<td>Community Based Prevention Programs</td>
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<td>Family Violence Outreach and Counseling</td>
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<td>Support for Recovering Families</td>
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<td>No Nexus Special Education</td>
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<td>Family Preservation Services</td>
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**JUDICIAL**

**JUDICIAL DEPARTMENT**

| Personal Services                  | 308,215,578 |
| Other Expenses [64,473,251]         | 64,348,251  |
| Equipment                           | 25,000      |
| Forensic Sex Evidence Exams [1,009,060] | 1,134,060   |
| Alternative Incarceration Program   | 55,117,917  |
| Justice Education Center, Inc. [444,469] | 294,469     |
### House Bill No. 6001

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<td>Juvenile Justice Centers</td>
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<td>Probate Court</td>
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<td>Youthful Offender Services</td>
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<td>Victim Security Account</td>
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<td>Children of Incarcerated Parents</td>
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<tr>
<td>Legal Aid</td>
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<td>Juvenile Jurisdiction Policy and Operations Coordinating Council</td>
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<td>[Special Public Defenders - Non-Contractual]</td>
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### NON-FUNCTIONAL

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<td>Governor's Contingency Account</td>
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### DEBT SERVICE - STATE TREASURER

<p>| Debt Service                              | 1,626,307,248 |
| UConn 2000 - Debt Service                 | 117,729,372   |
| CHEFA Day Care Security                   | 5,500,000     |</p>
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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 thereof (Effective from passage):

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

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

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

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

(a) The room and board component of the rates to be paid by the state to private facilities and facilities operated by regional education service centers which are licensed to provide residential care pursuant to section 17a-227, but not certified to participate in the Title XIX Medicaid program as intermediate care facilities for persons with mental retardation, shall be determined annually by the Commissioner of Social Services, except that rates effective April 30, 1989, shall remain in effect through October 31, 1989. Any facility with real property other than land placed in service prior to July 1, 1991, shall, for the fiscal year ending June 30, 1995, receive a rate of return on real property equal to the average of the rates of return applied to real property other than land placed in service for the five years preceding July 1, 1993. For the fiscal year ending June 30, 1996, and any succeeding fiscal year, the rate of return on real property for property items shall be revised every five years. The commissioner shall, upon submission of a request by such facility, allow actual debt service, comprised of principal and interest, on the loan or loans in lieu of property costs allowed pursuant to section 17-313b-5 of the regulations of Connecticut state agencies, whether actual debt service is higher or lower than such allowed property costs, provided such debt service terms and amounts are reasonable in relation to the useful life and the base value of the property. In the case of facilities financed through the
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Connecticut Housing Finance Authority, the commissioner shall allow actual debt service, comprised of principal, interest and a reasonable repair and replacement reserve on the loan or loans in lieu of property costs allowed pursuant to section 17-313b-5 of the regulations of Connecticut state agencies, whether actual debt service is higher or lower than such allowed property costs, provided such debt service terms and amounts are determined by the commissioner at the time the loan is entered into to be reasonable in relation to the useful life and base value of the property. The commissioner may allow fees associated with mortgage refinancing provided such refinancing will result in state reimbursement savings, after comparing costs over the terms of the existing proposed loans. For the fiscal year ending June 30, 1992, the inflation factor used to determine rates shall be one-half of the gross national product percentage increase for the period between the midpoint of the cost year through the midpoint of the rate year. For fiscal year ending June 30, 1993, the inflation factor used to determine rates shall be two-thirds of the gross national product percentage increase from the midpoint of the cost year to the midpoint of the rate year. For the fiscal years ending June 30, 1996, and June 30, 1997, no inflation factor shall be applied in determining rates. The Commissioner of Social Services shall prescribe uniform forms on which such facilities shall report their costs. Such rates shall be determined on the basis of a reasonable payment for necessary services. Any increase in grants, gifts, fund-raising or endowment income used for the payment of operating costs by a private facility in the fiscal year ending June 30, 1992, shall be excluded by the commissioner from the income of the facility in determining the rates to be paid to the facility for the fiscal year ending June 30, 1993, provided any operating costs funded by such increase shall not obligate the state to increase expenditures in subsequent fiscal years. Nothing contained in this section shall authorize a payment by the state to any such facility in excess of the charges made by the facility for comparable services to the general public. The service component
of the rates to be paid by the state to private facilities and facilities operated by regional education service centers which are licensed to provide residential care pursuant to section 17a-227, but not certified to participate in the Title XIX Medicaid programs as intermediate care facilities for persons with mental retardation, shall be determined annually by the Commissioner of Developmental Services in accordance with section 17b-244a. For the fiscal year ending June 30, 2008, no facility shall receive a rate that is more than two per cent greater than the rate in effect for the facility on June 30, 2007, except any facility that would have been issued a lower rate effective July 1, 2007, due to interim rate status or agreement with the department, shall be issued such lower rate effective July 1, 2007. For the fiscal year ending June 30, 2009, no facility shall receive a rate that is more than two per cent greater than the rate in effect for the facility on June 30, 2008, except any facility that would have been issued a lower rate effective July 1, 2008, due to interim rate status or agreement with the department, shall be issued such lower rate effective July 1, 2008. For the fiscal years ending June 30, 2010, and June 30, 2011, rates in effect for the period ending June 30, 2009, shall remain in effect until June 30, 2011, except that (1) the rate paid to a facility may be higher than the rate paid to the facility for the period ending June 30, 2009, if a capital improvement required by the Commissioner of Developmental Services for the health or safety of the residents was made to the facility during the fiscal years ending June 30, 2010, or June 30, 2011, and (2) any facility that would have been issued a lower rate for the fiscal years ending June 30, 2010, or June 30, 2011, due to interim rate status or agreement with the department, shall be issued such lower rate. For the fiscal years ending June 30, 2012, and June 30, 2013, rates in effect for the period ending June 30, 2011, shall remain in effect until June 30, 2012, except that (1) the rate paid to a facility may be higher than the rate paid to the facility for the period ending June 30, 2011, if a capital improvement required by the Commissioner of Developmental Services for the health or safety of the residents was made to the facility during the fiscal years ending June 30, 2010, or June 30, 2011, and (2) any facility that would have been issued a lower rate for the fiscal years ending June 30, 2010, or June 30, 2011, due to interim rate status or agreement with the department, shall be issued such lower rate.
residents was made to the facility during the fiscal [years] year ending June 30, 2012, [or June 30, 2013,] and [(2) (B)] any facility that would have been issued a lower rate for the fiscal [years] year ending June 30, 2012, [or June 30, 2013,] due to interim rate status or agreement with the department, shall be issued such lower rate. For the fiscal year ending June 30, 2013, any facility that has a significant decrease in land and building costs shall receive a reduced rate to reflect such decrease in land and building costs.

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

(g) For the fiscal year ending June 30, 1993, any intermediate care facility for the mentally retarded with an operating cost component of its rate in excess of one hundred forty per cent of the median of operating cost components of rates in effect January 1, 1992, shall not receive an operating cost component increase. For the fiscal year ending June 30, 1993, any intermediate care facility for the mentally retarded with an operating cost component of its rate that is less than one hundred forty per cent of the median of operating cost components of rates in effect January 1, 1992, shall have an allowance for real wage growth equal to thirty per cent of the increase determined in accordance with subsection (q) of section 17-311-52 of the regulations of Connecticut state agencies, provided such operating cost component shall not exceed one hundred forty per cent of the median of operating cost components in effect January 1, 1992. Any facility with real property other than land placed in service prior to October 1, 1991, shall, for the fiscal year ending June 30, 1995, receive a rate of return on real property equal to the average of the rates of return applied to real property other than land placed in service for the five years preceding October 1, 1993. For the fiscal year ending June 30, 1996, and any succeeding fiscal year, the rate of return on real property
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for property items shall be revised every five years. The commissioner shall, upon submission of a request, allow actual debt service, comprised of principal and interest, in excess of property costs allowed pursuant to section 17-311-52 of the regulations of Connecticut state agencies, provided such debt service terms and amounts are reasonable in relation to the useful life and the base value of the property. For the fiscal year ending June 30, 1995, and any succeeding fiscal year, the inflation adjustment made in accordance with subsection (p) of section 17-311-52 of the regulations of Connecticut state agencies shall not be applied to real property costs. For the fiscal year ending June 30, 1996, and any succeeding fiscal year, the allowance for real wage growth, as determined in accordance with subsection (q) of section 17-311-52 of the regulations of Connecticut state agencies, shall not be applied. For the fiscal year ending June 30, 1996, and any succeeding fiscal year, no rate shall exceed three hundred seventy-five dollars per day unless the commissioner, in consultation with the Commissioner of Developmental Services, determines after a review of program and management costs, that a rate in excess of this amount is necessary for care and treatment of facility residents. For the fiscal year ending June 30, 2002, rate period, the Commissioner of Social Services shall increase the inflation adjustment for rates made in accordance with subsection (p) of section 17-311-52 of the regulations of Connecticut state agencies to update allowable fiscal year 2000 costs to include a three and one-half per cent inflation factor. For the fiscal year ending June 30, 2003, rate period, the commissioner shall increase the inflation adjustment for rates made in accordance with subsection (p) of section 17-311-52 of the regulations of Connecticut state agencies to update allowable fiscal year 2001 costs to include a one and one-half per cent inflation factor, except that such increase shall be effective November 1, 2002, and such facility rate in effect for the fiscal year ending June 30, 2002, shall be paid for services provided until October 31, 2002, except any facility that would have been issued a lower rate effective July 1, 2002, than for the fiscal year.
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ending June 30, 2002, due to interim rate status or agreement with the department shall be issued such lower rate effective July 1, 2002, and have such rate updated effective November 1, 2002, in accordance with applicable statutes and regulations. For the fiscal year ending June 30, 2004, rates in effect for the period ending June 30, 2003, shall remain in effect, except any facility that would have been issued a lower rate effective July 1, 2003, than for the fiscal year ending June 30, 2003, due to interim rate status or agreement with the department shall be issued such lower rate effective July 1, 2003. For the fiscal year ending June 30, 2005, rates in effect for the period ending June 30, 2004, shall remain in effect until September 30, 2004. Effective October 1, 2004, each facility shall receive a rate that is five per cent greater than the rate in effect September 30, 2004. Effective upon receipt of all the necessary federal approvals to secure federal financial participation matching funds associated with the rate increase provided in subdivision (4) of subsection (f) of this section, but in no event earlier than October 1, 2005, and provided the user fee imposed under section 17b-320 is required to be collected, each facility shall receive a rate that is four per cent more than the rate the facility received in the prior fiscal year, except any facility that would have been issued a lower rate effective October 1, 2005, than for the fiscal year ending June 30, 2005, due to interim rate status or agreement with the department, shall be issued such lower rate effective October 1, 2005. Such rate increase shall remain in effect unless: [(A)] (1) The federal financial participation matching funds associated with the rate increase are no longer available; or [(B)] (2) the user fee created pursuant to section 17b-320 is not in effect. For the fiscal year ending June 30, 2007, rates in effect for the period ending June 30, 2006, shall remain in effect until September 30, 2006, except any facility that would have been issued a lower rate effective July 1, 2006, than for the fiscal year ending June 30, 2006, due to interim rate status or agreement with the department, shall be issued such lower rate effective July 1, 2006. Effective October 1, 2006, no facility shall receive a rate that is more than three per cent
greater than the rate in effect for the facility on September 30, 2006, except any facility that would have been issued a lower rate effective October 1, 2006, due to interim rate status or agreement with the department, shall be issued such lower rate effective October 1, 2006. For the fiscal year ending June 30, 2008, each facility shall receive a rate that is two and nine-tenths per cent greater than the rate in effect for the period ending June 30, 2007, except any facility that would have been issued a lower rate effective July 1, 2007, than for the rate period ending June 30, 2007, due to interim rate status, or agreement with the department, shall be issued such lower rate effective July 1, 2007. For the fiscal year ending June 30, 2009, rates in effect for the period ending June 30, 2008, shall remain in effect until June 30, 2009, except any facility that would have been issued a lower rate for the fiscal year ending June 30, 2009, due to interim rate status or agreement with the department, shall be issued such lower rate. For the fiscal years ending June 30, 2010, and June 30, 2011, rates in effect for the period ending June 30, 2009, shall remain in effect until June 30, 2011, except any facility that would have been issued a lower rate for the fiscal year ending June 30, 2010, or the fiscal year ending June 30, 2011, due to interim rate status or agreement with the department, shall be issued such lower rate. For the fiscal years ending June 30, 2012, and June 30, 2013, the Commissioner of Social Services may provide fair rent increases to any facility that has undergone a material change in circumstances related to fair rent and has an approved certificate of need pursuant to section 17b-352, 17b-
353, 17b-354 or 17b-355. Notwithstanding the provisions of this section, the Commissioner of Social Services may, within available appropriations, increase rates issued to intermediate care facilities for the mentally retarded.

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

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

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

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

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

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

(a) The Commissioner of Social Services may, within available
appropriations, establish and operate a pilot program to allow
individuals to receive assisted living services, provided by an assisted
living services agency licensed by the Department of Public Health, in
accordance with chapter 368v. In order to be eligible for the pilot
program, an individual shall: (1) Reside in a managed residential
community, as defined in section 19a-693; (2) be ineligible to receive
assisted living services under any other assisted living pilot program
established by the General Assembly; and (3) be eligible for services
under the state-funded portion of the Connecticut home-care program
for the elderly established under section 17b-342. The total number of
individuals enrolled in said pilot program, when combined with the
total number of individuals enrolled in the pilot program established
pursuant to section 17b-365, as amended by this act, shall not exceed
[seventy-five] one hundred twenty-five individuals. The
Commissioner of Social Services shall operate said pilot program in
accordance with the Medicaid rules established [pursuant to] under 42
Sec. 11. (NEW) (Effective July 1, 2012) (a) For purposes of this section "home health care agency" has the same meaning as provided in section 19a-490 of the general statutes. Notwithstanding the provisions of chapter 378 of the general statutes, a registered nurse may delegate the administration of medications that are not administered by injection to homemaker-home health aides who have obtained certification for medication administration in accordance with regulations adopted pursuant to subsection (b) of this section, unless the prescribing practitioner specifies that a medication shall only be administered by a licensed nurse.

(b) (1) The Commissioner of Public Health shall adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to carry out the provisions of this section. Such regulations shall require each home health care agency that serves clients requiring assistance with medication administration to (A) adopt practices that increase and encourage client choice, dignity and independence; (B) establish policies and procedures to ensure that a registered nurse may delegate allowed tasks of nursing care, to include medication administration, to homemaker-home health aides when the registered nurse determines that it is in the best interest of the client and the homemaker-home health aide has been deemed competent to perform the task; (C) designate homemaker-home health aides to obtain certification for the administration of medication; and (D) ensure that such homemaker-home health aides receive such certification.

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

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

(d) A registered nurse licensed pursuant to the provisions of chapter 378 of the general statutes who delegates the task of medication administration to a homemaker-home health aide pursuant to this section shall not be subject to disciplinary action based on the performance of the homemaker-home health aide to whom tasks are delegated, unless the homemaker-home health aide is acting pursuant to specific instructions from the registered nurse or the registered nurse fails to leave instructions when the nurse should have done so, provided the registered nurse: (1) Documented in the patient's care plan that the medication administration could be properly and safely performed by the homemaker-home health aide to whom it is delegated, (2) provided initial direction to the homemaker-home health aide, and (3) provided ongoing supervision of the homemaker-home health aide, including the periodic assessment and evaluation of the patient's health and safety related to medication administration.

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

(f) No person may coerce a registered nurse into compromising patient safety by requiring the nurse to delegate the administration of medication if the nurse's assessment of the patient documents a need for a nurse to administer medication and identifies why the need cannot be safely met through utilization of assistive technology or administration of medication by certified homemaker-home health aides. No registered nurse who has made a reasonable determination based on such assessment that delegation may compromise patient safety shall be subject to any employer reprisal or disciplinary action pursuant to chapter 378 of the general statutes for refusing to delegate or refusing to provide the required training for such delegation. The Department of Social Services, in consultation with the Department of Public Health and home health care agencies, shall develop protocols for documentation pursuant to the requirements of this subsection. The Department of Social Services shall notify all licensed home health care agencies of such protocols prior to the implementation of this section.

(g) The Commissioner of Public Health may implement policies and procedures necessary to administer the provisions of this section while in the process of adopting such policies and procedures as regulations, provided notice of intent to adopt regulations is published in the Connecticut Law Journal not later than twenty days after the date of implementation. Policies and procedures implemented pursuant to this section shall be valid until the time final regulations are adopted.

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

No provision of this chapter shall confer any authority to practice medicine or surgery nor shall this chapter prohibit any person from the domestic administration of family remedies or the furnishing of
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assistance in the case of an emergency; nor shall it be construed as prohibiting persons employed in state hospitals and state sanatoriums and subsidiary workers in general hospitals from assisting in the nursing care of patients if adequate medical and nursing supervision is provided; nor shall it be construed to prohibit the administration of medications by dialysis patient care technicians in accordance with section 19a-269a; nor shall it be construed to prohibit a personal care assistant employed by a homemaker-companion agency registered pursuant to section 20-671 from administering medications to a competent adult who directs his or her own care and makes his or her own decisions pertaining to assessment, planning and evaluation; nor shall it be construed as prohibiting students who are enrolled in schools of nursing approved pursuant to section 20-90, and students who are enrolled in schools for licensed practical nurses approved pursuant to section 20-90, from performing such work as is incidental to their respective courses of study; nor shall it prohibit a registered nurse who holds a master's degree in nursing or in a related field recognized for certification as either a nurse practitioner, a clinical nurse specialist, or a nurse anesthetist by one of the certifying bodies identified in section 20-94a from practicing for a period not to exceed one hundred twenty days after the date of graduation, provided such graduate advanced practice registered nurse is working in a hospital or other organization under the supervision of a licensed physician or a licensed advanced practice registered nurse, such hospital or other organization has verified that the graduate advanced practice registered nurse has applied to sit for the national certification examination and the graduate advanced practice registered nurse is not authorized to prescribe or dispense drugs; nor shall it prohibit graduates of schools of nursing or schools for licensed practical nurses approved pursuant to section 20-90, from nursing the sick for a period not to exceed ninety calendar days after the date of graduation, provided such graduate nurses are working in hospitals or organizations where adequate supervision is provided, and such
hospital or other organization has verified that the graduate nurse has successfully completed a nursing program. Upon notification that the graduate nurse has failed the licensure examination or that the graduate advanced practice registered nurse has failed the certification examination, all privileges under this section shall automatically cease. No provision of this chapter shall prohibit any registered nurse who has been issued a temporary permit by the department, pursuant to subsection (b) of section 20-94, from caring for the sick pending the issuance of a license without examination; nor shall it prohibit any licensed practical nurse who has been issued a temporary permit by the department, pursuant to subsection (b) of section 20-97, from caring for the sick pending the issuance of a license without examination; nor shall it prohibit any qualified registered nurse or any qualified licensed practical nurse of another state from caring for a patient temporarily in this state, provided such nurse has been granted a temporary permit from said department and provided such nurse shall not represent or hold himself or herself out as a nurse licensed to practice in this state; nor shall it prohibit registered nurses or licensed practical nurses from other states from doing such nursing as is incident to their course of study when taking postgraduate courses in this state; nor shall it prohibit nursing or care of the sick, with or without compensation or personal profit, in connection with the practice of the religious tenets of any church by adherents thereof, provided such persons shall not otherwise engage in the practice of nursing within the meaning of this chapter. This chapter shall not prohibit the care of persons in their homes by domestic servants, housekeepers, nursemaids, companions, attendants or household aides of any type, whether employed regularly or because of an emergency of illness, if such persons are not initially employed in a nursing capacity. This chapter shall not prohibit unlicensed assistive personnel from administering jejunostomy and gastrojejunal tube feedings to persons who (1) attend day programs or respite centers under the jurisdiction of the Department of Developmental Services, (2) reside in
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residential facilities under the jurisdiction of the Department of Developmental Services, or (3) receive support under the jurisdiction of the Department of Developmental Services, when such feedings are performed by trained, unlicensed assistive personnel pursuant to the written order of a physician licensed under chapter 370, an advanced practice registered nurse licensed to prescribe in accordance with section 20-94a or a physician assistant licensed to prescribe in accordance with section 20-12d.

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

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

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

June 12 Sp. Sess., Public Act No. 12-1  42 of 474
(a) The Commissioner of Social Services shall seek a waiver from federal law to establish a personal care assistance program for persons eighteen years of age or older with disabilities funded under the Medicaid program. Such a program shall be limited to a specified number of slots available for eligible program recipients and shall be operated by the Department of Social Services within available appropriations. Such a waiver shall be submitted to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies and human services in accordance with section 17b-8 no later than January 1, 1996.

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

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

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

(h) (1) For the fiscal year ending June 30, 1993, any residential care home with an operating cost component of its rate in excess of one hundred thirty per cent of the median of operating cost components of rates in effect January 1, 1992, shall not receive an operating cost component increase. For the fiscal year ending June 30, 1993, any
residential care home with an operating cost component of its rate that is less than one hundred thirty per cent of the median of operating cost components of rates in effect January 1, 1992, shall have an allowance for real wage growth equal to sixty-five per cent of the increase determined in accordance with subsection (q) of section 17-311-52 of the regulations of Connecticut state agencies, provided such operating cost component shall not exceed one hundred thirty per cent of the median of operating cost components in effect January 1, 1992. Beginning with the fiscal year ending June 30, 1993, for the purpose of determining allowable fair rent, a residential care home with allowable fair rent less than the twenty-fifth percentile of the state-wide allowable fair rent shall be reimbursed as having allowable fair rent equal to the twenty-fifth percentile of the state-wide allowable fair rent. Beginning with the fiscal year ending June 30, 1997, a residential care home with allowable fair rent less than three dollars and ten cents per day shall be reimbursed as having allowable fair rent equal to three dollars and ten cents per day. Property additions placed in service during the cost year ending September 30, 1996, or any succeeding cost year shall receive a fair rent allowance for such additions as an addition to three dollars and ten cents per day if the fair rent for the facility for property placed in service prior to September 30, 1995, is less than or equal to three dollars and ten cents per day. For the fiscal year ending June 30, 1996, and any succeeding fiscal year, the allowance for real wage growth, as determined in accordance with subsection (q) of section 17-311-52 of the regulations of Connecticut state agencies, shall not be applied. For the fiscal year ending June 30, 1996, and any succeeding fiscal year, the inflation adjustment made in accordance with subsection (p) of section 17-311-52 of the regulations of Connecticut state agencies shall not be applied to real property costs. Beginning with the fiscal year ending June 30, 1997, minimum allowable patient days for rate computation purposes for a residential care home with twenty-five beds or less shall be eighty-five per cent of licensed capacity. Beginning with the fiscal year
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ending June 30, 2002, for the purposes of determining the allowable salary of an administrator of a residential care home with sixty beds or less the department shall revise the allowable base salary to thirty-seven thousand dollars to be annually inflated thereafter in accordance with section 17-311-52 of the regulations of Connecticut state agencies. The rates for the fiscal year ending June 30, 2002, shall be based upon the increased allowable salary of an administrator, regardless of whether such amount was expended in the 2000 cost report period upon which the rates are based. Beginning with the fiscal year ending June 30, 2000, and until the fiscal year ending June 30, 2009, inclusive, the inflation adjustment for rates made in accordance with subsection (p) of section 17-311-52 of the regulations of Connecticut state agencies shall be increased by two per cent, and beginning with the fiscal year ending June 30, 2002, the inflation adjustment for rates made in accordance with subsection (c) of said section shall be increased by one per cent. Beginning with the fiscal year ending June 30, 1999, for the purpose of determining the allowable salary of a related party, the department shall revise the maximum salary to twenty-seven thousand eight hundred fifty-six dollars to be annually inflated thereafter in accordance with section 17-311-52 of the regulations of Connecticut state agencies and beginning with the fiscal year ending June 30, 2001, such allowable salary shall be computed on an hourly basis and the maximum number of hours allowed for a related party other than the proprietor shall be increased from forty hours to forty-eight hours per work week. For the fiscal year ending June 30, 2005, each facility shall receive a rate that is two and one-quarter per cent more than the rate the facility received in the prior fiscal year, except any facility that would have been issued a lower rate effective July 1, 2004, than for the fiscal year ending June 30, 2004, due to interim rate status or agreement with the department shall be issued such lower rate effective July 1, 2004. Effective upon receipt of all the necessary federal approvals to secure federal financial participation matching funds associated with the rate increase provided in subdivision (4) of
subsection (f) of this section, but in no event earlier than October 1, 2005, and provided the user fee imposed under section 17b-320 is required to be collected, each facility shall receive a rate that is determined in accordance with applicable law and subject to appropriations, except any facility that would have been issued a lower rate effective October 1, 2005, than for the fiscal year ending June 30, 2005, due to interim rate status or agreement with the department, shall be issued such lower rate effective October 1, 2005. Such rate increase shall remain in effect unless: (A) The federal financial participation matching funds associated with the rate increase are no longer available; or (B) the user fee created pursuant to section 17b-320 is not in effect. For the fiscal year ending June 30, 2007, rates in effect for the period ending June 30, 2006, shall remain in effect until September 30, 2006, except any facility that would have been issued a lower rate effective July 1, 2006, than for the fiscal year ending June 30, 2006, due to interim rate status or agreement with the department, shall be issued such lower rate effective July 1, 2006. Effective October 1, 2006, no facility shall receive a rate that is more than four per cent greater than the rate in effect for the facility on September 30, 2006, except for any facility that would have been issued a lower rate effective October 1, 2006, due to interim rate status or agreement with the department, shall be issued such lower rate effective October 1, 2006. For the fiscal years ending June 30, 2010, and June 30, 2011, rates in effect for the period ending June 30, 2009, shall remain in effect until June 30, 2011, except any facility that would have been issued a lower rate for the fiscal year ending June 30, 2010, or the fiscal year ending June 30, 2011, due to interim rate status or agreement with the department, shall be issued such lower rate, except (i) any facility that would have been issued a lower rate for the fiscal year ending June 30, 2010, or the fiscal year ending June 30, 2011, due to interim rate status or agreement with the Commissioner of Social Services shall be issued such lower rate; and (ii) the commissioner may increase a facility's rate for reasonable costs associated with such facility's compliance with the
provisions of section 19a-495a concerning the administration of medication by unlicensed personnel. For the fiscal [years] year ending June 30, 2012, [and June 30, 2013,] rates in effect for the period ending June 30, 2011, shall remain in effect until June 30, [2013] 2012, except that (I) any facility that would have been issued a lower rate for the fiscal year ending June 30, 2012, [or the fiscal year ending June 30, 2013,] due to interim rate status or agreement with the Commissioner of Social Services shall be issued such lower rate; and (II) the commissioner may increase a facility's rate for reasonable costs associated with such facility's compliance with the provisions of section 19a-495a concerning the administration of medication by unlicensed personnel. For the fiscal year ending June 30, 2013, the Commissioner of Social Services may, within available appropriations, provide a rate increase to a residential care home. Any facility that would have been issued a lower rate for the fiscal year ending June 30, 2013, due to interim rate status or agreement with the Commissioner of Social Services shall be issued such lower rate. For the fiscal years ending June 30, 2012, and June 30, 2013, the Commissioner of Social Services may provide fair rent increases to any facility that has undergone a material change in circumstances related to fair rent and has an approved certificate of need pursuant to section 17b-352, 17b-353, 17b-354 or 17b-355.

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

(4) For the fiscal year ending June 30, 1992, (A) no facility shall receive a rate that is less than the rate it received for the rate year ending June 30, 1991; (B) no facility whose rate, if determined pursuant to this subsection, would exceed one hundred twenty per cent of the state-wide median rate, as determined pursuant to this subsection, shall receive a rate which is five and one-half per cent more than the
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rate it received for the rate year ending June 30, 1991; and (C) no facility whose rate, if determined pursuant to this subsection, would be less than one hundred twenty per cent of the state-wide median rate, as determined pursuant to this subsection, shall receive a rate which is six and one-half per cent more than the rate it received for the rate year ending June 30, 1991. For the fiscal year ending June 30, 1993, no facility shall receive a rate that is less than the rate it received for the rate year ending June 30, 1992, or six per cent more than the rate it received for the rate year ending June 30, 1992. For the fiscal year ending June 30, 1994, no facility shall receive a rate that is less than the rate it received for the rate year ending June 30, 1993, or six per cent more than the rate it received for the rate year ending June 30, 1993. For the fiscal year ending June 30, 1995, no facility shall receive a rate that is more than five per cent less than the rate it received for the rate year ending June 30, 1994, or six per cent more than the rate it received for the rate year ending June 30, 1994. For the fiscal years ending June 30, 1996, and June 30, 1997, no facility shall receive a rate that is more than three per cent more than the rate it received for the prior rate year. For the fiscal year ending June 30, 1998, a facility shall receive a rate increase that is not more than two per cent more than the rate that the facility received in the prior year. For the fiscal year ending June 30, 1999, a facility shall receive a rate increase that is not more than three per cent more than the rate that the facility received in the prior year and that is not less than one per cent more than the rate that the facility received in the prior year, exclusive of rate increases associated with a wage, benefit and staffing enhancement rate adjustment added for the period from April 1, 1999, to June 30, 1999, inclusive. For the fiscal year ending June 30, 2000, each facility, except a facility with an interim rate or replaced interim rate for the fiscal year ending June 30, 1999, and a facility having a certificate of need or other agreement specifying rate adjustments for the fiscal year ending June 30, 2000, shall receive a rate increase equal to one per cent applied to the rate the facility received for the fiscal year ending June 30, 1999, exclusive of
the facility's wage, benefit and staffing enhancement rate adjustment. For the fiscal year ending June 30, 2000, no facility with an interim rate, replaced interim rate or scheduled rate adjustment specified in a certificate of need or other agreement for the fiscal year ending June 30, 2000, shall receive a rate increase that is more than one per cent more than the rate the facility received in the fiscal year ending June 30, 1999. For the fiscal year ending June 30, 2001, each facility, except a facility with an interim rate or replaced interim rate for the fiscal year ending June 30, 2000, and a facility having a certificate of need or other agreement specifying rate adjustments for the fiscal year ending June 30, 2001, shall receive a rate increase equal to two per cent applied to the rate the facility received for the fiscal year ending June 30, 2000, subject to verification of wage enhancement adjustments pursuant to subdivision (14) of this subsection. For the fiscal year ending June 30, 2001, no facility with an interim rate, replaced interim rate or scheduled rate adjustment specified in a certificate of need or other agreement for the fiscal year ending June 30, 2001, shall receive a rate increase that is more than two per cent more than the rate the facility received for the fiscal year ending June 30, 2000. For the fiscal year ending June 30, 2002, each facility shall receive a rate that is two and one-half per cent more than the rate the facility received in the prior fiscal year. For the fiscal year ending June 30, 2003, each facility shall receive a rate that is two per cent more than the rate the facility received in the prior fiscal year, except that such increase shall be effective January 1, 2003, and such facility rate in effect for the fiscal year ending June 30, 2002, shall be paid for services provided until December 31, 2002, except any facility that would have been issued a lower rate effective July 1, 2002, than for the fiscal year ending June 30, 2002, due to interim rate status or agreement with the department shall be issued such lower rate effective July 1, 2002, and have such rate increased two per cent effective June 1, 2003. For the fiscal year ending June 30, 2004, rates in effect for the period ending June 30, 2003, shall remain in effect, except any facility that would have been issued a
lower rate effective July 1, 2003, than for the fiscal year ending June 30, 2003, due to interim rate status or agreement with the department shall be issued such lower rate effective July 1, 2003. For the fiscal year ending June 30, 2005, rates in effect for the period ending June 30, 2004, shall remain in effect until December 31, 2004, except any facility that would have been issued a lower rate effective July 1, 2004, than for the fiscal year ending June 30, 2004, due to interim rate status or agreement with the department shall be issued such lower rate effective July 1, 2004. Effective January 1, 2005, each facility shall receive a rate that is one per cent greater than the rate in effect December 31, 2004. Effective upon receipt of all the necessary federal approvals to secure federal financial participation matching funds associated with the rate increase provided in this subdivision, but in no event earlier than July 1, 2005, and provided the user fee imposed under section 17b-320 is required to be collected, for the fiscal year ending June 30, 2006, the department shall compute the rate for each facility based upon its 2003 cost report filing or a subsequent cost year filing for facilities having an interim rate for the period ending June 30, 2005, as provided under section 17-311-55 of the regulations of Connecticut state agencies. For each facility not having an interim rate for the period ending June 30, 2005, the rate for the period ending June 30, 2006, shall be determined beginning with the higher of the computed rate based upon its 2003 cost report filing or the rate in effect for the period ending June 30, 2005. Such rate shall then be increased by eleven dollars and eighty cents per day except that in no event shall the rate for the period ending June 30, 2006, be thirty-two dollars more than the rate in effect for the period ending June 30, 2005, and for any facility with a rate below one hundred ninety-five dollars per day for the period ending June 30, 2005, such rate for the period ending June 30, 2006, shall not be greater than two hundred seventeen dollars and forty-three cents per day and for any facility with a rate equal to or greater than one hundred ninety-five dollars per day for the period ending June 30, 2005, such rate for the period ending June
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30, 2006, shall not exceed the rate in effect for the period ending June 30, 2005, increased by eleven and one-half per cent. For each facility with an interim rate for the period ending June 30, 2005, the interim replacement rate for the period ending June 30, 2006, shall not exceed the rate in effect for the period ending June 30, 2005, increased by eleven dollars and eighty cents per day plus the per day cost of the user fee payments made pursuant to section 17b-320 divided by annual resident service days, except for any facility with an interim rate below one hundred ninety-five dollars per day for the period ending June 30, 2005, the interim replacement rate for the period ending June 30, 2006, shall not be greater than two hundred seventeen dollars and forty-three cents per day and for any facility with an interim rate equal to or greater than one hundred ninety-five dollars per day for the period ending June 30, 2005, the interim replacement rate for the period ending June 30, 2006, shall not exceed the rate in effect for the period ending June 30, 2005, increased by eleven and one-half per cent. Such July 1, 2005, rate adjustments shall remain in effect unless (i) the federal financial participation matching funds associated with the rate increase are no longer available; or (ii) the user fee created pursuant to section 17b-320 is not in effect. For the fiscal year ending June 30, 2007, each facility shall receive a rate that is three per cent greater than the rate in effect for the period ending June 30, 2006, except any facility that would have been issued a lower rate effective July 1, 2006, than for the rate period ending June 30, 2006, due to interim rate status or agreement with the department, shall be issued such lower rate effective July 1, 2006. For the fiscal year ending June 30, 2008, each facility shall receive a rate that is two and nine-tenths per cent greater than the rate in effect for the period ending June 30, 2007, except any facility that would have been issued a lower rate effective July 1, 2007, than for the rate period ending June 30, 2007, due to interim rate status or agreement with the department, shall be issued such lower rate effective July 1, 2007. For the fiscal year ending June 30, 2009, rates in effect for the period ending June 30, 2008, shall
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remain in effect until June 30, 2009, except any facility that would have been issued a lower rate for the fiscal year ending June 30, 2009, due to interim rate status or agreement with the department shall be issued such lower rate. For the fiscal years ending June 30, 2010, and June 30, 2011, rates in effect for the period ending June 30, 2009, shall remain in effect until June 30, 2011, except any facility that would have been issued a lower rate for the fiscal year ending June 30, 2010, or the fiscal year ending June 30, 2011, due to interim rate status or agreement with the department, shall be issued such lower rate. For the fiscal years ending June 30, 2012, and June 30, 2013, rates in effect for the period ending June 30, 2011, shall remain in effect until June 30, 2013, except any facility that would have been issued a lower rate for the fiscal year ending June 30, 2012, or the fiscal year ending June 30, 2013, due to interim rate status or agreement with the department, shall be issued such lower rate. The Commissioner of Social Services shall add fair rent increases to any other rate increases established pursuant to this subdivision for a facility which has undergone a material change in circumstances related to fair rent, except for the fiscal years ending June 30, 2010, June 30, 2011, and June 30, 2012, [and June 30, 2013,] such fair rent increases shall only be provided to facilities with an approved certificate of need pursuant to section 17b-352, 17b-353, 17b-354 or 17b-355. For the fiscal year ending June 30, 2013, the commissioner may, within available appropriations, provide pro rata fair rent increases for facilities which have undergone a material change in circumstances related to fair rent additions placed in service in cost report years ending September 30, 2008, to September 30, 2011, inclusive, and not otherwise included in rates issued. For the fiscal year ending June 30, 2013, the commissioner shall add fair rent increases associated with an approved certificate of need pursuant to section 17b-352, 17b-353, 17b-354 or 17b-355. Interim rates may take into account reasonable costs incurred by a facility, including wages and benefits. Notwithstanding the provisions of this section, the Commissioner of Social Services may, within available appropriations,
increase rates issued to licensed chronic and convalescent nursing homes and licensed rest homes with nursing supervision.

Sec. 17. (NEW) (Effective October 1, 2012) Notwithstanding any provisions of the general statutes, chiropractic services may be covered for recipients of Medicaid, provided the Department of Social Services shall expend no more than two hundred fifty thousand dollars annually for this coverage. Such services may be coordinated with other initiatives under the Medicaid program. The Commissioner of Social Services shall implement policies and procedures to carry out the provisions of this section while in the process of adopting such policies and procedures in regulation form, provided notice of intent to adopt the regulations is published in the Connecticut Law Journal not later than twenty days after implementation. Such policies and procedures shall be valid until the time the final regulations are adopted.

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

(a) The state shall reimburse for all legend drugs provided under medical assistance programs administered by the Department of Social Services at the lower of (1) the rate established by the Centers for Medicare and Medicaid Services as the federal acquisition cost, (2) the average wholesale price minus sixteen per cent, or (3) an equivalent percentage as established under the Medicaid state plan. Notwithstanding the provisions of this section, contingent upon federal approval, on and after October 1, 2012, for independent pharmacies, the state shall reimburse for such legend drugs at the lower of (A) the rate established by the Centers for Medicare and Medicaid Services as the federal acquisition cost, (B) the average wholesale price minus fourteen per cent, or (C) an equivalent percentage as established under the Medicaid state plan. The state
shall pay a professional fee of two dollars to licensed pharmacies for each prescription dispensed to a recipient of benefits under a medical assistance program administered by the Department of Social Services in accordance with federal regulations. On and after September 4, 1991, payment for legend and nonlegend drugs provided to Medicaid recipients shall be based upon the actual package size dispensed. Effective October 1, 1991, reimbursement for over-the-counter drugs for such recipients shall be limited to those over-the-counter drugs and products published in the Connecticut Formulary, or the cross reference list, issued by the commissioner. The cost of all over-the-counter drugs and products provided to residents of nursing facilities, chronic disease hospitals, and intermediate care facilities for the mentally retarded shall be included in the facilities' per diem rate. Notwithstanding the provisions of this subsection, no dispensing fee shall be issued for a prescription drug dispensed to a ConnPACE or Medicaid recipient who is a Medicare Part D beneficiary when the prescription drug is a Medicare Part D drug, as defined in Public Law 108-173, the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

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

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

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

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

(a) Effective [July] January 1, 2013, there shall be established a Department on Aging that shall be under the direction and supervision of the Commissioner on Aging who shall be appointed by the Governor in accordance with the provisions of sections 4-5 to 4-8, inclusive, with the powers and duties prescribed in said sections. The commissioner shall be knowledgeable and experienced with respect to the conditions and needs of elderly persons and shall serve on a full-time basis.

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

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

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

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

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

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

(a) If a beneficiary of aid under the state supplement program, medical assistance program, aid to families with dependent children program, temporary family assistance program or state-administered general assistance program has or acquires property of any kind or interest in any property, estate or claim of any kind, except moneys received for the replacement of real or personal property, the state of Connecticut shall have a claim subject to subsections (b) and (c) of this
section, which shall have priority over all other unsecured claims and unrecorded encumbrances, against such beneficiary for the full amount paid, subject to the provisions of section 17b-94, to the beneficiary or on the beneficiary's behalf under said programs; and, in addition thereto, the parents of an aid to dependent children beneficiary, a state-administered general assistance beneficiary or a temporary family assistance beneficiary shall be liable to repay, subject to the provisions of section 17b-94, to the state the full amount of any such aid paid to or on behalf of either parent, [the beneficiary's] his or her spouse, and [the beneficiary's] his or her dependent child or children, as defined in section 17b-75. The state of Connecticut shall have a lien against property of any kind or interest in any property, estate or claim of any kind of the parents of an aid to dependent children, temporary family assistance or state administered general assistance beneficiary, in addition and not in substitution of its claim, for amounts owing under any order for support of any court or any family support magistrate, including any arrearage under such order, provided household goods and other personal property identified in section 52-352b, real property pursuant to section 17b-79, as long as such property is used as a home for the beneficiary and money received for the replacement of real or personal property, shall be exempt from such lien.

Sec. 21. (Effective July 1, 2012) On or before October 1, 2013, and annually thereafter, the Chief State's Attorney shall report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies concerning monetary recoveries in the preceding fiscal year by the Division of Criminal Justice as a result of fraud investigations relating to Medicaid and other medical assistance programs administered by the Department of Social Services.
Sec. 22. (Effective from passage) The Commissioner of Mental Health and Addiction Services shall maintain authority to operate and to audit the behavioral health managed care program for recipients of medical services under the state-administered general assistance program for claims for services provided before June 30, 2012. Sections 17a-453a-1 to 17a-453a-19, inclusive, of the Regulations of Connecticut State Agencies, as said regulations existed on June 30, 2011, shall remain in effect as necessary for the department to conduct audits of all aspects of the program, including, but not limited to, services provided, prior authorizations, payments for services, and medical records. The commissioner shall analyze the results of such audits to identify discrepancies and errors with regard to services and payments and areas that involve program implementation and operation problems. The commissioner may recover reimbursements made to providers based on audit findings and may impose progressive sanctions as the commissioner deems appropriate for any provider the commissioner finds, as a result of an audit, not to be in compliance with the standards established pursuant to said sections of the Regulations of Connecticut State Agencies. A provider may appeal a decision of the commissioner to withhold reimbursements or to impose a sanction in accordance with the provisions of chapter 54 of the general statutes.

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

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

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

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

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

(e) The Commissioner of Social Services may, within available appropriations, on a case-by-case basis, provide a security deposit grant to a person eligible for the security deposit guarantee program established under subsection (a) of this section, in an amount not to exceed the equivalent of one month's rent on such rental unit, provided the commissioner determines that emergency circumstances exist which threaten the health, safety or welfare of a child who resides with such person. Such person shall not be eligible for more than one such grant without the authorization of said commissioner. Nothing in this section shall preclude the approval of such one-month security deposit grant in conjunction with a one-month security deposit guarantee.
(f) The Commissioner of Social Services may provide a security deposit grant to a person receiving such grant through any [emergency shelter] local or regional nonprofit corporation or social service organization under an existing contract with the Department of Social Services to assist in the administration of the security deposit program, but in no event shall a payment be authorized after October 1, 2000. Nothing in this section shall preclude the commissioner from entering into a contract with one or more [emergency shelters] local or regional nonprofit corporations or social service organizations for the purpose of issuing security deposit guarantees.

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

(h) Any person with income exceeding one hundred fifty per cent of the federal poverty level, who is found eligible to receive a security deposit guarantee under this section and for whom the commissioner has paid a claim by a landlord, shall contribute five per cent of one month's rent to the payment of the security deposit. The commissioner may waive such payment for good cause.

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

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

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

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

(a) The Commissioner of Social Services and the Labor Commissioner shall, within available appropriations, implement a pilot program that serves not more than one hundred persons who are receiving benefits under the temporary family assistance program and participating in the Jobs First employment services program. The pilot program shall provide to participants: (1) Intensive case management services to identify participants' (A) employment goals, (B) support service needs, and (C) training, education and work experience needs; (2) assistance in accessing needed support services, training, education and work experience; [and] or (3) funding to facilitate participation in necessary adult basic education, skills training, postsecondary education or subsidized employment.

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

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

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

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

(b) The commissioner shall apply for a Medicaid waiver, pursuant to Section 1115 of the Social Security Act, to modify eligibility and coverage for such low-income adults by establishing that (1) an individual with assets exceeding ten thousand dollars is ineligible for the program; (2) the income and assets of the parents of an individual who is under twenty-six years of age will be counted when determining the individual's eligibility for the program, provided the individual lives with a parent or is declared as a dependent by a parent for income tax purposes; and (3) each eligible individual shall be limited to ninety days of nursing facility care.

[(b)] (c) The commissioner may implement policies and procedures necessary to administer the provisions of this section while in the process of adopting such policies and procedures in regulation form, provided the commissioner prints notice of intent to adopt regulations
in the Connecticut Law Journal not later than twenty days after the date of implementation. Such policies and procedures shall remain valid for three years following the date of publication in the Connecticut Law Journal unless otherwise provided for by the General Assembly. Notwithstanding the time frames established in subsection (c) of section 17b-10, the commissioner shall submit such policies and procedures in proposed regulation form to the legislative regulation review committee not later than three years following the date of publication of its intent to adopt regulations as provided for in this subsection. In the event that the commissioner is unable to submit proposed regulations prior to the expiration of the three-year time period as provided for in this subsection, the commissioner shall submit written notice, not later than thirty-five days prior to the date of expiration of such time period, to the legislative regulation review committee and the joint standing committees of the General Assembly having cognizance of matters relating to human services and appropriations and the budgets of state agencies indicating that the department will not be able to submit the proposed regulations on or before such date and shall include in such notice (1) the reasons why the department will not submit the proposed regulations by such date, and (2) the date by which the department will submit the proposed regulations. The legislative regulation review committee may require the department to appear before the committee at a time prescribed by the committee to further explain such reasons and to respond to any questions by the committee about the policy. The legislative regulation review committee may request the joint standing committee of the General Assembly having cognizance of matters relating to human services to review the department's policy, the department's reasons for not submitting the proposed regulations by the date specified in this section and the date by which the department will submit the proposed regulations. Said joint standing committee may review the policy, such reasons and such date, may schedule a hearing thereon and may make a recommendation to the legislative regulation review committee.
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[(c) (d)] Effective July 1, 2011, no payment shall be made to a provider of medical services for services provided prior to April 1, 2010, to a recipient of benefits under this section.

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

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

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

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

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

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

Sec. 28. Section 17b-650a of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):
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(a) There is created a [Bureau of Rehabilitative] Department of Rehabilitation Services, which shall be within the Department of Social Services for administrative purposes only. Said bureau] The Department of Social Services shall provide administrative support services to the Department of Rehabilitation Services until the Department of Rehabilitation Services requests cessation of such services, or until June 30, 2013, whichever is earlier. The Department of Rehabilitation Services shall be responsible for: (1) Providing services to the deaf and hearing impaired; (2) providing services for the blind and visually impaired; and (3) providing rehabilitation services in accordance with the provisions of the general statutes concerning [said bureau] the Department of Rehabilitation Services. The Department of Rehabilitation Services shall constitute a successor authority to the Bureau of Rehabilitative Services in accordance with the provisions of sections 4-38d, 4-38e and 4-39.

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

Sec. 29. Section 4-5 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective July
As used in sections 4-6, 4-7 and 4-8, the term "department head" means Secretary of the Office of Policy and Management, Commissioner of Administrative Services, Commissioner of Revenue Services, Banking Commissioner, Commissioner of Children and Families, Commissioner of Construction Services, Commissioner of Consumer Protection, Commissioner of Correction, Commissioner of Economic and Community Development, State Board of Education, Commissioner of Emergency Services and Public Protection, Commissioner of Energy and Environmental Protection, Commissioner of Agriculture, Commissioner of Public Health, Insurance Commissioner, Labor Commissioner, Liquor Control Commission, Commissioner of Mental Health and Addiction Services, Commissioner of Social Services, Commissioner of Developmental Services, Commissioner of Motor Vehicles, Commissioner of Transportation, Commissioner of Veterans' Affairs, [the director of the Bureau of Rehabilitative] Commissioner of Rehabilitation Services and the executive director of the Office of Military Affairs. As used in sections 4-6 and 4-7, "department head" also means the Commissioner of Education and the president of the Board of Regents for Higher Education.

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

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

Sec. 31. Subsection (g) of section 4-89 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):
(g) The provisions of this section shall not apply to appropriations to the [Bureau of Rehabilitative] Department of Rehabilitation Services in an amount not greater than the amount of reimbursements of prior year expenditures for the services of interpreters received by the [bureau] department during the fiscal year pursuant to section 46a-33b, as amended by this act, and such appropriations shall not lapse until the end of the fiscal year succeeding the fiscal year of the appropriation.

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

(a) For the purposes of this section:

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

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

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

(4) "Commercial janitorial contractor" means any for-profit proprietorship, partnership, joint venture, corporation, limited liability company, trust, association or other privately owned entity that employs persons to perform janitorial work, and that enters into contracts to provide janitorial services;

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

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

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

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

(c) Notwithstanding any other provision of the general statutes, under such pilot program, the Commissioner of Administrative Services shall award four janitorial contracts, one for each identified project, pursuant to the following procedures: (1) Upon receipt of a request for janitorial services by an agency or department of the state, the Commissioner of Administrative Services shall notify each qualified partnership, as described in subsections (f) to (m), inclusive, of this section, of such request and invite each qualified partnership in good standing to submit a bid proposal for such janitorial contract to the commissioner in a manner and form as prescribed by the commissioner; (2) in the event that only one such qualified partnership submits a bid for such janitorial contract, the commissioner shall award such contract to the bidding qualified partnership, provided such bid does not exceed the fair market value for such contract, as determined by the commissioner; (3) if more than one qualified partnership submits a bid, the commissioner shall award the contract to the lowest responsible qualified bidder, as defined in section 4a-59; and (4) in the event that a qualified partnership does not submit a bid or is not awarded such contract, the commissioner shall award such contract in accordance with the provisions of sections 4a-59 and 17b-656, as amended by this act.

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

(e) The Commissioner of Administrative Services may adopt regulations, in accordance with the provisions of chapter 54, to undertake the requirements established in subsections (b) to (e), inclusive, of this section.
(f) The Connecticut Community Providers Association shall designate a commercial janitorial contractor and a community rehabilitation program as a "qualified partnership" whenever the following criteria have been established: (1) Such commercial janitorial contractor has entered into a binding agreement with such community rehabilitation program in which such contractor agrees to fill not less than one-third of the jobs from a successful bid for a janitorial contract under the pilot program established in subsections (b) to (e), inclusive, of this section with persons with disabilities and not less than one-third of such jobs with persons with a disadvantage; (2) such contractor employs not less than two hundred persons who perform janitorial work in the state; and (3) such contractor certifies, in writing, that it will pay the standard wage to employees, including persons with disabilities, under such janitorial contract. Any partnership between a commercial janitorial contractor and a community rehabilitation program that has been denied designation as a qualified partnership may appeal such denial, in writing, to the Commissioner of Administrative Services and said commissioner may, after review of such appeal, designate such program as a qualified partnership.

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

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

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

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

(k) Notwithstanding any other provision of the general statutes, the
responsibilities of the [Bureau of Rehabilitative] Department of
Rehabilitation Services, as established in subsections (f) to (m),
inclusive, of this section, may not be delegated to an outside vendor.
(l) The [director of the Bureau of Rehabilitative] Commissioner of Rehabilitation Services may adopt regulations, in accordance with the provisions of chapter 54, to undertake the certification requirements established pursuant to subsections (f) to (m), inclusive, of this section.

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

(n) During the term of the pilot program described in subsections (b) to (e), inclusive, of this section, the joint standing committee of the General Assembly having cognizance of matters relating to government administration shall study the effectiveness of such pilot program, including, but not limited to, the effectiveness of such program to create integrated work settings for persons with disabilities. Additionally, said committee shall study the need to make such pilot program permanent and ways to provide incentives for municipalities and businesses to utilize such pilot program if such program is determined by the committee to be effective.

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

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

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

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

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

(22) Professional employees in the education professions bargaining unit of the [Bureau of Rehabilitative] Department of Rehabilitation Services;
Sec. 35. Subsection (e) of section 5-259 of the 2012 supplement to the general statutes, as amended by section 49 of public act 12-197, is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

(e) Notwithstanding the provisions of subsection (a) of this section, (1) vending stand operators eligible for membership in the state employees' retirement system pursuant to section 5-175a, as amended by this act, shall be eligible for coverage under the group hospitalization and medical and surgical insurance plans procured under this section, provided the cost for such operators' insurance coverage shall be paid by the Bureau of Rehabilitative Department of Rehabilitation Services from vending machine income pursuant to section 10-303, as amended by this act, and (2) blind persons employed in workshops, established pursuant to section 10-298a, as amended by this act, on December 31, 2002, shall be eligible for coverage under the group hospitalization and medical and surgical insurance plans procured under this section, provided the cost for such persons' insurance coverage shall be paid by the Bureau of Rehabilitative Department of Rehabilitation Services.

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

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

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

(a) There shall be an Advisory Council for Special Education which shall advise the General Assembly, State Board of Education and the Commissioner of Education, and which shall engage in such other activities as described in this section. On and after July 1, 2012, the advisory council shall consist of the following members: (1) Nine appointed by the Commissioner of Education, (A) six of whom shall be (i) the parents of children with disabilities, provided such children are under the age of twenty-seven, or (ii) individuals with disabilities, (B) one of whom shall be an official of the Department of Education, (C) one of whom shall be a state or local official responsible for carrying out activities under Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act, 42 USC 11431 et seq., as amended from time to time, and (D) one of whom shall be a representative of an institution of higher education in the state that prepares teacher and related services personnel; (2) one appointed by the Commissioner of Developmental Services who shall be an official of the department; (3) one appointed by the Commissioner of Children and Families who shall be an official of the department; (4) one appointed by the Commissioner of Correction who shall be an official of the department; (5) the director of the Office of Protection and Advocacy for Persons with Disabilities, or the director's designee; (6) one appointed by the director of the Parent Leadership Training Institute within the
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Commission on Children who shall be (A) the parent of a child with a disability, provided such child is under the age of twenty-seven, or (B) an individual with a disability; (7) a representative from the parent training and information center for Connecticut established pursuant to the Individuals With Disabilities Education Act, 20 USC 1400 et seq., as amended from time to time; (8) the [director of the Bureau of Rehabilitative Services, or the director's designee] Commissioner of Rehabilitation Services, or the commissioner's designee; (9) five who are members of the General Assembly who shall serve as nonvoting members of the advisory council, one appointed by the speaker of the House of Representatives, one appointed by the majority leader of the House of Representatives, one appointed by the minority leader of the House of Representatives, one appointed by the president pro tempore of the Senate and one appointed by the minority leader of the Senate; (10) one appointed by the president pro tempore of the Senate who shall be a member of the Connecticut Speech-Language-Hearing Association; (11) one appointed by the majority leader of the Senate who shall be a public school teacher; (12) one appointed by the minority leader of the Senate who shall be a representative of a vocational, community or business organization concerned with the provision of transitional services to children with disabilities; (13) one appointed by the speaker of the House of Representatives who shall be a member of the Connecticut Council of Special Education Administrators and who is a local education official; (14) one appointed by the majority leader of the House of Representatives who shall be a representative of charter schools; (15) one appointed by the minority leader of the House of Representatives who shall be a member of the Connecticut Association of Private Special Education Facilities; (16) one appointed by the Chief Court Administrator of the Judicial Department who shall be an official of such department responsible for the provision of services to adjudicated children and youth; (17) seven appointed by the Governor, all of whom shall be (A) the parents of children with disabilities, provided such children are
under the age of twenty-seven, or (B) individuals with disabilities; and 
(18) such other members as required by the Individuals with 
Disabilities Education Act, 20 USC 1400 et seq., as amended from time 
to time, appointed by the Commissioner of Education. Appointments 
made pursuant to the provisions of this section shall be representative 
of the ethnic and racial diversity of, and the types of disabilities found 
in, the state population. The terms of the members of the council 
serving on June 8, 2010, shall expire on June 30, 2010. Appointments 
shall be made to the council by July 1, 2010. Members shall serve two- 
year terms, except that members appointed pursuant to subdivisions 
(1) to (3), inclusive, of this subsection whose terms commenced July 1, 
2010, shall serve three-year terms and the successors to such members 
appointed pursuant to subdivisions (1) to (3), inclusive, of this 
subsection shall serve two-year terms.

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

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

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

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

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

(a) All residents of this state, regardless of age, who, because of blindness or impaired vision, require specialized vision-related educational programs, goods and services, on the signed recommendation of the [director of the Bureau of Rehabilitative] Commissioner of Rehabilitation Services, shall be entitled to receive such instruction, programs, goods and services for such length of time as is deemed expedient by said [director] commissioner. Upon the petition of any parent or guardian of a blind child or a child with impaired vision, a local board of education may provide such instruction within the town or it may provide for such instruction by agreement with other towns as provided in subsection (d) of section 10-76d. All educational privileges prescribed in part V of chapter 164, not inconsistent with the provisions of this chapter, shall apply to the pupils covered by this subsection.

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

(1) The [director of the Bureau of Rehabilitative] Commissioner of Rehabilitation Services shall provide, upon written request from any interested school district, the services of teachers of the visually impaired, based on the levels established in the individualized education or service plan. The [director of the Bureau of Rehabilitative] Commissioner of Rehabilitation Services shall also make available resources, including, but not limited to, the Braille and large print library, to all teachers of public and nonpublic school children. The [director] commissioner may also provide vision-related professional development and training to all school districts and cover the actual cost for paraprofessionals from school districts to participate in agency-sponsored Braille training programs. The [director] commissioner shall utilize education consultant positions, funded by moneys appropriated from the General Fund, to supplement new staffing that will be made available through the educational aid for the blind and visually handicapped children account, which shall be governed by formal written policies established by the [director] commissioner.

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

(3) The [director of the Bureau of Rehabilitative] Commissioner of Rehabilitation Services may, within available appropriations, employ certified teachers of the visually impaired in sufficient numbers to meet the requests for services received from school districts. In responding to such requests, the [director] commissioner shall utilize a formula for determining the number of teachers needed to serve the school districts, crediting six points for each Braille-learning child and one point for each other child, with one full-time certified teacher of the visually impaired assigned for every twenty-five points credited. The [director] commissioner shall exercise due diligence to employ the needed number of certified teachers of the visually impaired, but shall not be liable for lack of resources. Funds appropriated to said account may also be utilized to employ rehabilitation teachers, rehabilitation technologists and orientation and mobility teachers in numbers sufficient to provide compensatory skills evaluations and training to blind and visually impaired children. In addition, up to five per cent of such appropriation may also be utilized to employ special assistants to the blind and other support staff necessary to ensure the efficient operation of service delivery. Not later than October first of each year, the [director of the Bureau of Rehabilitative] Commissioner of Rehabilitation Services shall determine the number of teachers needed based on the formula provided in this subdivision. Based on such determination, the [director of the Bureau of Rehabilitative] Commissioner of Rehabilitation Services shall estimate the funding needed to pay such teachers' salaries, benefits and related expenses.

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

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

(6) Remaining funds in such account, not expended to fund the services set forth in subdivisions (2), (3) and (5) of this subsection, shall be distributed to the school districts on a pro rata formula basis with a two-to-one credit ratio for Braille-learning students to non-Braille-learning students in the school district based upon the annual child count data provided pursuant to subdivision (1) of this subsection, provided the school district submits an annual progress report in a format prescribed by the [director] commissioner for each eligible child.

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

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

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

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

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

Sec. 42. Section 10-297 of the 2012 supplement to the general statutes
is repealed and the following is substituted in lieu thereof (Effective July
1, 2012):

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

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

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

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

(a) The [director of the Bureau of Rehabilitative] Commissioner of Rehabilitation Services shall, annually, as provided in section 4-60, submit to the Governor a report, containing a statement of the activities of the [Bureau of Rehabilitative] Department of Rehabilitation Services relating to services provided by the [bureau] department to individuals in the state who are legally blind or visually impaired during the preceding year. The [director] commissioner shall prepare and maintain a register of the blind in this state which shall describe their condition, cause of blindness and capacity for education and rehabilitative training. The [director] commissioner may register
cases of persons whose eyesight is seriously defective and who are liable to become visually disabled or blind, and may take such measures in cooperation with other authorities as the [director] commissioner deems advisable for the prevention of blindness or conservation of eyesight and, in appropriate cases, for the education of children and for the vocational guidance of adults having seriously defective sight but who are not blind. The [director] commissioner shall establish criteria for low vision care and maintain a list of ophthalmologists and optometrists that are exclusively authorized to receive agency funds through established and existing state fee schedules for the delivery of specifically defined low vision services that increase the capacity of eligible recipients of such services to maximize the use of their remaining vision.

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

(c) The [director of the Bureau of Rehabilitative] Commissioner of Rehabilitation Services shall provide the Department of Motor Vehicles with the names of all individuals sixteen years of age or older who, on or after October 1, 2005, have been determined to be blind by a physician or optometrist, as provided in section 10-305, as amended by this act. The [director of the Bureau of Rehabilitative] Commissioner of Rehabilitation Services shall provide simultaneous written notification to any individual whose name is being transmitted by the [director] Commissioner of Rehabilitation Services to the Department of Motor Vehicles. The [director of the Bureau of Rehabilitative] Commissioner
of Rehabilitation Services shall update the list of names provided to the Department of Motor Vehicles on a quarterly basis. The list shall also contain the address and date of birth for each individual reported, as shown on the records of the [Bureau of Rehabilitative] Department of Rehabilitation Services. The Department of Motor Vehicles shall maintain such list on a confidential basis, in accordance with the provisions of section 14-46d. The [Bureau of Rehabilitative] Department of Rehabilitation Services shall enter into a memorandum of understanding with the Department of Motor Vehicles to effectuate the purposes of this subsection.

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

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

(b) For any fiscal year that the [Bureau of Rehabilitative] Department of Rehabilitation Services operates a workshop pursuant to subsection (a) of this section, the [director of the Bureau of Rehabilitative] Commissioner of Rehabilitation Services shall file with the Comptroller a balance sheet as of June thirtieth and a statement of
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operations for the fiscal year ending on that date. A copy of such statement shall be filed with the Auditors of Public Accounts.

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

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

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

The Commissioner of Administrative Services shall (1) fix a fair
market price, based on the cost of materials, labor and overhead, for all articles and services offered for sale and described in the most recent catalog issued by the [Bureau of Rehabilitative] Department of Rehabilitation Services pursuant to section 10-298b, as amended by this act, provided the cost of labor on which such fair market price is based shall conform to federal minimum wage regulations for handicapped workers; (2) determine whether or not products produced or services provided by blind persons or handicapped persons meet the reasonable requirements of state departments, agencies and institutions; and (3) authorize state departments, agencies and institutions to purchase articles and services elsewhere when requisitions cannot be complied with through the products and services listed in the most current catalog issued by the [Bureau of Rehabilitative] Department of Rehabilitation Services pursuant to section 10-298b, as amended by this act.

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

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

Sec. 49. Section 10-300a of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):
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(a) No goods, wares or merchandise shall be labeled, designated or represented as having been manufactured or produced in whole or in part by any blind person or by any public or private institute, agency or corporation serving the blind unless at least seventy-five per cent of the total hours of labor performed on such goods, wares or merchandise shall have been rendered by a blind person, as defined in section 10-294a. Any person, institute, agency or nonprofit corporation which so manufactures or produces such goods shall register annually, on July first, with the [Bureau of Rehabilitative] Department of Rehabilitation Services and may affix or cause to be affixed to such goods a stamp or label which identifies such goods as the products of blind persons.

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

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

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

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

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

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

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

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

The sales and service account for the [Bureau of Rehabilitative] Department of Rehabilitation Services shall be established as a
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separate account within the General Fund for the purpose of aiding the blind by providing sales and service opportunities. Any money received by the [bureau] department from refunds for materials advanced for manufacture by the blind, and from the sales of articles or goods manufactured by the blind, and from the sale of other articles or goods, or from sales held to assist the blind, shall be deposited in the General Fund and credited to the account. Payments shall be made from the account for labor or services rendered in connection with the manufacture of articles for resale, for the purchase of materials used in such manufacture, for the purchase of merchandise for resale and for labor, supplies and other operating expenses connected with the operation of vending stands and sales and service opportunities. Bills contracted by the [Bureau of Rehabilitative] Department of Rehabilitation Services for the purposes specified in this section shall be paid by order of the Comptroller against the account in the manner provided by law for the payment of all claims against the state. At the end of each fiscal year, any surplus as of June thirtieth determined by including cash, accounts receivable and inventories less accounts payable over the sum of three hundred thousand dollars derived from sales of manufactured goods or articles or other sales, in excess of such cost of labor or services, materials, merchandise, supplies and other such operating expenses, shall revert to the General Fund of the state.

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

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

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

The [Bureau of Rehabilitative] Department of Rehabilitation Services may maintain a vocational rehabilitation program as authorized under the Federal Rehabilitation Act of 1973, 29 USC 791 et seq., for the purpose of providing and coordinating the full scope of necessary services to assist legally blind recipients of services from the [bureau] department to prepare for, enter into and maintain employment consistent with the purposes of said act.

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

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

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

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

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

The [Bureau of Rehabilitative] Department of Rehabilitation Services shall adopt regulations, in accordance with chapter 54, to determine the order to be followed in selecting those eligible persons to whom vocational rehabilitation services will be provided, in accordance with federal regulations.

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

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

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

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

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

The case records of the [Bureau of Rehabilitative] Department of Rehabilitation Services maintained for the purposes of this chapter shall be confidential and the names and addresses of recipients of assistance under this chapter shall not be published or used for purposes not directly connected with the administration of this chapter, except as necessary to carry out the provisions of sections 10-298, as amended by this act, and 17b-6.

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

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

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

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

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

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

Sec. 62. Subdivision (1) of subsection (e) of section 12-217pp of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

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

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

(a) There shall be within the [Bureau of Rehabilitative] Department of Rehabilitation Services a unit for the purpose of evaluating and training persons with disabilities in the operation of motor vehicles. There shall be assigned to the driver training unit for persons with disabilities such staff as is necessary for the orderly administration of the driver training program for persons with disabilities. The personnel assigned to the driver training unit for persons with disabilities shall, while engaged in the evaluation or instruction of a person with disabilities, have the authority and immunities with respect to such activities as are granted under the general statutes to motor vehicle inspectors. When a person with disabilities has successfully completed the driver training program for persons with disabilities, the [bureau] department shall certify such completion in writing to the Commissioner of Motor Vehicles and shall recommend any license restrictions or limitations to be placed on the license of such person. The Commissioner of Motor Vehicles may accept such certification in lieu of the driving skills portion of the examination prescribed under subsection (e) of section 14-36. If such person with disabilities has met all other requirements for obtaining a license, the Commissioner of Motor Vehicles shall issue a license with such restrictions recommended by the [bureau] department.

(b) Any resident of this state who has a serious physical or mental disability which does not render the resident incapable of operating a motor vehicle and who must utilize special equipment in order to operate a motor vehicle and who cannot obtain instruction in the operation of a motor vehicle through any alternate program, including, but not limited to, other state, federal or privately operated drivers' schools shall be eligible for instruction under the [Bureau of Rehabilitative] Department of Rehabilitation Services driver training
Sec. 64. Subsection (b) of section 14-253a of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

(b) The Commissioner of Motor Vehicles shall accept applications and renewal applications for removable windshield placards from (1) any person who is blind, as defined in section 1-1f; (2) any person with disabilities; (3) any parent or guardian of any person who is blind or any person with disabilities, if such person is under eighteen years of age at the time of application; (4) any parent or guardian of any person who is blind or any person with disabilities, if such person is unable to request or complete an application; and (5) any organization which meets criteria established by the commissioner and which certifies to the commissioner's satisfaction that the vehicle for which a placard is requested is primarily used to transport persons who are blind or persons with disabilities. Except as provided in subsection (c) of this section, on and after October 1, 2011, the commissioner shall not accept applications for special license plates, but shall accept renewal applications for such plates that were issued prior to October 1, 2011. No person shall be issued a placard in accordance with this section unless such person is the holder of a valid motor vehicle operator's license, or identification card issued in accordance with the provisions of section 1-1h. The commissioner is authorized to adopt regulations for the issuance of placards to persons who, by reason of hardship, do not hold or cannot obtain an operator's license or identification card. The commissioner shall maintain a record of each placard issued to any such person. Such applications and renewal applications shall be on a form prescribed by the commissioner. In the case of persons with disabilities, the application and renewal application shall include: (A) Certification by a licensed physician, a physician assistant, or an advanced practice registered nurse licensed in accordance with the
provisions of chapter 378, that the applicant is disabled; (B) certification by a licensed physician, a physician assistant, an advanced practice registered nurse licensed in accordance with the provisions of chapter 378, or a member of the driver training unit for persons with disabilities established pursuant to section 14-11b, as amended by this act, that the applicant meets the definition of a person with a disability which limits or impairs the ability to walk, as defined in 23 CFR Section 1235.2. In the case of persons who are blind, the application or renewal application shall include certification of legal blindness made by the [Bureau of Rehabilitative] Department of Rehabilitation Services, an ophthalmologist or an optometrist. Any person who makes a certification required by this subsection shall sign the application or renewal application under penalty of false statement pursuant to section 53a-157b. The commissioner, in said commissioner's discretion, may accept the discharge papers of a disabled veteran, as defined in section 14-254, in lieu of such certification. The Commissioner of Motor Vehicles may require additional certification at the time of the original application or at any time thereafter. If a person who has been requested to submit additional certification fails to do so within thirty days of the request, or if such additional certification is deemed by the Commissioner of Motor Vehicles to be unfavorable to the applicant, the commissioner may refuse to issue or, if already issued, suspend or revoke such special license plate or placard. The commissioner shall not issue more than one placard per applicant. The fee for the issuance of a temporary removable windshield placard shall be five dollars. Any person whose application has been denied or whose special license plate or placard has been suspended or revoked shall be afforded an opportunity for a hearing in accordance with the provisions of chapter 54.

Sec. 65. Subdivision (9) of section 17a-248 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):
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(9) "Participating agencies" includes, but is not limited to, the Departments of Education, Social Services, Public Health, Children and Families and Developmental Services, the Insurance Department, the [Bureau of Rehabilitative] Department of Rehabilitation Services and the Office of Protection and Advocacy for Persons with Disabilities.

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

The [Bureau of Rehabilitative] Department of Rehabilitation Services shall establish a program to assist disabled public school students in preparing for and obtaining competitive employment and to strengthen the linkage between vocational rehabilitation services and public schools. Under the program, the [Bureau of Rehabilitative] Department of Rehabilitation Services shall provide, within the limits of available appropriations, vocational evaluations and other appropriate transitional services and shall place vocational rehabilitation counselors in the following school districts: Hartford, West Hartford, Norwich, Bloomfield, Wethersfield and other school districts selected by the [Bureau of Rehabilitative] Department of Rehabilitation Services. The counselors shall, if requested, assist those persons planning in-school skill development programs. The counselors shall, with planning and placement team members, develop transition plans and individual education and work rehabilitation plans for disabled students who will no longer be eligible for continued public school services. Students whose termination date for receipt of public school services is most immediate shall be given priority.

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

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

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

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

(b) The council shall meet regularly with the [director of the Bureau of Rehabilitative] Commissioner of Rehabilitation Services and shall perform the following duties: (1) Issue an annual report by January first, with recommendations regarding independent living services and centers, to the Governor and the chairpersons of the joint standing committee of the General Assembly having cognizance of matters relating to human services, and (2) consult with, advise and make recommendations to the [Bureau of Rehabilitative] Department of Rehabilitation Services concerning independent living and related policy, management and budgetary issues.

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

The [Bureau of Rehabilitative] Department of Rehabilitation Services may provide necessary services to deaf and hearing impaired persons, including, but not limited to, nonreimbursable interpreter services and message relay services for persons using telecommunication devices for the deaf.
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Sec. 70. Section 17b-651a of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

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

Sec. 71. Section 17b-653 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

(a) Vocational rehabilitation services shall be provided, with or without public cost, directly or through public or private instrumentalities, as part of an individual plan for employment for a person with disabilities determined to be eligible by the [Bureau of Rehabilitative] Department of Rehabilitation Services, in accordance with Title I of the Rehabilitation Act, 29 USC 701 et seq., as amended from time to time. Nothing in this section shall be construed to mean that an individual's ability or inability to share in the cost of vocational [rehabilitative] rehabilitation services may be taken into account during the determination of eligibility for such services.
(b) If vocational rehabilitation services cannot be provided for all eligible persons with disabilities who apply for such services, the Department of Rehabilitation Services shall determine, in accordance with Title I of the Rehabilitation Act of 1973, 29 USC 701 et seq., and federal regulations, as amended from time to time, the order to be followed in selecting those to whom such services will be provided.

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

(d) The Commissioner of Rehabilitation Services may adopt regulations in accordance with the provisions of chapter 54 to establish standards and procedures governing the provision of vocational rehabilitation services and, where appropriate, a means test to determine, based upon the financial need of each eligible person with disabilities, the extent to which such services will be provided at public cost. Any funds received by the Department of Rehabilitation Services from individuals or third parties for the provision of vocational rehabilitation services shall be used by the department to provide such services. The regulations may also prescribe the procedures to be used when payment is made by individuals required to contribute to the cost of vocational rehabilitation services. Regulations developed to implement a means test shall include, but not be limited to: (1) An exemption for any individual with an income of less than one hundred per cent of the state median income and assets which are less than five thousand dollars; (2) an exemption for services covered in an individual plan for employment in effect at the time of implementation of the means test;
(3) an exclusion from an individual's income of the costs of necessary and reasonable disability-related expenses including, but not limited to, personal attendant services and medications for which payment is unavailable to the individual through other benefits or resources; (4) an exclusion from the individual's assets of the value of the individual's primary residence and motor vehicle; (5) a method by which the Commissioner of Rehabilitation Services may reduce the level of required contributions by an individual in the case of undue hardship; and (6) a requirement that the Department of Rehabilitation Services notify an individual of the results of the means test analysis within thirty days of receipt of necessary financial information from the individual. Such means test shall not apply to services covered under a determination of financial need made by an institution of higher education. The Department of Rehabilitation Services shall develop the regulations in consultation with representatives of providers of vocational rehabilitation services and recipients of such services or their representatives.

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

(a) Any applicant for or recipient of vocational rehabilitation services may request an informal review of any decision made by the Department of Rehabilitation Services pursuant to section 17b-653, as amended by this act.

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

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

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

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

(b) Subject to the approval of all real estate acquisitions by the Commissioner of Administrative Services and the State Properties Review Board, in carrying out said sections, the [Bureau of Rehabilitative] Department of Rehabilitation Services may (1) establish, operate, foster and promote the establishment of rehabilitation facilities and make grants to public and other nonprofit and nonsectarian organizations for such purposes; (2) assist persons


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with severe disabilities to establish and operate small businesses; and
(3) make studies, investigations, demonstrations and reports, and
provide training and instruction, including the establishment and
maintenance of such research fellowships and traineeships with such
stipends and allowances as may be deemed necessary, in matters
relating to vocational rehabilitation.

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

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

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

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

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

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

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

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

The State Treasurer is designated as the custodian of all funds received from the federal government for the purpose of carrying out any federal statutes pertaining to vocational rehabilitation or any agreements authorized by sections 17b-650 to 17b-663, inclusive, and shall make disbursements from such funds and from all state funds
available for vocational rehabilitation purposes upon certification by
the [director of the Bureau of Rehabilitative] Commissioner of
Rehabilitation Services.

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

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

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

Notwithstanding any other provision of the general statutes, the
[Bureau of Rehabilitative] Department of Rehabilitation Services may,
within the limits of appropriations, purchase (1) wheelchairs and
placement equipment directly and without the issuance of a purchase
order, provided such purchases shall not be in excess of three
thousand five hundred dollars per unit purchased, and (2) adaptive
equipment and modified vehicles for persons with disabilities directly
and without the issuance of a purchase order, provided such
purchases of adaptive equipment shall not be in excess of ten thousand
dollars per unit purchased and such purchases of modified vehicles
shall not be in excess of twenty-five thousand dollars per vehicle. All
such purchases shall be made in the open market, but shall, when possible, be based on at least three competitive bids. Such bids shall be solicited by sending notice to prospective suppliers and by posting notice on a public bulletin board within the Bureau of Rehabilitative Services, the Internet web site of the Department of Rehabilitation Services. Each bid shall be opened publicly at the time stated in the notice soliciting such bid. Acceptance of a bid by the Department of Rehabilitation Services shall be based on standard specifications as may be adopted by said department.

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

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

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

(a) The Department of Rehabilitation Services may receive state and federal funds to administer, within available appropriations, an employment opportunities program to serve individuals with the most significant disabilities who do not meet the eligibility requirements of supported employment programs administered by the Departments of Developmental Services and Mental Health and Addiction Services. For the purposes of this section,
"individuals with the most significant disabilities" means those individuals who (1) have serious employment limitations in a total of three or more functional areas including, but not limited to, mobility, communication, self-care, interpersonal skills, work tolerance or work skills, or (2) will require significant ongoing disability-related services on the job in order to maintain employment.

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

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

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

No fee shall be charged for any sport fishing license issued under this chapter to any blind person, and such license shall be a lifetime license not subject to the expiration provisions of section 26-35. Proof of such blindness shall be furnished, in the case of a veteran, by the United States Veterans' Administration and, in the case of any other person, by the [Bureau of Rehabilitative] Department of Rehabilitation Services. For the purpose of this section, a person shall be blind only if his central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or if his visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty degrees.
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Sec. 83. Subsection (d) of section 31-280 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

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

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

(a) The Bureau of Rehabilitative Department of Rehabilitation Services shall provide rehabilitation programs for employees suffering compensable injuries within the provisions of this chapter, which injuries disabled them from performing their customary or most recent work. The director of the Bureau of Rehabilitative Commissioner of Rehabilitation Services shall establish rehabilitation programs which shall best suit the needs of injured employees and shall make the
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programs available in convenient locations throughout the state. After consultation with the Labor Commissioner, the [director] Commissioner of Rehabilitation Services may establish fees for the programs, so as to provide the most effective rehabilitation programs at a minimum rate. In order to carry out the provisions of this section, the [director] Commissioner of Rehabilitation Services shall adopt regulations, in accordance with the provisions of chapter 54, and, subject to the provisions of chapter 67, provide for the employment of necessary assistants.

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

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

(a) If an employer and an injured employee, or in case of fatal injury the employee's legal representative or dependent, at a date not earlier than the expiration of the waiting period, reach an agreement in regard to compensation, such agreement shall be submitted in writing to the commissioner by the employer with a statement of the time, place and nature of the injury upon which it is based; and, if such commissioner finds such agreement to conform to the provisions of this chapter in every regard, the commissioner shall so approve it. A copy of the agreement, with a statement of the commissioner's approval, shall be delivered to each of the parties and thereafter it shall be as binding.
upon both parties as an award by the commissioner. The commissioner's statement of approval shall also inform the employee or the employee's dependent, as the case may be, of any rights the individual may have to an annual cost-of-living adjustment or to participate in a rehabilitation program administered by the [Bureau of Rehabilitative] Department of Rehabilitation Services under the provisions of this chapter. The commissioner shall retain the original agreement, with the commissioner's approval thereof, in the commissioner's office and, if an application is made to the superior court for an execution, the commissioner shall, upon the request of said court, file in the court a certified copy of the agreement and statement of approval.

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

As soon as may be after the conclusion of any hearing, but no later than one hundred twenty days after such conclusion, the commissioner shall send to each party a written copy of the commissioner's findings and award. The commissioner shall, as part of the written award, inform the employee or the employee's dependent, as the case may be, of any rights the individual may have to an annual cost-of-living adjustment or to participate in a rehabilitation program administered by the [Bureau of Rehabilitative] Department of Rehabilitation Services under the provisions of this chapter. The commissioner shall retain the original findings and award in said commissioner's office. If no appeal from the decision is taken by either party within twenty days thereafter, such award shall be final and may be enforced in the same manner as a judgment of the Superior Court. The court may issue execution upon any uncontested or final award of a commissioner in the same manner as in cases of judgments rendered in the Superior Court; and, upon the filing of an application to the
court for an execution, the commissioner in whose office the award is on file shall, upon the request of the clerk of said court, send to the clerk a certified copy of such findings and award. In cases where, through the fault or neglect of the employer or insurer, adjustments of compensation have been unduly delayed, or where through such fault or neglect, payments have been unduly delayed, the commissioner may include in the award interest at the rate prescribed in section 37-3a and a reasonable attorney's fee in the case of undue delay in adjustments of compensation and may include in the award in the case of undue delay in payments of compensation, interest at twelve percent per annum and a reasonable attorney's fee. Payments not commenced within thirty-five days after the filing of a written notice of claim shall be presumed to be unduly delayed unless a notice to contest the claim is filed in accordance with section 31-297. In cases where there has been delay in either adjustment or payment, which delay has not been due to the fault or neglect of the employer or insurer, whether such delay was caused by appeals or otherwise, the commissioner may allow interest at such rate, not to exceed the rate prescribed in section 37-3a, as may be fair and reasonable, taking into account whatever advantage the employer or insurer, as the case may be, may have had from the use of the money, the burden of showing that the rate in such case should be less than the rate prescribed in section 37-3a to be upon the employer or insurer. In cases where the claimant prevails and the commissioner finds that the employer or insurer has unreasonably contested liability, the commissioner may allow to the claimant a reasonable attorney's fee. No employer or insurer shall discontinue or reduce payment on account of total or partial incapacity under any such award, if it is claimed by or on behalf of the injured person that such person's incapacity still continues, unless such employer or insurer notifies the commissioner and the employee of such proposed discontinuance or reduction in the manner prescribed in section 31-296, as amended by this act, and the commissioner specifically approves such discontinuance or reduction.
in writing. The commissioner shall render the decision within fourteen
days of receipt of such notice and shall forward to all parties to the
claim a copy of the decision not later than seven days after the decision
has been rendered. If the decision of the commissioner finds for the
employer or insurer, the injured person shall return any wrongful
payments received from the day designated by the commissioner as
the effective date for the discontinuance or reduction of benefits. Any
employee whose benefits for total incapacity are discontinued under
the provisions of this section and who is entitled to receive benefits for
partial incapacity as a result of an award, shall receive those benefits
commencing the day following the designated effective date for the
discontinuance of benefits for total incapacity. In any case where the
commissioner finds that the employer or insurer has discontinued or
reduced any such payment without having given such notice and
without the commissioner having approved such discontinuance or
reduction in writing, the commissioner shall allow the claimant a
reasonable attorney’s fee together with interest at the rate prescribed in
section 37-3a on the discontinued or reduced payments.

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

(2) The chairman of the Workers' Compensation Commission shall
annually, on or after July first of each fiscal year, determine an amount
sufficient in the chairman's judgment to meet the expenses incurred by
the Workers' Compensation Commission and the [Bureau of
Rehabilitative] Department of Rehabilitation Services in providing
rehabilitation services for employees suffering compensable injuries in
accordance with section 31-283a, as amended by this act. Such
expenses shall include (A) the costs of the Division of Workers'
Rehabilitation and the programs established by its director, for fiscal
years prior to the fiscal year beginning July 1, 2011, (B) the costs of the
Division of Worker Education and the programs established by its director, and (C) funding for the occupational health clinic program created pursuant to sections 31-396 to 31-402, inclusive. The Treasurer shall thereupon assess upon and collect from each employer, other than the state and any municipality participating for purposes of its liability under this chapter as a member in an interlocal risk management agency pursuant to chapter 113a, the proportion of such expenses, based on the immediately preceding fiscal year, that the total compensation and payment for hospital, medical and nursing care made by such self-insured employer or private insurance carrier acting on behalf of any such employer bore to the total compensation and payments for the immediately preceding fiscal year for hospital, medical and nursing care made by such insurance carriers and self-insurers. For the fiscal years ending June 30, 2000, and June 30, 2001, such assessments shall not exceed five per cent of such total compensation and payments made by such insurance carriers and self-insurers. For the fiscal years ending June 30, 2002, and June 30, 2003, such assessments shall not exceed four and one-half per cent of such total compensation and payments made by such insurance carriers and self-insurers. For any fiscal year ending on or after June 30, 2004, such assessment shall not exceed four per cent of such total compensation and payments made by such insurance carriers and self-insurers. Such assessments and expenses shall not exceed the budget estimates submitted in accordance with subsection (c) of section 31-280. For each fiscal year, such assessment shall be reduced pro rata by the amount of any surplus from the assessments of prior fiscal years. Said surplus shall be determined in accordance with subdivision (3) of this subsection. Such assessments shall be made in one annual assessment upon receipt of the chairman's expense determination by the Treasurer. All assessments shall be paid not later than sixty days following the date of the assessment by the Treasurer. Any employer who fails to pay such assessment to the Treasurer within the time prescribed by this subdivision shall pay interest to the Treasurer on the
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assessment at the rate of eight per cent per annum from the date the assessment is due until the date of payment. All assessments received by the Treasurer pursuant to this subdivision to meet the expenses of the Workers' Compensation Commission shall be deposited in the Workers' Compensation Administration Fund established under section 31-344a. All assessments received by the Treasurer pursuant to this subdivision to meet the expenses incurred by the [Bureau of Rehabilitative] Department of Rehabilitation Services in providing rehabilitation services for employees suffering compensable injuries in accordance with section 31-283a, as amended by this act, shall be deposited in the Workers' Compensation Administration Fund. The Treasurer is hereby authorized to make credits or rebates for overpayments made under this subsection by any employer for any fiscal year.

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

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

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

The Commission on the Deaf and Hearing Impaired is hereby created to advocate, strengthen and advise the [Bureau of Rehabilitative] Department of Rehabilitation Services concerning state policies affecting deaf and hearing impaired individuals and their relationship to the public, industry, health care and educational opportunity.

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

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

Sec. 91. Section 46a-30 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):
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(a) The [director of the Bureau of Rehabilitative] Commissioner of Rehabilitation Services may receive moneys from any source, including gifts, grants, bequests and reimbursements which moneys may be expended for the purposes designated by the donor or to effectuate the provisions of sections 17b-650e, as amended by this act, and 46a-29 to 46a-33b, inclusive, as amended by this act.

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

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

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

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

(a) For the purposes of this section:

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

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

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

(4) "Educational setting" means a school or other educational institution, including elementary, high school and post-graduation schools where interpretive services are provided to a student.

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

(c) No person shall provide interpreting services unless such person is registered with the [Bureau of Rehabilitative] Department of Rehabilitation Services according to the provisions of this section and (1) has passed the National Registry of Interpreters for the Deaf written
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generalist test or the National Association of the Deaf-National Registry of Interpreters for the Deaf certification knowledge examination, holds a level three certification provided by the National Association of the Deaf, documents the achievement of two continuing education units per year for a maximum of five years of training approved by the [director of the Bureau of Rehabilitative] Commissioner of Rehabilitation Services, and on or before the fifth anniversary of having passed the National Registry of Interpreters for the Deaf written generalist test or the National Association of the Deaf-National Registry of Interpreters for the Deaf certification knowledge examination, has passed the National Registry of Interpreters for the Deaf performance examination or the National Association of the Deaf-National Registry of Interpreters for the Deaf certification examination, (2) has passed the National Registry of Interpreters for the Deaf written generalist test or the National Association of the Deaf-National Registry of Interpreters for the Deaf certification knowledge examination and is a graduate of an accredited interpreter training program and documents the achievement of two continuing education units per year for a maximum of five years of training approved by the [director] commissioner, and on or before the fifth anniversary of having passed the National Registry of Interpreters for the Deaf written generalist test or the National Association of the Deaf-National Registry of Interpreters for the Deaf certification knowledge examination, has passed the National Registry of Interpreters for the Deaf performance examination or the National Association of the Deaf-National Registry of Interpreters for the Deaf national interpreter certification examination, (3) holds a level four or higher certification from the National Association of the Deaf, (4) holds certification by the National Registry of Interpreters for the Deaf, (5) for situations requiring an oral interpreter only, holds oral certification from the National Registry of Interpreters for the Deaf, (6) for situations requiring a cued speech transliterator only, holds certification from the National Training, Evaluation and Certification

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Unit and has passed the National Registry of Interpreters for the Deaf written generalist test, (7) holds a reverse skills certificate or is a certified deaf interpreter under the National Registry of Interpreters for the Deaf, or (8) holds a National Association of the Deaf-National Registry of Interpreters for the Deaf national interpreting certificate.

(d) No person shall provide interpreting services in a medical setting unless such person is registered with the [Bureau of Rehabilitative] Department of Rehabilitation Services according to the provisions of this section and (1) holds a comprehensive skills certificate from the National Registry of Interpreters for the Deaf, (2) holds a certificate of interpretation or a certificate of transliteration from the National Registry of Interpreters for the Deaf, (3) holds a level four or higher certification from the National Association of the Deaf, (4) holds a reverse skills certificate or is a certified deaf interpreter under the National Registry of Interpreters for the Deaf, (5) for situations requiring an oral interpreter only, holds oral certification from the National Registry of Interpreters for the Deaf, (6) for situations requiring a cued speech transliterator only, holds certification from the National Training, Evaluation and Certification Unit and has passed the National Registry of Interpreters for the Deaf written generalist test, or (7) holds a National Association of the Deaf-National Registry of Interpreters for the Deaf national interpreting certificate.

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

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

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

Upon the request of any person or any public or private entity, the [Bureau of Rehabilitative] Department of Rehabilitation Services shall provide interpreting services to assist such person or entity to the extent such persons who provide interpreting services are available. Any person or entity receiving interpreting services through the [bureau] department shall reimburse the [bureau] department for such services at a rate set by the [director of the Bureau of Rehabilitative] Commissioner of Rehabilitation Services. The [director] commissioner shall adopt regulations in accordance with the provisions of chapter 54 to establish the manner of rate setting.

Sec. 95. Subsection (d) of section 51-245 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):
(d) Notwithstanding the provisions of subsections (a) and (b) of this section, if any juror is deaf or hearing impaired, such juror shall have the assistance of a qualified interpreter who shall be present throughout the proceeding and when the jury assembles for deliberation. Such interpreter shall be provided by the [Bureau of Rehabilitative] Department of Rehabilitation Services at the request of the juror or the court. Such interpreter shall be subject to rules adopted pursuant to section 51-245a.

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

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

(a) On or before July 1, 2011, the legislative Office of Fiscal Analysis shall establish and maintain searchable electronic databases on the Internet and located on said office's Internet web site for purposes of posting state expenditures, including state contracts and grants.

(b) Each budgeted agency, as defined in section 4-69, shall submit, in a timely manner, any information requested by the legislative Office of Fiscal Analysis for the purpose of establishing and maintaining the electronic databases.
(c) On or before [November 1, 2010, and quarterly] January 15, 2013, and annually thereafter, the legislative Office of Fiscal Analysis shall report, in accordance with section 11-4a, to the joint standing committee of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies on the establishment and maintenance of the electronic databases, with any recommendations for improving or expanding the operation or capacity of such databases.

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

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

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

(a) On or before January first, annually, the Secretary of the Office of Policy and Management shall determine the amount due, as a state grant in lieu of taxes, to each town in this state wherein state-owned real property, reservation land held in trust by the state for an Indian tribe or a municipally owned airport, except that which was acquired and used for highways and bridges, but not excepting property acquired and used for highway administration or maintenance purposes, is located. The grant payable to any town under the
provisions of this section in the state fiscal year commencing July 1, 1999, and each fiscal year thereafter, shall be equal to the total of (1) (A) one hundred per cent of the property taxes which would have been paid with respect to any facility designated by the Commissioner of Correction, on or before August first of each year, to be a correctional facility administered under the auspices of the Department of Correction or a juvenile detention center under direction of the Department of Children and Families that was used for incarcerative purposes during the preceding fiscal year. If a list containing the name and location of such designated facilities and information concerning their use for purposes of incarceration during the preceding fiscal year is not available from the Secretary of the State on the first day of August of any year, said commissioner shall, on said first day of August, certify to the Secretary of the Office of Policy and Management a list containing such information, (B) one hundred per cent of the property taxes which would have been paid with respect to that portion of the John Dempsey Hospital located at The University of Connecticut Health Center in Farmington that is used as a permanent medical ward for prisoners under the custody of the Department of Correction. Nothing in this section shall be construed as designating any portion of The University of Connecticut Health Center John Dempsey Hospital as a correctional facility, and (C) in the state fiscal year commencing July 1, 2001, and each fiscal year thereafter, one hundred per cent of the property taxes which would have been paid on any land designated within the 1983 Settlement boundary and taken into trust by the federal government for the Mashantucket Pequot Tribal Nation on or after June 8, 1999, (2) subject to the provisions of subsection (c) of this section, sixty-five per cent of the property taxes which would have been paid with respect to the buildings and grounds comprising Connecticut Valley Hospital in Middletown. Such grant shall commence with the fiscal year beginning July 1, 2000, and continuing each year thereafter, (3) notwithstanding the provisions of subsections (b) and (c) of this section, with respect to
any town in which more than fifty per cent of the property is state-owned real property, one hundred per cent of the property taxes which would have been paid with respect to such state-owned property. Such grant shall commence with the fiscal year beginning July 1, 1997, and continuing each year thereafter, (4) subject to the provisions of subsection (c) of this section, forty-five per cent of the property taxes which would have been paid with respect to all other state-owned real property, [and] (5) forty-five per cent of the property taxes which would have been paid with respect to all municipally owned airports; except for the exemption applicable to such property, on the assessment list in such town for the assessment date two years prior to the commencement of the state fiscal year in which such grant is payable. The grant provided pursuant to this section for any municipally owned airport shall be paid to any municipality in which the airport is located, except that the grant applicable to Sikorsky Airport shall be paid half to the town of Stratford and half to the city of Bridgeport, and (6) forty-five per cent of the property taxes which would have been paid with respect to any land designated within the 1983 Settlement boundary and taken into trust by the federal government for the Mashantucket Pequot Tribal Nation prior to June 8, 1999, or taken into trust by the federal government for the Mohegan Tribe of Indians of Connecticut, provided (A) the real property subject to this subdivision shall be the land only, and shall not include the assessed value of any structures, buildings or other improvements on such land, and (B) said forty-five per cent grant shall be phased in as follows: (i) In the fiscal year commencing July 1, 2012, an amount equal to ten per cent of said forty-five per cent grant, (ii) in the fiscal year commencing July 1, 2013, thirty-five per cent of said forty-five per cent grant, (iii) in the fiscal year commencing July 1, 2014, sixty per cent of said forty-five per cent grant, (iv) in the fiscal year commencing July 1, 2015, eighty-five per cent of said forty-five per cent grant, and (v) in the fiscal year commencing July 1, 2016, one hundred per cent of said forty-five per cent grant.
(b) For the fiscal year ending June 30, 2000, and in each fiscal year thereafter, the amount of the grant payable to each municipality in accordance with this section shall be reduced proportionately in the event that the total of such grants in such year exceeds the amount appropriated for the purposes of this section with respect to such year except that, for the fiscal years commencing July 1, 2012, July 1, 2013, July 1, 2014, and July 1, 2015, the amount of the grant payable in accordance with subdivision (6) of subsection (a) of this section shall not be reduced.

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

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

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

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

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

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

(b) The department shall:

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

(2) Promote the arts;

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

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

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

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

(7) Integrate funding and programs whenever possible; and
(8) On or before January 1, 2012, and biennially thereafter, develop and submit to the Governor and the General Assembly, in accordance with section 11-4a, a strategic plan to implement subdivisions (1) to (5), inclusive, of this subsection.

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

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

[(e)] [(d)] Wherever the words "State Commission on the Arts", "Connecticut Historical Commission", "Office of Tourism", "Connecticut Film, Video and Media Office" and "Connecticut Commission on Arts, Tourism, Culture, History and Film" are used in the following sections of the general statutes, or in any public or special act of the 2003 or 2004 session the words "Connecticut Commission on Culture and Tourism" shall be substituted in lieu thereof: 3-110f, 3-110h, 3-110i, 4-9a, 4b-53, 4b-60, 4b-64, 4b-66a, 7-147a, 7-147b, 7-147c, 7-147j, 7-147p, 7-147q, 7-147y, 8-2j, 10-382, 10-384, 10-385, 10-386, 10-387, 10-388, 10-389, 10-391, 10a-111a, 10a-112, 10a-112b, 10a-112g, 11-6a, 12-376d, 13a-252, 19a-315b, 19a-315c, 22a-1d, 22a-19b,
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[(f)] (e) The Legislative Commissioners' Office shall, in codifying the provisions of this section, make such technical, grammatical and punctuation changes as are necessary to carry out the purposes of this section.

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

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

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

(a) The commission shall consist of nine persons. On and after October 1, 2000, such persons shall be appointed with the advice and consent of both houses of the General Assembly. (1) On or before July 15, 1990, the Governor shall appoint five members of the commission, three of whom shall serve for terms of five years and two of whom shall serve for terms of three years. Upon the expiration of such terms, and thereafter, the Governor shall appoint either two or three members, as appropriate, to serve for terms of five years. On or before July 14, 1990, the president pro tempore of the Senate, the minority leader of the Senate, the speaker of the House of Representatives and the minority leader of the House of Representatives shall each appoint one member to serve for a term of three years. Upon the expiration of such terms, and thereafter, members so appointed shall serve for terms of three years. (2) If any vacancy occurs, the appointing authority making the initial appointment shall appoint a person to serve for the
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remainder of the unexpired term. The Governor shall select one of the members of the commission to serve as chairperson for a term of one year. The commission shall meet at least once during each two-month period and at such other times as the chairperson deems necessary. Special meetings shall be held on the request of a majority of the members of the commission after notice in accordance with the provisions of section 1-225.

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

(c) On or before July 15, 1989, the commission shall appoint an executive director who shall be the chief executive officer of the Commission on Human Rights and Opportunities to serve for a term
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expiring on July 14, 1990. Upon the expiration of such term and thereafter, the executive director shall be appointed for a term of four years. The executive director shall be supervised and annually evaluated by the commission. The executive director shall serve at the pleasure of the commission but no longer than four years from July fifteenth in the year of his or her appointment unless reappointed pursuant to the provisions of this subsection. The executive director shall receive an annual salary within the salary range of a salary group established by the Commissioner of Administrative Services for the position. The executive director (1) shall conduct comprehensive planning with respect to the functions of the commission; (2) shall coordinate the activities of the commission; and (3) shall cause the administrative organization of the commission to be examined with a view to promoting economy and efficiency. In accordance with established procedures, the executive director may enter into such contractual agreements as may be necessary for the discharge of the director's duties.

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

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

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

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(a) The retirement board shall offer one or more health benefit plans to: Any member receiving retirement benefits or a disability allowance from the system; the spouse or surviving spouse of such member, and a disabled dependent of such member if there is no spouse or surviving spouse, provided such member, spouse, surviving spouse, or disabled dependent is participating in Medicare Part A hospital insurance and Medicare Part B medical insurance. The board may offer one or more basic plans, the cost of which to any such member, spouse, surviving spouse or disabled dependent shall be one-third of the basic plan's premium equivalent, and one or more optional plans, provided such member, spouse, surviving spouse or disabled dependent shall pay one-third of the basic plan's premium equivalent plus the difference in cost between any such basic plans and any such optional plans. The board shall designate those plans which are basic and those plans which are optional for the purpose of determining such cost and the amount to be charged or withheld from benefit payments for such plans. The surviving spouse of a member, or a disabled dependent of a member if there is no surviving spouse, shall not be ineligible for participation in any such plan solely because such surviving spouse or disabled dependent is not receiving benefits from the system. With respect to any person participating in any such plan, the state shall appropriate to the board one-third of the cost of such basic plan or plans, or one-third of the cost of the rate in effect during the fiscal year ending June 30, 1998, whichever is greater. On and after July 1, 2012, federal reimbursements received by the retirement board under the retiree drug subsidy provisions of Medicare Part D shall be used to offset amounts appropriated by the state to the board pursuant to this subsection.

(b) Any member who is receiving retirement benefits or a disability allowance from the system, the spouse or surviving spouse of such member, or a disabled dependent of such member if there is no spouse or surviving spouse, and who is not participating in Medicare Part A
hospital insurance and Medicare Part B medical insurance, may fully participate in any or all group health insurance plans maintained for active teachers by such member's last employing board of education, or by the state in the case of a member who was employed by the state, upon payment to such board of education or to the state, as applicable, by such member, spouse, surviving spouse or disabled dependent, of the premium charged for his form of coverage. Such premium shall be no greater than that charged for the same form of coverage for active teachers. The spouse, surviving spouse or disabled dependent shall not be ineligible for participation in any such plan solely because such spouse, surviving spouse or disabled dependent is not receiving benefits from the system. No person shall be ineligible for participation in such plans for failure to enroll in such plans at the time the member's retirement benefit or disability allowance became effective. Nothing in this subsection shall be construed to impair or alter the provisions of any collective bargaining agreement relating to the payment by a board of education of group health insurance premiums on behalf of any member receiving benefits from the system. Prior to the cancellation of coverage for any member, spouse, surviving spouse or disabled dependent for failure to pay the required premiums or cost due, the board of education or the state, if applicable, shall notify the Teachers' Retirement Board of its intention to cancel such coverage at least thirty days prior to the date of cancellation. Absent any contractual provisions to the contrary, the payments made pursuant to subsection (c) of this section shall be first applied to any cost borne by the member, spouse, surviving spouse or disabled dependent participating in any such plan. As used in this subsection, "last employing board of education" means the board of education by which such member was employed when such member filed his initial application for retirement, and "health insurance plans" means hospital, medical, major medical, dental, prescription drug or auditory benefit plans that are available to active teachers.
(c) On and after July 1, 2000, the board shall pay a subsidy equal to the subsidy paid in the fiscal year ending June 30, 2000, to the board of education or to the state, if applicable, on behalf of any member who is receiving retirement benefits or a disability allowance from the system, the spouse of such member, the surviving spouse of such member, or a disabled dependent of such member if there is no spouse or surviving spouse, who is participating in a health insurance plan maintained by a board of education or by the state, if applicable. Such payment shall not exceed the actual cost of such insurance. With respect to any person participating in any such plan pursuant to subsection (b) of this section, the state shall appropriate to the board one-third of the cost of the subsidy, except that, for the fiscal year ending June 30, 2013, the state shall appropriate twenty-five per cent of the cost of the subsidy. No payment to a board of education pursuant to this subsection may be used to reduce the amount of any premium payment on behalf of any such member, spouse, surviving spouse, or disabled dependent, made by such board pursuant to any agreement in effect on July 1, 1990. On and after July 1, [2008] 2012, the board shall pay a subsidy of two hundred twenty dollars per month on behalf of the member, spouse or the surviving spouse of such member who: (1) Has attained the normal retirement age to participate in Medicare, (2) is not eligible for Medicare Part A without cost, and (3) contributes at least two hundred twenty dollars per month towards his or her medical and prescription drug plan provided by the board of education.

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

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

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

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

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

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

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

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

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shall be agreed to between said commissioner and the heads of such
other agencies and departments.

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

(c) (1) Each municipality whose application for state financial
assistance has been approved by the secretary shall receive a grant-in-
aid on the basis of its population, as determined by the most recent
estimates of the Department of Public Health. The amount of such
grant-in-aid to any municipality with revaluation, as required in
section 12-62, becoming effective in any of the years 1987 to 1996,
inclusive, shall be as follows: (A) Twenty-five thousand dollars to each
municipality with a population of less than twenty thousand; (B)
thirty-five thousand dollars to each municipality with a population of
at least twenty thousand but less than fifty thousand; (C) fifty
thousand dollars to each municipality with a population of at least
fifty thousand but less than one hundred thousand; and (D) sixty
thousand dollars to each municipality with a population of one
hundred thousand or more. Each municipality that completed a
revaluation which became effective in the years from 1987 to 1996,
inclusive, and qualified for the grants-in-aid provided for in this
section, shall be eligible for an additional grant-in-aid equal to an
amount not to exceed ten per cent of the grant-in-aid limit of the grant
for which they originally qualified provided the additional grant-in-
aid shall be used for training and for installations and modifications
which are acquired and certified to be in compliance with the
minimum computer-assisted mass appraisal revaluation standards and
computerized administrative standards developed in accordance with
subsection (b) of this section.

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

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

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

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

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

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

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

(a) The [Commission on Human Rights and Opportunities] Connecticut Academy of Science and Engineering shall, within available appropriations and in consultation with the Department of Administrative Services, the Commission on Human Rights and Opportunities and other state agencies as appropriate, conduct a disparity study. The study shall [generate] provide an analysis of existing statistical data concerning the state's current set-aside program, established under section 4a-60g of the general statutes, to determine whether its current form achieves the goal of facilitating the participation in state contracts of small contractors and minority business enterprises. The study shall include a review of Connecticut's current set-aside program practices and the best practices of other states or governmental entities, as well as, but not be limited to, examining:

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

(2) The number of small contractors or minority business enterprises, based on available data and analysis, that are qualified for eligibility for state contracts under the set-aside program established pursuant to section 4a-60g of the general statutes; [and a determination of whether such businesses are legitimate small contractors or legitimately owned by members of a minority;] and
(3) The state's contracting processes to determine if there are any contracting practices or unintentional but existing barriers in the process that prevent small contractors and minority business enterprises from fully participating in the state's contracting process.

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

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

(a) The sum of $2,000,000 of the systems benefits charge collected pursuant to section 16-245l of the general statutes shall be transferred to the Department of Energy and Environmental Protection, Operation Fuel, for energy assistance for the fiscal year ending June 30, 2013.

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

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

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

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

(c) The commissioner shall, in consultation with the interagency council on affordable housing established pursuant to section 113 of this act, review the organization and delivery of state housing programs and submit a report with recommendations, in accordance with the provisions of section 11-4a, not later than January 15, 2013, to the joint standing committees of the General Assembly having cognizance of matters relating to housing and appropriations.

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

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

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

(c) The council shall convene on or before July 15, 2012, to develop strategies and recommendations for the implementation of the Department of Housing. The council shall: (1) Assess the housing needs of low income individuals and families; (2) review and analyze the effectiveness of existing state programs in meeting those needs; (3) identify barriers to effective housing delivery systems; and (4) develop strategies and recommendations to enhance the availability of safe and affordable housing in communities across the state through the Department of Housing.

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

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

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

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

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

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

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and Community Development" shall be substituted in lieu thereof.]

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

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

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

Sec. 115. (NEW) (Effective July 1, 2012) For the fiscal year ending June 30, 2014, and for each fiscal year thereafter, the Comptroller shall fund the fringe benefit cost differential between the average rate for fringe benefits for employees of private hospitals in the state and the fringe benefit rate for employees of The University of Connecticut Health Center from the resources appropriated for State Comptroller-Fringe Benefits in an amount not to exceed $13,500,000. For purposes of this section, the "fringe benefit cost differential" means the difference between the state fringe benefit rate calculated on The University of Connecticut Health Center payroll and the average member fringe benefit rate of all Connecticut acute care hospitals as contained in the annual reports submitted to the Office of the Health Care Access
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pursuant to section 19a-644 of the general statutes.

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

(b) (1) Notwithstanding the provisions of subsection (j) of section 45a-82 of the general statutes, on June 30, 2012, [(1)] the following amounts shall be transferred from the surplus funds in the Probate Court Administration Fund, and made available for the following purposes, for the fiscal year ending June 30, 2013, (A) the sum of $1,000,000 [shall be transferred from the surplus funds in the Probate Court Administration Fund to the Kinship Fund and Grandparents and Relatives Respite Fund administered by the Children's Trust Fund Council and the Department of Social Services through the Probate Court, [(2)] (B) the sum of $50,000 [shall be transferred from said surplus funds] to the Judicial Department, for Other Expenses, to support the expansion of the Children in Placement, Inc. program in Danbury, [(3)] (C) the sum of $50,000 [shall be transferred from said surplus funds] to the Judicial Department, for Other Expenses, for a grant to the Child Advocates of Connecticut to provide child advocacy services in the Stamford/Norwalk and Danbury Judicial Districts, [(4)] (D) the sum of $150,000 [shall be transferred from said surplus funds] to the Judicial Department, for Other Expenses, for a grant to the Ralphola Taylor Community Center YMCA in Bridgeport, [(5)] (E) the sum of $225,000 to the Judicial Department, for Children of Incarcerated Parents, for a grant to the Greater Hartford Male Youth Leadership Program, provided such director submits a report to said department on the director's expenditures and programs during the fiscal year ending June 30, 2012, [(6)] (F) the sum of $300,000 [shall be transferred from said surplus funds] to the Judicial Department, for Forensic Sex
Evidence Exams, [(7)] (G) the sum of $250,000 [shall be transferred from said surplus funds] to the Judicial Department, for [Other Expenses] Justice Education Center, Inc., for a grant to the Justice Education Center, Inc. for the ECHO program, [(8)] (H) the sum of $50,000 [shall be transferred from said surplus funds] to the Department of Children and Families, for Other Expenses, for a grant to African Caribbean American Parents of Children with Disabilities, Inc., [(9)] (I) the sum of $25,000 [shall be transferred from said surplus funds] to the Department of Education, for Neighborhood Youth Centers, for a grant to Arte Inc. in New Haven, [(10)] (J) the sum of $100,000 [shall be transferred from said surplus funds] to the Department of Economic and Community Development, for Other Expenses, for a grant to the city of Norwich for the Norwich Freedom Bell, [(11)] (K) the sum of $75,000 [shall be transferred from said surplus funds] to the Department of Education, for [Other Expenses] Neighborhood Youth Centers, for a grant to the Boys and Girls Club of Southeastern Connecticut, [(12)] (L) the sum of $65,000 [shall be transferred from said surplus funds] to the Department of Energy and Environmental Protection, for Other Expenses, for a grant to the Connecticut Greenways Council, [(13)] (M) the sum of $15,000 [shall be transferred from said surplus funds] to the Department of Economic and Community Development, for Other Expenses, for a grant to the Nutmeg State Games, [(14)] (N) the sum of $100,000 [shall be transferred from said surplus funds] to the Judicial Department, for Other Expenses, for a grant to the Justice Policy Division of the Institute for Municipal and Regional Policy, [(15)] (O) the sum of $500,000 [shall be transferred from said surplus funds] to the Department of Education, for Other Expenses, to provide grants for technology improvements or initiatives at education reform districts, [(16)] (P) the sum of $50,000 [shall be transferred from said surplus funds] to the Department of [Education, for Neighborhood Youth Centers] Economic and Community Development, for a grant to Neighborhood Music School in New Haven to provide scholarships,
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[(17)] (Q) the sum of $25,000 [shall be transferred from said surplus funds] to the Department of Social Services, for Other Expenses, for a grant to the Perlas Hispanas Center in New Britain, [(18)] (R) the sum of $35,000 [shall be transferred from said surplus funds] to the Judicial Department, for Children of Incarcerated Parents, for a grant to Connecticut Pardon Team, Inc., [(19)] (S) the sum of $20,000 [shall be transferred from said surplus funds] to the Department of Children and Families, for Other Expenses, for a grant to the Saint Joseph Parenting Center in Stamford, [(20)] (T) the sum of $250,000 [shall be transferred from said surplus funds] to the Department of Social Services, for Community Services, for the John S. Martinez Fatherhood Initiative, [(21)] (U) the sum of $125,000 [shall be transferred from said surplus funds] to the Department of Education, for Regional Vocational-Technical School System, for a grant to A.I. Prince Technical High School in Hartford for an adult education training program to offer training in carpentry, manufacturing and information systems, [(22)] (V) the sum of $36,000 $40,000 [shall be transferred from said surplus funds] to the Department of Public Health, for Other Expenses, for a grant to Yale University to study pediatric autoimmune neuropsychiatric disorder associated with streptococcal infections, and (23) PANDAS Resource Network for a comprehensive analysis that shall include, but not be limited to, research involved in the diagnoses made and treatment prescribed for pediatric autoimmune neuropsychiatric disorder in other states and countries and an evaluation of the level and of recognition of the disorder in the medical community, laboratory assessment and treatment evaluation and insurance coverage issues and a retrospective study of PANDAS/PANS patients on a variety of antibiotics, (W) the sum of $150,000 [shall be transferred from said surplus funds] to the Department of Economic and Community Development, for Other Expenses, for a grant to the Windsor Arts Center in Windsor, (X) the sum of $250,000 to the Department of Social Services, Other Expenses, for a grant to the Norwich/New London Continuum of Care to
facilitate rapid rehousing and homelessness prevention in southeastern Connecticut, (Y) the sum of $150,000 to the Department of Education, After School Program, for a grant to the city of Bridgeport for the Lighthouse After School Program, (Z) the sum of $50,000 to the Department of Education, Connecticut Writing Project and (AA) the sum of $510,517 to the Judicial Department, for electronic monitoring of persons pursuant to subsection (f) of section 46b-38c of the general statutes, as amended by this act.

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

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

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

(c) Not later than October 1, [2012] 2013, the Commissioner of Education and the president of the Board of Regents for Higher Education shall report to the joint standing committees of the General Assembly having cognizance of matters relating to higher education and education, in accordance with the provisions of section 11-4a of the general statutes, concerning the results of the pilot
program. The report shall include, but not be limited to: (1) The number, ages and educational history of the adults who participated in the pilot program; (2) the dates each adult participated in such pilot program; (3) the subject matter in which each such adult required postsecondary developmental education; (4) a description of the college preparatory classes that were offered through such pilot program; (5) the level of improvement of each such adult in each subject matter in which such adult required postsecondary developmental education; (6) the results of any college placement examinations taken by each such adult and the dates of such examinations; (7) whether any adults who participated in such pilot program applied for acceptance to, enrolled in or registered for a program of higher learning at an institution of higher education prior to or upon completion of such pilot program and, if so, a description of such program of higher learning; and (8) the cost of offering college preparatory classes through such pilot program in comparison to the cost of offering the equivalent or similar postsecondary developmental education classes at an institution of higher education in this state.

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

(c) Not later than October 1, [2012] 2013, the Commissioners of Education and the president of the Board of Regents for Higher Education shall report to the joint standing committees of the General Assembly having cognizance of matters relating to higher education and education, in accordance with the provisions of section 11-4a of the general statutes, concerning the results of the pilot program. The report shall include, but not be limited to: (1) The number, ages and educational history of the students who participated in the pilot program; (2) the dates each student participated in such pilot program; (3) the subject matter in which each such student required developmental education; (4) a description of the college
preparatory classes that were offered through such pilot program; (5) the level of improvement of each such student in each subject matter in which such student required developmental education; (6) the results of any college placement examinations taken by each such student and the dates of such examinations; (7) whether any students who participated in such pilot program applied for acceptance to, enrolled in or registered for a program of higher learning at an institution of higher education prior to or upon completion of such pilot program and, if so, a description of such program of higher learning; and (8) the cost of offering college preparatory classes through such pilot program in comparison to the cost of offering the equivalent or similar developmental education classes at an institution of higher education in this state.

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

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

(b) The Adjutant General is charged with the responsibility for the use and maintenance and leasing of all armories, rifle ranges, military facilities, reservations and other military property under the provisions for such use imposed by the statutes. Each military facility shall be under the charge of a commissioned officer, designated by the Adjutant General, and may be leased by him as herein prescribed. Each application for the lease of such facility shall be made to the officer in charge of such facility, who shall forward such application to the Adjutant General, who shall approve or disapprove such application and so advise the applicant. The Adjutant General shall limit the lease of military facilities to military and nonprofit organizations, organizations receiving state aid and governmental agencies. Proceeds from the lease of military facilities shall be paid to
the Adjutant General, who shall promptly [pay] transmit such proceeds [into the Treasury of the state] to the State Treasurer for deposit in the military facilities account established under subsection (e) of this section. The Adjutant General shall, in military facilities where space is available, assign space to veterans' service organizations for their joint uses, subject to the regulations concerning military facilities. Units of the armed forces of the state and veterans' organizations jointly utilizing military facilities shall be allowed the use of the drill shed and such other portions of the [building] facility as are usually included when military facilities are leased, upon proper application through regular channels and subject to the following conditions and terms: (1) When no admissions are charged, the lease shall be free up to midnight on the regular meeting night of the organization making application; [If] (2) if the use of the military facility is required after midnight, the regular military rate shall be charged; [At] and (3) at all other times and for entertainments when admissions are charged, the military rate shall be charged to veterans' organizations jointly using the military facility.

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

[(c)] (d) Agricultural and other associations that receive state aid and military organizations may be allowed the use of military facilities at a cost not exceeding the actual maintenance cost of such facilities
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during the period of such use. Applications for such use may be made to the Adjutant General, through the officer in charge of the military facility desired to be used. In all cases, when admission is charged, of lease or use of a facility by a nongovernmental entity, a certificate of insurance, approved by the Adjutant General, indemnifying the state against injuries to person and damage to property shall be furnished, the cost of the certificate to be in addition to the leasing or maintenance charge. The Adjutant General may allow the use of any military facility, without charge, by (1) any public or private nonprofit elementary or secondary school or any public institution of higher education for purposes of athletic events with respect to which no admission is charged, (2) the American Red Cross for purposes of blood supply programs, and (3) any local, state or federal governmental agency, provided any such use does not conflict with the use of such facility for military purposes or with federal military regulations. The Adjutant General shall allow the use of the military facilities associated with the first and second companies of the Governor's Horse Guards in the towns of Avon and Newtown, without charge, by nonprofit organizations receiving contributions to support such Horse Guards for purposes of fundraising, provided such use does not conflict with the use of such facilities for military purposes.

(e) There is established an account to be known as the "military facilities account" which shall be a separate, nonlapsing account within the General Fund. The account shall contain (1) any amounts appropriated or otherwise made available by the state for the purposes of the account, (2) any moneys required by law to be deposited in the account, and (3) gifts, grants, donations or bequests made for the purposes of the account. Moneys in the account shall be expended by the Military Department for the maintenance and renovation of military facilities.
[(d)] (f) Not later than August 1, 2007, and first, annually, thereafter, the Adjutant General shall submit a report of the amount of proceeds received from leasing each military facility and the expenses of each such facility, for the twelve-month period ending on June thirtieth of the same year, to the [Military Department, the joint standing committee of the General Assembly having cognizance of matters relating to public safety and the] select committee of the General Assembly having cognizance of matters relating to veterans' affairs, in accordance with the provisions of section 11-4a.

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

As used in sections 4-6, 4-7 and 4-8, the term "department head" means Secretary of the Office of Policy and Management, Commissioner of Administrative Services, Commissioner of Revenue Services, Banking Commissioner, Commissioner of Children and Families, Commissioner of Construction Services, Commissioner of Consumer Protection, Commissioner of Correction, Commissioner of Economic and Community Development, State Board of Education, Commissioner of Emergency Services and Public Protection, Commissioner of Energy and Environmental Protection, Commissioner of Agriculture, Commissioner of Public Health, Insurance Commissioner, Labor Commissioner, Liquor Control Commission, Commissioner of Mental Health and Addiction Services, Commissioner of Social Services, Commissioner of Developmental Services, Commissioner of Motor Vehicles, Commissioner of Transportation, Commissioner of Veterans' Affairs, Commissioner of Housing, the director of the Bureau of Rehabilitative Services and the executive director of the Office of Military Affairs. As used in sections 4-6 and 4-7, "department head" also means the Commissioner of Education and the president of the Board of Regents for Higher
Sec. 122. Section 8-13w of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

Within available appropriations, the Secretary of the Office of Policy and Management may make grants to municipalities for the purpose of providing technical assistance and predevelopment funds in the planning of incentive housing zones, the adoption of incentive housing zone regulations and design standards, the review and revision as needed of applicable subdivision regulations and applications to the secretary for preliminary or final approval as set forth in sections 8-13m to 8-13x, inclusive. The secretary may adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this section.

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

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

(c) Any cigarette dealer's license or cigarette distributor's license
issued under the provisions of chapter 214 of the general statutes, and any tobacco products distributor's license issued under the provisions of chapter 214a of the general statutes, to any person described in subsection (b) of this section shall, if such person has not secured and does not retain a cigarette manufacturer's license in accordance with section 12-285b of the general statutes, be subject to suspension or revocation in accordance with sections 12-295 and 12-330e of the general statutes. Any such person's failure to secure and retain a cigarette manufacturer's license, in accordance with section 12-285b of the general statutes, shall also be deemed to be a failure to comply with the provisions of chapter 219 of the general statutes, and the seller's permit of any such person shall also be subject to suspension or revocation in accordance with section 12-409 of the general statutes.

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

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

(58) (A) Sales of any services rendered for purposes of [(A)] (i) personnel services, [(B)] (ii) commercial or industrial marketing, development, testing or research services, or [(C)] (iii) business analysis and management services, whenever, pursuant to a joint
venture agreement, the recipient of any such services is either a corporation, a partnership, or a limited liability company, and such services are rendered by one or more corporate shareholders, or a corporate partner or corporate member in such joint venture, and in accordance with which, except as provided in subparagraph (B) of this subdivision, the company rendering such service must have an ownership interest equivalent to not less than twenty-five per cent of total ownership in such joint venture, provided [(i)] (I) the purpose of such joint venture is directly related to production or development of new or experimental products or systems and the marketing and support thereof, [(ii)] (II) at least one of the corporations participating in such joint venture shall have been actively engaged in business in this state for not less than ten years, and [(iii)] (III) exemption for such sales in accordance with this subsection, with respect to any single joint venture, shall not be allowed for a period in excess of twenty consecutive years from the date of such venture's incorporation, formation or organization, or in the case of a joint venture in existence prior to January 1, 1986, within the aircraft industry, for a period in excess of [thirty] forty consecutive years, and such exemption shall be applicable to sales of such services rendered on or after January 1, 1986.

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

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

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

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

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

(b) Except in cases in which the mortgagee refuses to meet with the mortgagor, if the mortgagor fails to meet with the mortgagee or comply with any of the time limitations specified in the notice as provided in subsection (a) of this section, or if the mortgagor's application is not filed by the date thirty days after the date of any default in payment under an agreement as provided in subsection (c) of this section or if the mortgagor's application for emergency mortgage assistance payments is not approved by the date thirty calendar days after the date of receipt of the mortgagor's application in accordance with the provisions of section 8-265ff, as amended by this act, the foreclosure of the mortgagor's mortgage may, at any time thereafter, except as provided in subsection (e) of this section, continue without any further restriction or requirement under the provisions of sections 8-265cc to 8-265kk, inclusive, as amended by this act, provided the mortgagee files an affidavit with the court stating the notice provisions of subsection (a) of this section have been complied with and that either the mortgagor failed to meet with the mortgagee or failed to comply with all of the time limitations specified in the notice as provided in subsection (a) of this section or that the mortgagor's application for emergency assistance payments was not approved by the date thirty calendar days after the date of receipt of the mortgagor's application, or that a determination of ineligibility was made.

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

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

[(e)] (d) Nothing in sections 8-265cc to 8-265kk, inclusive, as amended by this act, shall prevent a mortgagor from exercising rights that may exist under the foreclosure mediation program and those rights may be exercised concurrently with the rights afforded under sections 8-265cc to 8-265kk, inclusive, as amended by this act, provided the exercise of rights under the foreclosure mediation program shall not cause a delay in the determination under subsection (e) of section 8-265ff, as amended by this act. Nothing in sections 8-265cc to 8-265kk, inclusive, as amended by this act, shall prevent a mortgagor from applying or reapplying and being considered for emergency mortgage assistance if such mortgagor is referred to the emergency mortgage assistance program by the foreclosure mediation program.

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

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

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

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

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

   (1) The real property securing the mortgage is a one-to-four family owner-occupied residence, including, but not limited to, a single family unit in a common interest community, is the principal residence of the mortgagor and is located in this state;
(2) Payments, including amounts [required to be paid into escrow or impound accounts as reserves] for taxes and insurance payments, including mortgage insurance, or for charges, assessments and fees associated with a condominium or common interest community, as such terms are defined in section 47-202, or any combination of such payments, whether or not such payments are made into escrow or impound accounts as reserves, owed by the mortgagor under any mortgage on such real property have been [contractually] delinquent and the mortgagee, taxing authority, or unit owners association has indicated to the mortgagor its intention to foreclose;

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

[(4)] (3) The mortgagor is a resident of this state and is suffering financial hardship which renders the mortgagor unable to correct the delinquency or delinquencies within a reasonable time and make full mortgage payments. For the purposes of subdivision [(8)] (7) of this subsection, in order to determine whether the financial hardship is due to circumstances beyond the mortgagor's control, the authority may consider information regarding the mortgagor's employment, credit history and current and past household income, assets, total debt service, net worth, eligibility for other types of assistance and any other criteria or related factors it deems necessary and relevant;

[(5)] (4) There is a reasonable prospect that the mortgagor will be able to resume full mortgage payments on the original, modified or refinanced mortgage within sixty months after the beginning of the period in which emergency mortgage assistance payments are provided in accordance with a written plan formulated or approved by the authority and pay the mortgage in full in level monthly payments of principal and interest, subject only to payment changes as provided in the mortgage, by its maturity date;
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[(6)] (5) The mortgagor has applied to the authority for emergency mortgage assistance payments on an application form prescribed by the authority which includes a financial statement disclosing all assets and liabilities of the mortgagor, whether singly or jointly held, and all household income regardless of source;

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

[(8)] (7) There is a reasonable prospect that the mortgagor, as determined by the authority, will be able to repay the emergency mortgage assistance within a reasonable amount of time under the terms of section 8-265hh, including through a refinancing of the mortgage, and the authority finds that, except for the current delinquency, the mortgagor has had a favorable residential mortgage credit history for the previous two years or period of ownership, whichever is less. For the purposes of this subdivision, if a mortgagor has been more than thirty days in arrears four or more times on a residential mortgage within the previous year, the mortgagor shall be ineligible for emergency mortgage assistance payments unless the mortgagor can demonstrate that the prior delinquency was the result of financial hardship due to circumstances beyond the mortgagor's control. In making a determination under this subsection, the authority may consider information regarding the structure of the mortgage, its repayment schedule, the length of time the mortgagor has lived in his or her home, and any other relevant factors or criteria it deems appropriate;

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

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

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

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

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

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

(a) If the authority approves a mortgagor for assistance under the provisions of section 8-265ff, as amended by this act, the authority shall make monthly emergency mortgage assistance payments directly to each mortgagee secured by the mortgagor's real property for a period not to exceed sixty months, either consecutively or nonconsecutively, except no such payments shall be made after sixty months have passed since the date of the initial payment. The total monthly payment made by the authority, to or on behalf of a mortgagor under subsection (c) of this section, shall be not more than twenty-eight per cent of one hundred forty per cent of annual area median income, as published by the United States Department of Housing and Urban Development, divided by twelve. Upon receipt of payment in full from a mortgagor of the monthly amount established under subsection (b) of this section, the authority shall pay to each
mortgagee the full amount then due to the mortgagee pursuant to the
terms of the mortgage without regard to any acceleration under the
mortgage. Such payments shall include, but not be limited to,
principal, interest, taxes, assessments and insurance premiums. The
initial payment made by the authority to each mortgagee may be an
amount which pays all arrearages and pays reasonable costs and
reasonable attorney's fees incurred by the mortgagee in connection
with foreclosure of the mortgage.

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

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

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

(d) Such form shall include the following:

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

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

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

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

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

(b) (1) Any person who conducts business in this state, and who, in the ordinary course of such person’s business, owns, licenses or maintains computerized data that includes personal information, shall disclose notice of any breach of security following the discovery of the breach to any resident of this state whose personal information was, or is reasonably believed to have been, accessed by an unauthorized person through such breach of security. Such notice shall be made without unreasonable delay, subject to the provisions of subsection (d) of this section and the completion of an investigation by such person to determine the nature and scope of the incident, to identify the individuals affected, or to restore the
reasonable integrity of the data system. Such notification shall not be required if, after an appropriate investigation and consultation with relevant federal, state and local agencies responsible for law enforcement, the person reasonably determines that the breach will not likely result in harm to the individuals whose personal information has been acquired and accessed.

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

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

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

(e) Any notice to a resident, owner or licensee required by the provisions of this section may be provided by one of the following methods: (1) Written notice; (2) telephone notice; (3) electronic notice, provided such notice is consistent with the provisions regarding
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electronic records and signatures set forth in 15 USC 7001; (4) substitute notice, provided such person demonstrates that the cost of providing notice in accordance with subdivision (1), (2) or (3) of this subsection would exceed two hundred fifty thousand dollars, that the affected class of subject persons to be notified exceeds five hundred thousand persons or that the person does not have sufficient contact information. Substitute notice shall consist of the following: (A) Electronic mail notice when the person [, business or agency] has an electronic mail address for the affected persons; (B) conspicuous posting of the notice on the web site of the person [, business or agency] if the person maintains one; and (C) notification to major statewide media, including newspapers, radio and television.

(f) Any person that maintains such person's own security breach procedures as part of an information security policy for the treatment of personal information and otherwise complies with the timing requirements of this section, shall be deemed to be in compliance with the security breach notification requirements of this section, provided such person notifies, [subject persons] as applicable, residents of this state, owners and licensees in accordance with such person's policies in the event of a breach of security and in the case of notice to a resident, such person also notifies the Attorney General not later than the time when notice is provided to the resident. Any person that maintains such a security breach procedure pursuant to the rules, regulations, procedures or guidelines established by the primary or functional regulator, as defined in 15 USC 6809(2), shall be deemed to be in compliance with the security breach notification requirements of this section, provided (1) such person notifies, [subject persons] as applicable, such residents of this state, owners, and licensees required to be notified under and in accordance with the policies or the rules, regulations, procedures or guidelines established by the primary or functional regulator in the event of a breach of security, [of the system] and (2) if notice is given to a resident of this state in accordance with
subdivision (1) of this subsection regarding a breach of security, such person also notifies the Attorney General not later than the time when notice is provided to the resident.

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

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

(f) The Judicial Department may establish, within available appropriations, a pilot program in three judicial districts for the purpose of using electronic monitoring in accordance with this subsection. Such pilot program shall be conducted in at least one judicial district that contains an urban area, as defined in section 4b-13, and at least one judicial district that does not contain such an urban area. Pursuant to such pilot program, the court may order that any person appearing in such judicial district who is charged with the violation of a restraining order or a protective order, and who has been determined to be a high-risk offender by the family violence intervention unit, be subject to electronic monitoring designed to warn law enforcement agencies, a state-wide information collection center and the victim when the person is within a specified distance of the victim, if the court finds that such electronic monitoring is necessary to protect the victim, provided the cost of such electronic monitoring is paid by the person who is subject to such electronic monitoring, subject to guidelines established by the Chief Court Administrator. If the court orders that such person be subject to electronic monitoring, the clerk of the court shall send, by facsimile or other means, a copy of the order, or the information contained in any such order, to the law enforcement agency or agencies for the town in which the person resides. The Judicial Department shall cease operation of any pilot
program established under this subsection not later than March 31, 2011, unless resources are available to continue operation of the pilot program. On and after July 1, 2012, the Judicial Department may resume operation of the pilot program, within available resources, and may operate such pilot program in one or more additional judicial districts, within such available resources.

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

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

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

(c) Any such judge, family support magistrate or compensation commissioner who first commenced service as a judge, family support magistrate or compensation commissioner on or after January 1, 1981,
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and who resigns (1) [prior to September 2, 2011] on or before October 1, 2011, (2) prior to becoming eligible to retire under section 51-50a, as amended by this act, and (3) after at least ten years of service, shall receive, at such time as he would have been eligible to so retire if he had continued in such service, annually, an amount equal to the fraction of the retirement salary he would have received had he served until he was so eligible [which] that corresponds to the ratio which the number of years of his completed service bears to the number of years of service which would have been completed at age sixty-five or twenty years, whichever is less.

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

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

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

[(g)] (f) Any such judge, family support magistrate or compensation commissioner who first commenced service as a judge, family support magistrate or compensation commissioner on or after July 1, 2011, and who resigns (1) prior to becoming eligible to retire under section 51-49i, as amended by this act, or 51-50a, as amended by this act, and (2) after at least ten years of service, shall receive, at such time as he would have been eligible to so retire if he had continued in such service, but in no event earlier than at sixty-five years of age, annually, an amount equal to the fraction of the retirement salary he would have received had he been eligible to retire on the date of his resignation [and shall begin collecting such retirement salary not earlier than at sixty-five years of age] that corresponds to the ratio that the number of years of his completed service bears to the number of years of service that would have been completed at sixty-five years of age or twenty years, whichever is less.
(g) In determining the amount of retirement payments to be made pursuant to subsections (b) to (f), inclusive, of this section, longevity payments which would have been made if the judge, family support magistrate or compensation commissioner had continued to serve as a judge, family support magistrate or compensation commissioner from the date of resignation with a vested right to a retirement salary shall not be included in the computation.

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

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

(b) On January 1, 2012, and January first of each subsequent year, each judge, family support magistrate or compensation commissioner who [was in service] retires as a judge, family support magistrate or compensation commissioner on or after September 1, 2011, and retired
on or before the December thirty-first immediately preceding, shall be entitled, in addition to the retirement salary to which such judge, family support magistrate or compensation commissioner was entitled under the provisions of section 51-49a, as amended by this act, 51-50 or 51-50a, as amended by this act, as of the December thirty-first immediately preceding, to an additional percentage which reflects the increase, if any, in the National Consumer Price Index for Urban Wage Earners and Clerical Workers for the previous twelve-month period, provided such cost of living allowance shall not exceed two per cent. Such cost of living allowance shall be computed on the basis of the combined retirement salary and cost of living allowances, if any, to which such judge, family support magistrate or compensation commissioner was entitled as of the December thirty-first immediately preceding. October 2, 2011, shall receive, in addition to the retirement salary to which such judge, family support magistrate or compensation commissioner was entitled under the provisions of section 51-49a, as amended by this act, 51-49i, as amended by this act, 51-50 or 51-50a, as amended by this act, as of the December thirty-first immediately preceding, a cost of living allowance equivalent to the cost of living allowance applied to the retirement salary of members of the state employees retirement system who retired on or after October 2, 2011, for the same period.

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

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

(b) On January 1, 2012, and January first of each subsequent year, each surviving spouse of a deceased judge, family support magistrate or compensation commissioner who first commenced service as a judge, family support magistrate or compensation commissioner on or after January 1, 1981, receiving an allowance under the provisions of section 51-51, shall be entitled to an additional cost of living allowance equal to the percentage which reflects the increase, if any, in the National Consumer Price Index for Urban Wage Earners and Clerical Workers for the previous twelve-month period, provided such cost of living increase shall not exceed two per cent. Such cost of living allowance shall be computed on the basis of the combined retirement allowance and cost of living allowance, if any, to which such surviving spouse was entitled as of the December thirty-first immediately preceding.

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

(a) For purposes of determining both the retirement salary of judges who first commenced service as judges prior to January 1, 1981, and the allowance payable to their surviving spouses under subsection (a) of section 51-51, "salary for the office" shall be composed of the total of
the following amounts: The annual salary payable pursuant to subsection (a) of section 51-47, as such salary may change from time to time; and for judges to whom a longevity payment has been made or is due and payable, in each instance under subsection (d) of section 51-47, (1) one and one-half per cent of annual salary, as such salary may change from time to time, for those who have completed ten or more but less than fifteen years of service as a judge or other state service or service as an elected official of the state or any combination of such service, (2) three per cent of annual salary, as such salary may change from time to time, for those who have completed fifteen or more but less than twenty years of service as a judge or other state service or service as an elected official of the state or any combination of such service, (3) four and one-half per cent of annual salary, as such salary may change from time to time, for those who have completed twenty or more but less than twenty-five years of service as a judge or other state service or service as an elected official of the state or any combination of such service, and (4) six per cent of annual salary, as such salary may change from time to time, for those who have completed twenty-five or more years of service as a judge or other state service or service as an elected official of the state or any combination of such service.

(b) For purposes of determining both the retirement salary of judges who first commenced service as judges on or after January 1, 1981, and prior to July 1, 2011, and the allowance payable to their surviving spouses, under subsection (b) of section 51-51, "salary" shall be composed of the total of the following amounts: The annual salary payable at the time of retirement or death, fixed in accordance with subsection (a) of section 51-47; and for judges to whom a longevity payment has been made or is due and payable, in each case under subsection (d) of section 51-47, (1) one and one-half per cent of the annual salary the judge was receiving at the time of retirement or death, for those who have completed ten or more but less than fifteen
years of service as a judge or other state service or service as an elected
official of the state or any combination of such service, (2) three per
cent of the annual salary the judge was receiving at the time of
retirement or death, for those who have completed fifteen or more but
less than twenty years of service as a judge or other state service or
service as an elected official of the state or any combination of such
service, (3) four and one-half per cent of the annual salary the judge
was receiving at the time of retirement or death, for those who have
completed twenty or more but less than twenty-five years of service as
a judge or other state service or service as an elected official of the state
or any combination of such service, and (4) six per cent of the annual
salary the judge was receiving at the time of retirement or death, for
those who have completed twenty-five or more years of service as a
judge or other state service or service as an elected official of the state
or any combination of such service.

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

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

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

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

(b) For purposes of determining both the retirement salary of compensation commissioners who first commenced service as compensation commissioners in a term commencing on or after January 1, 1981, and prior to July 1, 2011, and the allowance payable to their surviving spouses, under subsection (b) of section 51-51, "salary" shall be composed of the total of the following amounts: The annual salary payable at the time of retirement or death, fixed in accordance with subsection (a) of section 31-277; and for compensation commissioners to whom a longevity payment has been made or is due and payable, in each case under subsection (b) of section 31-277, (1) one and one-half per cent of the annual salary the compensation commissioner was receiving at the time of retirement or death, for those who have completed ten or more but less than fifteen years of service as a compensation commissioner, (2) three per cent of the annual salary the compensation commissioner was receiving at the time of retirement or death, for those who have completed fifteen or more but less than twenty years of service as a compensation commissioner, (3) four and one-half per cent of the annual salary the compensation commissioner was receiving at the time of retirement or death, for those who have completed twenty or more but less than twenty-five years of service as a compensation commissioner and (4) six per cent of the annual salary the compensation commissioner was receiving at the time of retirement or death, for those who have
completed twenty-five or more years of service as a compensation commissioner.

(c) For purposes of determining both the retirement salary of compensation commissioners who first commenced service as compensation commissioners on or after July 1, 2011, and the allowance payable to their surviving spouses, under subsection (b) of section 51-51, "salary" shall be composed of the total of the following amounts: The average annual salary for the five years next preceding his or her retirement payable at the time of retirement or death, fixed in accordance with subsection (a) of section 31-277; and for compensation commissioners to whom a longevity payment has been made or is due and payable, in each case under subsection (b) of section 31-277, (1) one and one-half per cent of the annual salary the compensation commissioner was receiving at the time of retirement or death, for those who have completed ten or more but less than fifteen years of service as a compensation commissioner or other state service or service as an elected official of the state or any combination of such service, (2) three per cent of the annual salary the compensation commissioner was receiving at the time of retirement or death, for those who have completed fifteen or more but less than twenty years of service as a compensation commissioner or other state service or service as an elected official of the state or any combination of such service, (3) four and one-half per cent of the annual salary the compensation commissioner was receiving at the time of retirement or death, for those who have completed twenty or more but less than twenty-five years of service as a compensation commissioner or other state service or service as an elected official of the state or any combination of such service, and (4) six per cent of the annual salary the compensation commissioner was receiving at the time of retirement or death, for those who have completed twenty-five or more years of service as a compensation commissioner or other state service or service as an elected official of the state or any combination.
(d) Notwithstanding any provision of the general statutes, on and after October 2, 2011, the retirement salary of a compensation commissioner shall not exceed the limits of Section 415 of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time.

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

(a) For any judge, family support magistrate or compensation commissioner retiring on or after July 1, 2022, the right to a retirement salary in accordance with the provisions of this section shall vest and be nonforfeitable when the judge, family support magistrate or commissioner (1) has attained [the age of] sixty-three years of age and has twenty-five years of service as a judge, family support magistrate or compensation commissioner, [or sixty-two years] (2) has attained sixty-five years of age and has [served] ten years of service as a judge, family support magistrate or compensation commissioner, or (3) has thirty years of state service credit under the provisions of chapter 66, provided not less than ten years of such state service was served as a judge, family support magistrate or compensation commissioner, and provided such state service shall not be used for retirement credit under said chapter 66. Any contributions made under said chapter 66 shall be transferred to the Judges, Family Support Magistrates and Compensation Commissioners Retirement Fund.

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

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

(c) Each judge shall receive annually, as retirement salary, two-thirds of such judge's salary as defined in section 51-49f, as amended by this act, each family support magistrate shall receive annually, as retirement salary, two-thirds of such family support magistrate's salary as defined in section 46b-233a, as amended by this act, and each compensation commissioner shall receive annually, as retirement salary, two-thirds of such compensation commissioner's salary as defined in section 51-49g, as amended by this act; except that, if a judge, family support magistrate or compensation commissioner has served fewer than ten years at the time of his or her retirement under this section, his or her retirement salary shall be reduced in the ratio that the number of years of his or her completed service bears to the number of years of service that would have been completed at seventy years of age or ten years, whichever is less.

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

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

(b) For purposes of determining both the retirement salary of family support magistrates who first commenced service prior to July 1, 2011, and the allowance payable to their surviving spouses under subsection (b) of section 51-51, "salary" shall be composed of the total of the following amounts: The [average] annual salary [for the five years next preceding his or her retirement] payable at the time of retirement or death, fixed in accordance with subsection (h) of section 46b-231; and for family support magistrates to whom a longevity payment has been made or is due and payable, in each case under section [51-51] 46b-233 (1) one and one-half per cent of the annual salary the family support magistrate was receiving at the time of retirement or death, for those who have completed ten or more but less than fifteen years of service as a family support magistrate, (2) three per cent of the annual salary the family support magistrate was receiving at the time of retirement or death, for those who have completed fifteen or more but less than twenty years of service as a family support magistrate, (3) four and one-half per cent of the annual salary the family support magistrate was receiving at the time of retirement or death, for those who have completed twenty or more but less than twenty-five years of service as a family support magistrate, and (4) six per cent of the annual salary the family support magistrate was receiving at the time of retirement or death, for those who have completed twenty-five or more years of service as a family support magistrate.
(c) For purposes of determining both the retirement salary of family support magistrates who first commenced service as family support magistrates on or after July 1, 2011, and the allowance payable to their surviving spouses, under subsection (b) of section 51-51, "salary" shall be composed of the total of the following amounts: The average annual salary for the five years next preceding his or her retirement payable at the time of retirement or death, fixed in accordance with subsection (h) of section 46b-231; and for family support magistrates to whom a longevity payment has been made or is due and payable, in each case under section 46b-233 (1) one and one-half per cent of the annual salary the family support magistrate was receiving at the time of retirement or death, for those who have completed ten or more but less than fifteen years of service as a family support magistrate, (2) three per cent of the annual salary the family support magistrate was receiving at the time of retirement or death, for those who have completed fifteen or more but less than twenty years of service as a family support magistrate, (3) four and one-half per cent of the annual salary the family support magistrate was receiving at the time of retirement or death, for those who have completed twenty or more but less than twenty-five years of service as a family support magistrate, and (4) six per cent of the annual salary the family support magistrate was receiving at the time of retirement or death, for those who have completed twenty-five or more years of service as a family support magistrate.

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

Sec. 139. (NEW) (Effective from passage) On or before July 1, 2013, a
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division that is in service as a judge, family support magistrate or compensation commissioner on the effective date of this section, may make a one-time irrevocable election to begin paying the actuarial pension cost of maintaining the normal retirement eligibility existing in the retirement plan such judge, family support magistrate or compensation commissioner is participating in on the effective date of this section, but the eligibility requirements of which are scheduled to change effective July 1, 2022. The cost of making such an election shall be established by the plan's actuaries and such cost shall be communicated to judges, family support magistrates and compensation commissioners by the Retirement Division of the Office of the Comptroller. The irrevocable election shall be made on a form prescribed by the State Employees Retirement Commission and shall indicate the judge's, family support magistrate's or compensation commissioner's election to participate or not participate. In the event a judge, family support magistrate or compensation commissioner fails to make an election on or before July 1, 2013, he or she shall not be eligible to participate. In the event a judge, family support magistrate or compensation commissioner makes a successful claim to the State Employees Retirement Commission of agency error, such judge, family support magistrate or compensation commissioner shall make payments in accordance with the state's usual practice.

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

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

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

(a) There is created a Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations composed of fourteen members as follows: The Chief State's Attorney or a designee; the executive director of the Permanent Commission on the Status of Women or a designee; the Commissioner of Children and Families or a designee; one member from the Division of State Police and one member from the Division of Scientific Services appointed by the Commissioner of Emergency Services and Public Protection; one member from Connecticut Sexual Assault Crisis Services, Inc. appointed by its board of directors; one member from the Connecticut Hospital Association appointed by the president of the association; one emergency physician appointed by the president of the Connecticut College of Emergency Physicians; one obstetrician-gynecologist and one pediatrician appointed by the president of the Connecticut State Medical Society; one nurse appointed by the president of the Connecticut Nurses' Association; one emergency nurse appointed by the president of the Emergency Nurses' Association of Connecticut; [and] one police chief appointed by the president of the Connecticut Police Chiefs Association; and one member of the Office of Victim Services within the Judicial Department. The Chief State's Attorney or
a designee shall be chairman of the commission. The commission shall be within the Division of Criminal Justice for administrative purposes only.

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

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

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

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

(e) (1) No costs incurred by a health care facility for the examination of a victim of sexual assault, when such examination is performed for the purpose of gathering evidence as prescribed in the protocol, including the costs of testing for pregnancy and sexually transmitted diseases and the costs of prophylactic treatment as provided in the protocol, and no costs incurred for a medical forensic assessment interview conducted by a health care facility or provider or by an examiner working in conjunction with a multidisciplinary team established pursuant to section 17a-106a or with a child advocacy center, shall be charged directly or indirectly to such victim. Any such costs shall be charged to the [Office of Victim Services within] Forensic Sex Evidence Exams account in the Judicial Department.

(2) No costs incurred by a health care facility for any toxicology screening of a victim of sexual assault, when such screening is performed as prescribed in the protocol, shall be charged directly or indirectly to such victim. Any such costs shall be charged to the Division of Scientific Services within the Department of Emergency Services and Public Protection.

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

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

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

(i) The placement of the defendant for treatment for the purpose of
rendering the defendant competent shall comply with the following
conditions: (1) The period of placement under the order or
combination of orders shall not exceed the period of the maximum
sentence which the defendant could receive on conviction of the
charges against the defendant or eighteen months, whichever is less;
(2) the placement shall be either (A) in the custody of the
Commissioner of Mental Health and Addiction Services, the
Commissioner of Children and Families or the Commissioner of
Developmental Services, except that any defendant placed for
treatment with the Commissioner of Mental Health and Addiction
Services may remain in the custody of the Department of Correction
pursuant to subsection (p) of this section; or, (B) if the defendant or the
appropriate commissioner agrees to provide payment, in the custody
of any appropriate mental health facility or treatment program which
agrees to provide treatment to the defendant and to adhere to the
requirements of this section; and (3) the court shall order the
placement, on either an inpatient or an outpatient basis, which the
court finds is the least restrictive placement appropriate and available
to restore competency. If outpatient treatment is the least restrictive
placement for a defendant who has not yet been released from a
correctional facility, the court shall consider whether the availability of
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such treatment is a sufficient basis on which to release the defendant on a promise to appear, conditions of release, cash bail or bond. If the court determines that the defendant may not be so released, the court shall order treatment of the defendant on an inpatient basis at a mental health facility or facility for persons with intellectual disability. Not later than twenty-four hours after the court orders placement of the defendant for treatment for the purpose of rendering the defendant competent, the examiners shall transmit information obtained about the defendant during the course of an examination pursuant to subsection (d) of this section to the health care provider named in the court's order.

(j) The person in charge of the treatment facility, or such person's designee, or the Commissioner of Mental Health and Addiction Services with respect to any defendant who is in the custody of the Commissioner of Correction pursuant to subsection (p) of this section, shall submit a written progress report to the court (1) at least seven days prior to the date of any hearing on the issue of the defendant's competency; (2) whenever he or she believes that the defendant has attained competency; (3) whenever he or she believes that there is not a substantial probability that the defendant will attain competency within the period covered by the placement order; (4) whenever, within the first one hundred twenty days of the period covered by the placement order, he or she believes that the defendant would be eligible for civil commitment pursuant to subdivision (2) of subsection (h) of this section; or (5) whenever he or she believes that the defendant is still not competent but has improved sufficiently such that continued inpatient commitment is no longer the least restrictive placement appropriate and available to restore competency. The progress report shall contain: (A) The clinical findings of the person submitting the report and the facts on which the findings are based; (B) the opinion of the person submitting the report as to whether the defendant has attained competency or as to whether the defendant is
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making progress, under treatment, toward attaining competency within the period covered by the placement order; (C) the opinion of the person submitting the report as to whether the defendant appears to be eligible for civil commitment to a hospital for psychiatric disabilities pursuant to subsection (m) of this section and the appropriateness of such civil commitment, if there is not a substantial probability that the defendant will attain competency within the period covered by the placement order; and (D) any other information concerning the defendant requested by the court, including, but not limited to, the method of treatment or the type, dosage and effect of any medication the defendant is receiving. Not later than five business days after the court finds either that the defendant will not attain competency within the period of any placement order under this section or that the defendant has regained competency, the person in charge of the treatment facility, or such person's designee, or the Commissioner of Mental Health and Addiction Services with respect to any defendant who is in the custody of the Commissioner of Correction pursuant to subsection (p) of this section, shall provide a copy of the written progress report to the examiners who examined the defendant pursuant to subsection (d) of this section.

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

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section, or (v) the defendant is still not competent but has improved sufficiently such that continued inpatient commitment is no longer the least restrictive placement appropriate and available to restore competency, or (B) receives a report pursuant to subparagraph (A)(iii) of subdivision (2) of subsection (h) of this section which indicates that (i) the application for civil commitment of the defendant has been denied or has not been pursued by the Commissioner of Mental Health and Addiction Services, or (ii) the defendant is unwilling or unable to comply with a treatment plan despite reasonable efforts of the treatment facility to encourage the defendant's compliance, the court shall set the matter for a hearing not later than ten days after the report is received. The hearing may be waived by the defendant only if the report indicates that the defendant is competent. With respect to a defendant who is in the custody of the Commissioner of Correction pursuant to subsection (p) of this section, the Commissioner of Mental Health and Addiction Services shall retain responsibility for providing testimony at any hearing under this subsection. The court shall determine whether the defendant is competent or is making progress toward attaining competency within the period covered by the placement order. If the court finds that the defendant is competent, the defendant shall be returned to the custody of the Commissioner of Correction or released, if the defendant has met the conditions for release, and the court shall continue with the criminal proceedings. If the court finds that the defendant is still not competent but that the defendant is making progress toward attaining competency, the court may continue or modify the placement order. If the court finds that the defendant is still not competent but that the defendant is making progress toward attaining competency and inpatient placement is no longer the least restrictive placement appropriate and available to restore competency, the court shall consider whether the availability of such less restrictive placement is a sufficient basis on which to release the defendant on a promise to appear, conditions of release, cash bail or bond and may order continued treatment to restore competency on
an outpatient basis. If the court finds that the defendant is still not competent and will not attain competency within the remainder of the period covered by the placement order absent administration of psychiatric medication for which the defendant is unwilling or unable to provide consent, the court shall proceed as provided in subdivisions (2), (3) and (4) of this subsection. If the court finds that the defendant is eligible for civil commitment, the court may order placement of the defendant at a treatment facility pending civil commitment proceedings pursuant to subdivision (2) of subsection (h) of this section.

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

(3) (A) If the court finds that the defendant is unwilling or unable to provide consent for the administration of psychiatric medication, and prior to deciding whether to order the involuntary medication of the defendant under subdivision (2) of this subsection, the court shall
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appoint a health care guardian who shall be a licensed health care provider with specialized training in the treatment of persons with psychiatric disabilities to represent the health care interests of the defendant before the court. Notwithstanding the provisions of section 52-146e, such health care guardian shall have access to the psychiatric records of the defendant. Such health care guardian shall file a report with the court not later than thirty days after his or her appointment. The report shall set forth such health care guardian's findings and recommendations concerning the administration of psychiatric medication to the defendant, including the risks and benefits of such medication, the likelihood and seriousness of any adverse side effects and the prognosis with and without such medication. The court shall hold a hearing on the matter not later than ten days after receipt of such health care guardian's report and shall, in deciding whether to order the involuntary medication of the defendant, take into account such health care guardian's opinion concerning the health care interests of the defendant.

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

(4) If, after the defendant has been found to have attained competency by means of involuntary medication ordered under subdivision (2) of this subsection, the court determines by clear and convincing evidence that the defendant will not remain competent absent the continued administration of psychiatric medication for which the defendant is unable to provide consent, and after any hearing held pursuant to subdivision (3) of this subsection and consideration of the supplemental report of the health care guardian,
the court may order continued involuntary medication of the defendant if the court finds by clear and convincing evidence that: (A) To a reasonable degree of medical certainty, continued involuntary medication of the defendant will maintain the defendant's competency to stand trial, (B) an adjudication of guilt or innocence cannot be had using less intrusive means, (C) the proposed treatment plan is narrowly tailored to minimize intrusion on the defendant's liberty and privacy interests, (D) the proposed drug regimen will not cause an unnecessary risk to the defendant's health, and (E) the seriousness of the alleged crime is such that the criminal law enforcement interest of the state in fairly and accurately determining the defendant's guilt or innocence overrides the defendant's interest in self-determination. Continued involuntary medication ordered under this subdivision may be administered to the defendant while the criminal charges against the defendant are pending and the defendant is in the custody of the Commissioner of Correction or the Commissioner of Mental Health and Addiction Services. An order for continued involuntary medication of the defendant under this subdivision shall be reviewed by the court every one hundred eighty days while such order remains in effect. The court shall order the health care guardian to file a supplemental report for each such review. After any hearing held pursuant to subdivision (3) of this subsection and consideration of the supplemental report of the health care guardian, the court may continue such order if the court finds, by clear and convincing evidence, that the criteria enumerated in subparagraphs (A) to (E), inclusive, of this subdivision are met.

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

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

(m) (1) If at any time the court determines that there is not a
substantial probability that the defendant will attain competency
within the period of treatment allowed by this section, or if at the end
of such period the court finds that the defendant is still not competent,
the court shall consider any recommendation made by the examiners
pursuant to subsection (d) of this section and any opinion submitted
by the treatment facility pursuant to subparagraph (C) of subsection (j)
of this section regarding eligibility for, and the appropriateness of, civil commitment to a hospital for psychiatric disabilities and shall either release the defendant from custody or order the defendant placed in the custody of the Commissioner of Mental Health and Addiction Services, the Commissioner of Children and Families or the Commissioner of Developmental Services. If the court orders the defendant placed in the custody of the Commissioner of Children and Families or the Commissioner of Developmental Services, the commissioner given custody, or the commissioner's designee, shall then apply for civil commitment in accordance with sections 17a-75 to 17a-83, inclusive, or 17a-270 to 17a-282, inclusive. If the court orders the defendant placed in the custody of the Commissioner of Mental Health and Addiction Services, the court may order the commissioner, or the commissioner's designee, to apply for civil commitment in accordance with sections 17a-495 to 17a-528, inclusive, or order the commissioner, or the commissioner's designee, to provide services to the defendant in a less restrictive setting, provided the examiners have determined in the written report filed pursuant to subsection (d) of this section or have testified pursuant to subsection (e) of this section that such services are available and appropriate. If the court orders the defendant placed in the custody of the Commissioner of Mental Health and Addiction Services and orders the commissioner to apply for civil commitment pursuant to this subsection, the court may order the commissioner to give the court notice when the defendant is released from the commissioner's custody if such release is prior to the expiration of the time within which the defendant may be prosecuted for the crime with which the defendant is charged, provided such order indicates when such time expires. If the court orders the defendant placed in the custody of the Commissioner of Developmental Services for purposes of commitment under any provision of sections 17a-270 to 17a-282, inclusive, the court may order the Commissioner of Developmental Services to give the court notice when the defendant's commitment is terminated if such termination is
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prior to the expiration of the time within which the defendant may be prosecuted for the crime with which the defendant is charged, provided such order indicates when such time expires.

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

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

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

(5) The court shall dismiss, with or without prejudice, any charges for which a nolle prosequi is not entered when the time within which the defendant may be prosecuted for the crime with which the defendant is charged, as provided in section 54-193 or 54-193a, has expired. Notwithstanding the record erasure provisions of section 54-142a, police and court records and records of any state's attorney pertaining to a charge which is nolled or dismissed without prejudice while the defendant is not competent shall not be erased until the time for the prosecution of the defendant expires under section 54-193 or 54-193a. A defendant who is not civilly committed as a result of an application made by the Commissioner of Mental Health and Addiction Services, the Commissioner of Children and Families or the Commissioner of Developmental Services pursuant to this section shall be released. A defendant who is civilly committed pursuant to such an application shall be treated in the same manner as any other civilly committed person.

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

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

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

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

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

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

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

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

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

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

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

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

(1) To be used by police officers of municipal police departments and the Department of Emergency Services and Public Protection to record traffic stop information. The standardized method and any form developed and implemented pursuant to such standardized method shall allow the following information to be recorded: (A) Date and time of the stop; (B) location of the stop; (C) name and badge number of the police officer making the stop; (D) race, color, ethnicity, age and gender of the operator of the motor vehicle that is stopped, provided the identification of such characteristics shall be based on the observation and perception of the police officer responsible for reporting the stop; (E) the nature of the alleged traffic violation or other violation that caused the stop to be made and the statutory citation for such violation; (F) the disposition of the stop including whether a warning, citation or summons was issued, whether a search was conducted and whether a custodial arrest was made; and (G) any other information deemed appropriate. The method shall also provide for (i) notice to be given to the person stopped that if such person believes that such person has been stopped, detained or subjected to a search solely because of race, color, ethnicity, age, gender, sexual
orientation, religion or membership in any other protected class, such person may file a complaint with the appropriate law enforcement agency, and (ii) instructions to be given to the person stopped on how to file such complaint;

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

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

(c) Not later than July 1, 2013, the Office of Policy and Management, in consultation with the Racial Profiling Prohibition Project Advisory Board, shall develop and implement guidelines to be used by each municipal police department and the Department of Emergency Services and Public Protection in (1) training police officers of such agency in the completion of the form developed and implemented pursuant to subdivision (1) of subsection (b) of this section, and (2) evaluating the information collected by police officers of such municipal police department and the Department of Emergency Services and Public Protection pursuant to subsection (e) of this section for use in the counseling and training of such police officers.

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

(2) On and after the date a standardized method and form have been developed and implemented pursuant to subdivision (1) of subsection (b) of this section, each municipal police department and the Department of Emergency Services and Public Protection shall record and retain the information required to be recorded pursuant to such standardized method and any additional information that such municipal police department or the Department of Emergency Services and Public Protection, as the case may be, deems appropriate, provided such information shall not include any other identifying information about any person stopped for a traffic violation such as the person's operator's license number, name or address.

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

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

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

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

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

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

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

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

(b) There is established a Council of Advisors on Strategies for the Knowledge Economy to promote the formation of university-industry partnerships, identify benchmarks for technology-based workforce innovation and competitiveness and advise the award process (1) for innovation challenge grants to public postsecondary schools and their business partners, and (2) grants under section 4-124hh, as amended by this act. The council shall be chaired by the [Commissioner of Economic and Community Development] Secretary of the Office of Policy and Management and shall include the [Secretary of the Office of Policy and Management] Commissioner of Economic and Community Development, the president of the Board of Regents for Higher Education, the Labor Commissioner, the [executive directors] chief executive officer of Connecticut Innovations, Incorporated and the Connecticut Development Authority and four representatives from the technology industry, one of whom shall be appointed by the president pro tempore of the Senate, one of whom shall be appointed
by the speaker of the House of Representatives, one of whom shall be appointed by the minority leader of the Senate and one of whom shall be appointed by the minority leader of the House of Representatives.

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

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

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

Sec. 147. (NEW) (Effective from passage) As used in sections 148 to 150, inclusive, of this act, "authority" means the Connecticut Development Authority established pursuant to section 32-11a of the general statutes, as amended by this act, and "corporation" means Connecticut Innovations, Incorporated, established pursuant to section 32-35 of the general statutes, as amended by this act.
Sec. 148. (NEW) (Effective July 1, 2012) (a) In accordance with the provisions of section 4-38d of the general statutes, which shall be deemed applicable to the transfers provided for herein, all powers and duties of the authority under the provisions of chapter 579 of the general statutes, and under any other provisions of the general statutes setting forth powers or duties of the authority, shall be transferred to the corporation. On and after the effective date of this section, the Connecticut Brownfields Redevelopment Authority shall be a subsidiary of the corporation.

(b) All notes, bonds or other obligations issued by the authority for the financing of any project or projects, including any general obligation bonds of the authority, shall be in accordance with their terms of full force and effect and valid and binding upon the corporation as the successor to the authority, and with respect to any resolution, contract, deed, trust agreement, mortgage, conditional sale or loan agreement, pledge, security arrangement, commitment, obligation or liability or other such document, public record, right, remedy, special act or public act, obligation, liability or responsibility pertaining thereto, the corporation shall be, and shall be deemed to be, the successor to the authority. All properties, rights in land, buildings and equipment and any funds, moneys, revenues and receipts or assets of such authority pledged or otherwise securing any such notes, bonds or other obligations shall belong to the corporation as successor to the authority, subject to such pledges and other security arrangements and to agreements with the holders of the outstanding notes, bonds or other obligations. Any resolution with respect to the issuance of bonds of the authority, and any other action taken by the authority with respect to assisting in the financing of any project shall be, or shall be deemed to be, a resolution of the corporation or an action taken by the corporation subject only to any agreements with the holders of outstanding notes, bonds or other obligations of such authority.
(c) To carry out the purposes of the authority as defined in section 32-23c of the general statutes and the purposes of the corporation as set forth in section 32-39 of the general statutes, as amended by this act, the corporation shall have and may exercise all of the powers of the authority set forth in chapter 579 of the general statutes as of the effective date of this section and all of the powers of the corporation set forth in chapter 581 of the general statutes.

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

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

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

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

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

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

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

(2) Neither the Connecticut Brownfields Redevelopment Authority nor any other subsidiary formed under this subsection may provide for any bonded indebtedness of the state for the cost of any liability or contingent liability for the remediation of contaminated real property unless such indebtedness is specifically authorized by an act of the General Assembly. Each such subsidiary may do all things necessary or convenient to carry out the purposes of this subsection, section 12-81r of the general statutes, subsection (h) of section 22a-133m of the general statutes, subsection (a) of section 22a-133x of the general statutes.
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statutes, sections 22a-133aa, 22a-133bb and 22a-133dd of the general statutes, subsection (l) of section 22a-134a of the general statutes, and sections 22a-452f, 32-7e and 32-23pp to 32-23rr, inclusive, of the general statutes, including, but not limited to, (A) solicit, receive and accept aid, grants or contributions from any source of money, property or labor or other things of value, to be held, used and applied to carry out the purposes of this subsection, section 12-81r of the general statutes, subsection (h) of section 22a-133m of the general statutes, subsection (a) of section 22a-133x of the general statutes, sections 22a-133aa, 22a-133bb and 22a-133dd of the general statutes, subsection (l) of section 22a-134a of the general statutes, and sections 22a-452f, 32-7e and 32-23pp to 32-23rr, inclusive, of the general statutes, subject to the conditions upon which such grants and contributions may be made, including, but not limited to, gifts, grants or loans, from any department, agency or quasi-public agency of the United States or the state; (B) enter into agreements with persons upon such terms and conditions as are consistent with the purposes of such subsidiary to acquire or facilitate the remediation, development or financing of contaminated real or personal property; (C) to acquire, take title, lease, purchase, own, manage, hold and dispose of real and personal property and lease, convey or deal in or enter into agreements with respect to such property; (D) examine, inspect, rehabilitate, remediate or improve real or personal property or engage others to do so on such subsidiary's behalf, or enter into contracts therefor; (E) mortgage, convey or dispose of its assets and pledge its revenues to secure any borrowing, for the purpose of financing, refinancing, rehabilitating, remediating, improving or developing its assets, provided each such borrowing or mortgage shall be a special obligation of such subsidiary, which obligation may be in the form of notes, bonds, bond anticipation notes and other obligations issued by or to such subsidiary to the extent permitted under this section and sections 148 and 149 of this act to fund and refund the same and provide for the rights of the holders thereof, and to secure the same by pledge of revenues, notes or other
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assets and which shall be payable solely from the assets, revenues and other resources of such subsidiary; (F) to create real estate investment trusts or similar entities or to become a member of a limited liability company or to become a partner in limited or general partnerships or establish other contractual arrangements with private and public sector entities as such subsidiary deems necessary to remediate, develop or finance environmentally contaminated property in the state; and (G) any other powers necessary or appropriate to carry out the purposes of this subsection, subsection (h) of section 22a-133m of the general statutes, subsection (a) of section 22a-133x of the general statutes, sections 22a-133aa, 22a-133bb and 22a-133dd of the general statutes, subsection (l) of section 22a-134a of the general statutes, and sections 22a-452f, 32-7e and 32-23pp to 32-23rr, inclusive, of the general statutes. The board of directors, executive director, officers and staff of the corporation may serve as members of any advisory or other board which may be established to carry out the purposes of this subsection, subsection (h) of section 22a-133m of the general statutes, subsection (a) of section 22a-133x of the general statutes, sections 22a-133aa, 22a-133bb and 22a-133dd of the general statutes, subsection (l) of section 22a-134a of the general statutes, and sections 22a-452f, 32-7e and 32-23pp to 32-23rr, inclusive, of the general statutes.

(c) Each subsidiary of the corporation shall be deemed a quasi-public agency for purposes of chapter 12 of the general statutes and shall have all the privileges, immunities, tax exemptions and other exemptions of the corporation. Each such subsidiary may sue and shall be subject to suit, provided its liability shall be limited solely to the assets, revenues and resources of the subsidiary and without recourse to the general funds, revenues, resources or any other assets of the corporation. Each such subsidiary is authorized to assume or take title to property subject to any existing lien, encumbrance or mortgage and to mortgage, convey or dispose of its assets and pledge its revenues to secure any borrowing, provided each such borrowing or mortgage
shall be a special obligation of the subsidiary, which obligation may be in the form of bonds, bond anticipation notes and other obligations, to fund and refund the same and provide for the rights of the holders thereof, and to secure the same by pledge or revenues, notes and other assets and which shall be payable solely from the assets, revenues and other resources of the subsidiary. The corporation may assign to a subsidiary any rights, moneys or other assets it has under any governmental program. No subsidiary of the corporation shall borrow without the approval of the corporation.

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

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

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

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

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

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

(b) The corporation shall be governed by a board of [fifteen] seventeen directors. [Eight] Nine members shall be appointed by the Governor, [at least] six of whom shall be knowledgeable, and have favorable reputations for skill, knowledge and experience, in the development of innovative [technology and technological processes] start-up businesses, including, but not limited to, expertise in academic research, technology transfer and application, the development of technological invention and new enterprise development and three of whom shall be knowledgeable, and have favorable reputations for skill, knowledge and experience, in the field of financial lending or the development of commerce, trade and business. [Three] Four members shall be the Commissioner of Economic and Community Development, the president of the Board of Regents for Higher Education, the Treasurer and the Secretary of the Office of Policy and Management, who shall serve ex officio and shall have all of the powers and privileges of a member of the board of directors. Each ex-officio member may designate his deputy or any member of his staff to represent him at meetings of the corporation with full power to act and vote in his behalf. Four members shall be appointed as follows: One by
the president pro tempore of the Senate, one by the minority leader of
the Senate, one by the speaker of the House of Representatives and one
by the minority leader of the House of Representatives. Each member
appointed by the Governor shall serve at the pleasure of the Governor
but no longer than the term of office of the Governor or until the
member's successor is appointed and qualified, whichever is longer.
Each member appointed by a member of the General Assembly shall
serve in accordance with the provisions of section 4-1a. A director shall
be eligible for reappointment. The Governor shall fill any vacancy for
the unexpired term of a member appointed by the Governor. The
appropriate legislative appointing authority shall fill any vacancy for
the unexpired term of a member appointed by such authority.

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

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

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

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

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

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

(a) In addition to any other powers, duties and responsibilities
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provided for in this chapter, chapter 131, chapter 579 and section 4-8 and subsection (a) of section 10-409, the commissioner shall have the following powers, duties and responsibilities: (1) To administer and direct the operations of the Department of Economic and Community Development; (2) to report annually to the Governor, as provided in section 4-60; (3) to conduct and administer the research and planning functions necessary to carry out the purposes of said chapters and sections; (4) to encourage and promote the development of industry and business in the state and to investigate, study and undertake ways and means of promoting and encouraging the prosperous development and protection of the legitimate interest and welfare of Connecticut business, industry and commerce, within and outside the state; (5) to serve, ex officio as a director on the board of Connecticut Innovations, Incorporated; (6) to serve as a member of the Committee of Concern for Connecticut Jobs; (7) to promote and encourage the location and development of new business in the state as well as the maintenance and expansion of existing business and for that purpose to cooperate with state and local agencies and individuals both within and outside the state; (8) to plan and conduct a program of information and publicity designed to attract tourists, visitors and other interested persons from outside the state to this state and also to encourage and coordinate the efforts of other public and private organizations or groups of citizens to publicize the facilities and attractions of the state for the same purposes; (9) to advise and cooperate with municipalities, persons and local planning agencies within the state for the purpose of promoting coordination between the state and such municipalities as to plans and development; (10) by reallocating funding from other agency accounts or programs, to assign adequate and available staff to provide technical assistance to businesses in the state in exporting, manufacturing and cluster-based initiatives and to provide guidance and advice on regulatory matters; (11) to provide all necessary staff, services, accounting and office space and equipment required by the Connecticut Development Authority subject to the provisions of

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section 4b-23, where real estate acquisitions are involved; [(12)] to aid minority businesses in their development; [(13)] [(12)] to appoint such assistants, experts, technicians and clerical staff, subject to the provisions of chapter 67, as are necessary to carry out the purposes of said chapters and sections; [(14)] [(13)] to employ other consultants and assistants on a contract or other basis for rendering financial, technical or other assistance and advice; [(15)] [(14)] to acquire or lease facilities located outside the state subject to the provisions of section 4b-23; [(16)] [(15)] to advise and inform municipal officials concerning economic development and collect and disseminate information pertaining thereto, including information about federal, state and private assistance programs and services pertaining thereto; [(17)] [(16)] to inquire into the utilization of state government resources and coordinate federal and state activities for assistance in and solution of problems of economic development and to inform and advise the Governor about and propose legislation concerning such problems; [(18)] [(17)] to conduct, encourage and maintain research and studies relating to industrial and commercial development; [(19)] [(18)] to prepare and review model ordinances and charters relating to these areas; [(20)] [(19)] to maintain an inventory of data and information and act as a clearinghouse and referral agency for information on state and federal programs and services relative to the purpose set forth herein. The inventory shall include information on all federal programs of financial assistance for defense conversion projects and other projects consistent with a defense conversion strategy and shall identify businesses which would be eligible for such assistance and provide notification to such business of such programs; [(21)] [(20)] to conduct, encourage and maintain research and studies and advise municipal officials about forms of cooperation between public and private agencies designed to advance economic development; [(22)] [(21)] to promote and assist the formation of municipal and other agencies appropriate to the purposes of this chapter; [(23)] [(22)] to require notice of the submission of all applications by municipalities and any agency.
thereof for federal and state financial assistance for economic development programs as relate to the purposes of this chapter; [(24)] (23) with the approval of the Commissioner of Administrative Services, to reimburse any employee of the department, including the commissioner, for reasonable business expenses, including but not limited to, mileage, travel, lodging, and entertainment of business prospects and other persons to the extent necessary or advisable to carry out the purposes of subdivisions (4), (7), (8) and (11) of this subsection and other provisions of this chapter; [(25)] (24) to assist in resolving solid waste management issues; [(26)] (25) (A) to serve as an information clearinghouse for various public and private programs available to assist businesses, (B) to identify specific micro businesses, as defined in section 32-344, whose growth and success could benefit from state or private assistance and contact such small businesses in order to (i) identify their needs, (ii) provide information about public and private programs for meeting such needs, including, but not limited to, technical assistance, job training and financial assistance, and (iii) arrange for the provision of such assistance to such businesses; [(27)] (26) to enhance and promote the digital media and motion picture industries in the state; [(28)] (27) by reallocating funding from other agency accounts or programs, to develop a marketing campaign that promotes Connecticut as a place of innovation; and [(29)] (28) by reallocating funding from other agency accounts or programs, to execute the steps necessary to implement the knowledge corridor agreement with Massachusetts to promote the biomedical device industry.

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

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

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

As used in sections 8-244b to 8-244d, inclusive, this section and section 32-1l, the following terms shall have the following meanings unless the context clearly indicates another meaning and intent:

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

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

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

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

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

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

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

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

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

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

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

To accomplish the purposes of the [authority, as defined in
subsection (t) of section 32-23d] corporation, which are hereby determined to be public purposes for which public funds may be expended, and in addition to any other powers provided by law, the [authority] corporation shall have power to: (1) Determine the location and character of any project to be financed under the provisions of said chapters and sections, provided any financial assistance shall be approved in accordance with written procedures prepared pursuant to subdivision (14) of this section; (2) purchase, receive, by gift or otherwise, lease, exchange, or otherwise acquire, and construct, reconstruct, improve, maintain, equip and furnish one or more projects, including all real and personal property which the [authority] corporation may deem necessary in connection therewith, and to enter into a contract with a person therefor upon such terms and conditions as the [authority] corporation shall determine to be reasonable, including but not limited to reimbursement for the planning, designing, financing, construction, reconstruction, improvement, equipping, furnishing, operation and maintenance of the project and any claims arising therefrom and establishment and maintenance of reserve and insurance funds with respect to the financing of the project; (3) insure any or all payments to be made by the borrower under the terms of any agreement for the extension of credit or making of a loan by the [authority] corporation in connection with any economic development project to be financed, wholly or in part, through the issuance of bonds or mortgage payments of any mortgage which is given by a mortgagor to the mortgagee who has provided the mortgage for an economic development project upon such terms and conditions as the [authority] corporation may prescribe and as provided herein, and the faith and credit of the state are pledged thereto; (4) in connection with the insuring of payments of any mortgage, request for its guidance a finding of the municipal planning commission, or, if there is no planning commission, a finding of the municipal officers, of the municipality in which the economic development project is proposed to be located, or of the regional
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planning agency of which such municipality is a member, as to the expediency and advisability of the economic development project; (5) sell or lease to any person, all or any portion of a project, purchase from eligible financial institutions mortgages with respect to economic development projects, purchase or repurchase its own bonds, and sell, pledge or assign to any person any such bonds, mortgages, or other loans, notes, revenues or assets of the [authority] corporation, or any interest therein, for such consideration and upon such terms as the [authority] corporation may determine to be reasonable; (6) mortgage or otherwise encumber all or any portion of a project whenever it shall find such action to be in furtherance of the purposes of said chapters and sections; (7) enter into agreements with any person, including prospective mortgagees and mortgagors, for the purpose of planning, designing, constructing, acquiring, altering and financing projects, providing liquidity or a secondary market for mortgages or other financial obligations incurred with respect to facilities which would qualify as a project under this chapter, purchasing loans made by regional corporations under section 32-276, or for any other purpose in furtherance of any other power of the [authority] corporation; (8) grant options to purchase or renew a lease for any of its projects on such terms as the [authority] corporation may determine to be reasonable; (9) employ or retain attorneys, accountants and architectural, engineering and financial consultants and such other employees and agents and to fix their compensation and to employ the Connecticut Development Credit Corporation on a cost basis as it shall deem necessary to assist it in carrying out the purposes of said [authority] corporation legislation; (10) [borrow money or accept gifts, grants or loans of funds, property or service from any source, public or private, and comply, subject to the provisions of said authority legislation, with the terms and conditions thereof; (11)] accept from a federal agency loans, grants or loan guarantees or otherwise participate in any loan, grant, loan guarantee or other financing or economic or project development program of a federal agency in furtherance of, and
consistent with, the purposes of the [authority] corporation, and enter into agreements with such agency respecting any such loans, grants, loan guarantees or federal agency programs; [(12)] (11) provide tenant lease guarantees and performance guarantees, invest in, extend credit or make loans to any person for the planning, designing, financing, acquiring, constructing, reconstructing, improving, expanding, continuing in operation, equipping and furnishing of a project and for the refinancing of existing indebtedness with respect to any facility or part thereof which would qualify as a project in order to facilitate substantial improvements thereto, which guarantees, investments, credits or loans may be secured by loan agreements, lease agreements, installment sale agreements, mortgages, contracts and all other instruments or fees and charges, upon such terms and conditions as the [authority] corporation shall determine to be reasonable in connection with such loans, including provision for the establishment and maintenance of reserve and insurance funds and in the exercise of powers granted in this section in connection with a project for such person, to require the inclusion in any contract, loan agreement or other instrument, such provisions for the construction, use, operation and maintenance and financing of a project as the [authority] corporation may deem necessary or desirable; [(13)] (12) in connection with any application for assistance under said [authority] corporation legislation, or commitments therefor, to make and collect such fees and charges as the [authority] corporation shall determine to be reasonable; [(14)] (13) adopt procedures, in accordance with the provisions of section 1-121, to carry out the [provisions of said authority legislation] purposes of the corporation, which may give priority to applications for financial assistance based upon the extent the project will materially contribute to the economic base of the state by creating or retaining jobs, providing increased wages or benefits to employees, promoting the export of products or services beyond the boundaries of the state, encouraging innovation in products or services, encouraging defense-dependent business to diversify to nondefense production,
promoting standards of participation adopted by the Connecticut partnership compact pursuant to section 33-374g of the general statutes, revision of 1958, revised to 1991, or will otherwise enhance existing activities that are important to the economic base of the state, provided regulation-making proceedings commenced before January 1, 1989, shall be governed by sections 4-166 to 4-174, inclusive; [(15) adopt an official seal and alter the same at pleasure; (16)] (14) maintain an office at such place or places within the state as it may designate; [(17) sue and be sued in its own name and plead and be impleaded, service of process in any action to be made by service upon the executive director of said authority either in hand or by leaving a copy of the process at the office of the authority with some person having charge thereof; (18) employ such assistants, agents and other employees as may be necessary or desirable for its purposes, which employees shall be exempt from the classified service and shall not be employees as defined in subsection (b) of section 5-270; establish all necessary or appropriate personnel practices and policies, including those relating to hiring, promotion, compensation, retirement and collective bargaining, which need not be in accordance with chapter 68 and the authority shall not be an employer as defined in subsection (a) of section 5-270; contract for and engage appraisers of industrial machinery and equipment, consultants and property management services, and utilize the services of other governmental agencies; (19)] (15) when it becomes necessary or feasible for the [authority corporation] to safeguard itself from losses, acquire, purchase, manage and operate, hold and dispose of real and personal property, take assignments of rentals and leases and make and enter into all contracts, leases, agreements and arrangements necessary or incidental to the performance of its duties; [(20)] (16) in order to further the purposes of [said authority legislation] the corporation, or to assure the payment of the principal and interest on bonds or notes of the [authority] corporation or to safeguard the mortgage insurance fund, purchase, acquire and take assignments of notes, mortgages and other
forms of security and evidences of indebtedness, purchase, acquire, attach, seize, accept or take title to any project by conveyance or, by foreclosure, and sell, lease or rent any project for a use specified in said chapters and sections or in this chapter; [(21) adopt rules for the conduct of its business; (22) invest any funds not needed for immediate use or disbursement, including any funds held in reserve, in obligations issued or guaranteed by the United States of America or the state of Connecticut and in other obligations which are legal investments for savings banks in this state; (23)] (17) do, or delegate, any and all things necessary or convenient to carry out the purposes and to exercise the powers given and granted [in said authority legislation; provided, in all matters concerning the internal administrative functions of the authority which are funded by amounts appropriated by the state to the authority or to the department, the procedures of the state relating to office space, supplies, facilities, materials, equipment and professional services shall be followed, and provided further, that in the acquisition by the authority of real estate involving the use of appropriated funds or bonds supported by the full faith and credit of the state, the authority shall be subject to the provisions of section 4b-23; (24)] to the corporation; (18) to accept from the department: (A) Financial assistance, (B) revenues or the right to receive revenues with respect to any program under the supervision of the department, and (C) loan assets or equity interests in connection with any program under the supervision of the department; to make advances to and reimburse the department for any expenses incurred or to be incurred by it in the delivery of such assistance, revenues, rights, assets or amounts; to enter into agreements for the delivery of services by the [authority] corporation, in consultation with the department [J] and the Connecticut Housing Finance Authority[,] [and Connecticut Innovations, Incorporated,] to third parties which agreements may include provisions for payment by the department to the [authority] corporation for the delivery of such services; and to enter into
agreements with the department or with the Connecticut Housing Finance Authority [or Connecticut Innovations, Incorporated] for the sharing of assistants, agents and other consultants, professionals and employees, and facilities and other real and personal property used in the conduct of the [authority's] corporation's affairs; and [(25)] (19) to transfer to the department: (A) Financial assistance, (B) revenues or the right to receive revenues with respect to any program under the supervision of the [authority] corporation, and (C) loan assets or equity interests in connection with any program under the supervision of the [authority] corporation, provided the transfer of such financial assistance, revenues, rights, assets or interests is determined by the [authority] corporation to be practicable, within the constraints and not inconsistent with the fiduciary obligations of the [authority] corporation imposed upon or established upon the [authority] corporation by any provision of the general statutes, the [authority's] corporation's bond resolutions or any other agreement or contract of the authority and to have no adverse effect on the tax-exempt status of any bonds of the [authority] corporation or the state.

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

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

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

(1) "Awarding authority" means the Commissioner of Economic and
Community Development [,] and the board of directors of [the

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

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

Sec. 163. Section 32-479 of the general statutes is repealed and the
following is substituted in lieu thereof (Effective July 1, 2012):

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

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

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

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

(1) "Awarding authority" means the Commissioner of Economic and Community Development, the board of directors of the Connecticut Development Authority, the board of directors of Connecticut Innovations, Incorporated, and the head of any other quasi-public agency, as defined in section 1-120, as amended by this act, and any state agency authorized to award state assistance, as defined in subdivision (2) of this section.

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

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

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

(a) There is hereby created as a body politic and corporate, constituting a public instrumentality and political subdivision of the state created for the performance of an essential public and governmental function, [the Connecticut Development Authority] Connecticut Innovations, Incorporated, which is empowered to carry out the purposes of the [authority, as defined in subsection (t) of section 32-23d] corporation, which are hereby determined to be public purposes for which public funds may be expended. [The Connecticut Development Authority] Connecticut Innovations, Incorporated, shall not be construed to be a department, institution or agency of the state.

(b) All notes, bonds or other obligations issued by the Connecticut Development Authority or the Connecticut Development Commission for the financing of any project or projects shall be in accordance with their terms of full force and effect and valid and binding upon [the
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Connecticut Innovations, Incorporated, as the successor to the Connecticut Development Authority and with respect to any resolution, contract, deed, trust agreement, mortgage, conditional sale or loan agreement, commitment, obligation or liability or other such document, public record, right, remedy, special act or public act, obligation, liability or responsibility pertaining thereto, the corporation shall be, and shall be deemed to be, the successor to the Connecticut Development Authority. All properties, rights in land, buildings and equipment and any funds, moneys, revenues and receipts or assets of such commission pledged or otherwise securing any such notes, bonds or other obligations shall belong to the corporation as successor to the Connecticut Development Authority, subject to such pledges and other security arrangements and to agreements with the holders of the outstanding notes, bonds or other obligations. Any resolution with respect to the issuance of bonds of the commission for the purposes of the act and any other action taken by the commission with respect to assisting in the financing of any project shall be, or shall be deemed to be, a resolution of the corporation or an action taken by the corporation subject only to any agreements with the holders of outstanding notes, bonds or other obligations of the commission.

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

The state of Connecticut does hereby pledge to and agree with the holders of any bonds and notes issued under the provisions of [the authority legislation, as defined in subsection (hh) of section 32-23d] section 32-23f, as amended by this act, and with those parties who may enter into contracts with [the Connecticut Development Authority] Connecticut Innovations, Incorporated, or its successor agency, [pursuant to the provisions of such authority legislation,] that the state
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will not limit or alter the rights hereby vested in the [authority] corporation until such obligations, together with the interest thereon, are fully met and discharged and such contracts are fully performed on the part of the [authority] corporation, provided nothing contained herein shall preclude such limitation or alteration if and when adequate provision shall be made by law for the protection of the holders of such bonds and notes of the [authority] corporation or those entering into such contracts with the [authority] corporation. The [authority] corporation is authorized to include this pledge and undertaking for the state in such bonds and notes or contracts.

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

The exercise of the powers granted [by the authority legislation, as defined in subsection (hh) of section 32-23d,] to the corporation shall constitute the performance of an essential governmental function and the [authority] corporation shall not be required to pay any taxes or assessments upon or in respect of a project, or any property or moneys of the [authority] corporation, levied by any municipality or political subdivision or special district having taxing powers of the state, nor shall the [authority] corporation be required to pay state taxes of any kind, and the [authority] corporation, its projects, property and moneys and any bonds and notes issued under the provisions of said chapters and sections, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation of every kind by the state except for estate or succession taxes and by the municipalities and all other political subdivisions or special districts having taxing powers of the state; provided any person leasing a project from the [authority] corporation shall pay to the municipality, or other political subdivision or special district having taxing powers, in which such project is located, a payment in lieu of taxes which shall equal the taxes on real and personal property,
including water and sewer assessments, which such lessee would have been required to pay had it been the owner of such property during the period for which such payment is made and neither the [authority] corporation nor its projects, properties, money or bonds and notes shall be obligated, liable or subject to lien of any kind for the enforcement, collection or payment thereof. The sale of tangible personal property or services by the [authority] corporation is exempt from the sales tax under chapter 219, and the storage, use or other consumption in this state of tangible personal property or services purchased from the [authority] corporation is exempt from the use tax under chapter 219. If and to the extent the proceedings [under which the bonds authorized to be issued under the provisions of said chapters and sections] by the corporation so provide, the [authority] corporation may agree to cooperate with the lessee of a project in connection with any administrative or judicial proceedings for determining the validity or amount of such payments and may agree to appoint or designate and reserve the right in and for such lessee to take all action which the [authority] corporation may lawfully take in respect of such payments and all matters relating thereto, provided such lessee shall bear and pay all costs and expenses of the [authority] corporation thereby incurred at the request of such lessee or by reason of any such action taken by such lessee on behalf of the [authority] corporation. Any lessee of a project which has paid the amounts in lieu of taxes required by this section to be paid shall not be required to pay any such taxes in which a payment in lieu thereof has been made to the state or to any such municipality or other political subdivision or special district having taxing powers, any other statute to the contrary notwithstanding. Any industrial pollution control facility financed [under said chapters and sections] by the corporation shall be subject to such approvals, as may be required by law, of any agency of the state and any agency of the United States having jurisdiction in the matter and, in the discretion of the [authority] corporation, may be acquired, constructed or improved as part of or jointly with a pollution control facility.
control facility undertaken by a municipality or political subdivision or special district having taxing powers in the state and the corporation is authorized to cooperate and execute contracts with such a municipality or political subdivision or special district.

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

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

(b) Sales of and the storage, use or other consumption of any tangible personal property or services acquired for incorporation into or used and consumed in connection with the development, construction, rehabilitation, renovation or repair of a project, as defined in subsection (d) of section 32-23d, as amended by this act, which project has been approved by the board of directors of the corporation for sales and use tax relief in accordance with procedures adopted by the board shall, subject to any limitations or conditions of such approval, be exempt from sales and use taxes imposed by chapter 219. The corporation may deliver a certificate to the effect that the sale of such tangible property or services is exempt from sales and use taxes imposed by said chapter 219, which certificate may be used in the purchase of such tangible personal property or services and on which certificate each seller of such tangible personal property or services may rely. The corporation shall develop any such certificate in collaboration and consultation with the Commissioner of Revenue Services.
Sec. 171. Section 32-5a of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

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

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

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

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

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

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

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

(e) "Eligible financial institution" means any trust company, bank, savings bank, credit union, savings and loan association, insurance company, investment company, mortgage banker, trustee, executor,
pension fund, retirement fund or other fiduciary or financial institution, the state or, to the extent otherwise permitted by law, any municipality, or any political subdivision, instrumentality, agency or body politic and corporate thereof, which is approved by the [authority] corporation to participate in the financing of a project.

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

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

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

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

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

(k) "Mortgagor" includes the successors and assigns of the mortgagor.

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

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

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

(o) "Municipal planning commission" means a municipal planning commission created under chapter 126.

(p) "Regional planning agency" means a regional planning agency created under chapter 127.

(q) "Federal agency" means the United States, the president of the United States and any department of, or corporation, agency or instrumentality designated or established by, the United States.

(r) "Revenues" means receipts, revenues, service charges, rentals or other payments to be received on account of lease, mortgage, conditional sale, sale or loan agreements and payments and any other income derived from the lease, sale or other disposition of a project, moneys in such reserve and insurance funds or accounts or other funds and accounts and income from the investment thereof, established in connection with the issuance of bonds, notes or other
obligations for a project or projects, and fees, charges or other moneys to be received by the [authority] corporation in respect of projects and contracts with persons.

(s) "Person" means any person, including individuals, firms, partnerships, associations, cooperatives, limited liability companies or corporations, public or private, for profit or nonprofit, organized or existing under the laws of the state or any other state, and, to the extent otherwise permitted by law, any municipality, district, including any special district having taxing powers, agency, authority, instrumentality, or other governmental entity or political subdivision in the state or any federal agency.

[(t) "Purposes of the authority", means the purposes of the authority expressed in and pursuant to the authority legislation, including with respect to the promotion, planning and designing, developing, encouraging, assisting, acquiring, constructing, reconstructing, improving, maintaining and equipping and furnishing of a project and assisting directly or indirectly in the financing of the cost thereof.]

[(u)] [(t) "Economic development project" means any project which is to be used or occupied by any person for (1) manufacturing, industrial, research, office or product warehousing or distribution purposes or hydroponic or aquaponic food production purposes and which the authority determines will tend to maintain or provide gainful employment, maintain or increase the tax base of the economy, or maintain, expand or diversify industry in the state, or (2) controlling, abating, preventing or disposing land, water, air or other environmental pollution, including without limitation thermal, radiation, sewage, wastewater, solid waste, toxic waste, noise or particulate pollution, except resources recovery facilities, as defined in section 22a-219a, used for the principal purpose of processing municipal solid waste and which are not expansions or additions to resources recovery facilities operating on July 1, 1990, or (3) the
conservation of energy or the utilization of cogeneration technology or solar, wind, hydro, biomass or other renewable sources to produce energy for any industrial or commercial application, or (4) any other purpose which the authority determines will materially contribute to the economic base of the state by creating or retaining jobs, promoting the export of products or services beyond state boundaries, encouraging innovation in products or services, or otherwise contributing to, supporting or enhancing existing activities that are important to the economic base of the state.

[(v)] (u) "Commissioner" means the Commissioner of Economic and Community Development.

[(w) "Authority"] (v) "Corporation" means [the Connecticut Development Authority or its successor as established and created under section 32-11a] Connecticut Innovations, Incorporated, as established and created pursuant to section 32-35, as amended by this act.

[(x)] (w) "Capital reserve fund bond" means any bond of the authority secured by a special capital reserve fund established pursuant to this chapter.

[(y)] (x) "Recreation project" means any project which is to be primarily available for the use of the general public including without limitation stadiums, sports complexes, amusement parks, museums, theaters, civic, concert, cultural and exhibition centers, centers for the visual and performing arts, hotels, motels, resorts, inns and other public lodging accommodations and which the authority determines will tend to (1) promote tourism, (2) provide a special enhancement of recreation facilities in the state or (3) contribute to the business or industrial development of the state.

[(z)] (y) "Public service project" means any project which is to be
used or occupied by a common carrier or public utility to provide bus, truck, rail, limousine, water or air transportation services or water, sewer, gas, electricity, or telephone utility services, and which the authority determines will tend to assist the common carrier or public utility in providing service to the general public in the state. A public service project may include ferry boats or railroad rolling stock, but may not include any other vehicle, aircraft or watercraft.

[(aa)] [(z)] "Urban project" means any project which is to be used or occupied by any person for commercial or retail sales or service purposes located wholly or partly within an urban municipality in the state and which the authority determines will tend (1) to maintain or provide gainful construction or permanent employment, maintain or expand the tax base of the economy or maintain, expand or diversify industry in the state, or (2) to otherwise revitalize the economy of the urban municipality. An "urban municipality", for the purposes of this definition, means any municipality which is a "distressed municipality" as defined in subsection (b) of section 32-9p.

[(bb)] [(aa)] "Commercial fishing project" means any project which is to be used or occupied by any person for commercial fishing purposes or for support, maintenance, storage, production, or manufacturing purposes reasonably related to commercial fishing activity, including without limitation commercial fishing vessels, docks, wharves, piers, land or floating processing facilities, transportation terminals, facilities for the maintenance, storage, and construction of vessels and equipment, and fish storage and handling facilities.

[(cc)] [(bb)] "Health care project" means any project which is to be used or occupied by any person for the providing of services in any residential care home, nursing home or rest home, as defined in subsection (c) of section 19a-490, or for the providing of living space for physically handicapped persons or persons sixty years of age or older.
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[(dd)] (cc) "Nonprofit project" means any project which (1) is to be used or occupied by any person organized and operated not for profit but exclusively for health, educational, charitable, community, cultural, agricultural, consumer or other purposes benefiting the citizens of the state, or as an agricultural or hospital cooperative or service organization or as a chamber of commerce or trade or professional association and (2) which the authority determines satisfies a public need not adequately met by businesses operating for profit.

[(ee)] (dd) "Information technology project" means any project (1) providing information technology intensive office or laboratory space, including, but not limited to, smart buildings, incubator facilities, or any project that is to be used or occupied by any person specializing in e-commerce technologies or other technologies using high-speed communications infrastructure, and (2) which the authority deems will materially contribute to the economic base of the state by creating or retaining jobs, promoting the export of products or services beyond state borders, encouraging innovation in products or services, or otherwise contributing to, supporting or enhancing existing activities that are important to the economic base of the state.

[(ff)] (ee) "Incubator facilities" has the same meaning as incubator facilities in subdivision (5) of section 32-34.

[(gg)] (ff) "Smart building" means a building that houses, for use by its tenants, an information or communications infrastructure capable of transmitting digital video, voice and data content over a high-speed wired, wireless or other communications intranet and provides the capability of delivering and receiving high-speed digital video, voice and data transmissions over the Internet.

[(hh)] "Authority legislation" means this chapter, chapters 578, 584, 588l, 588n, 588r and 588u, sections 8-134, 8-134a, 8-192, 8-192a, 25-33a,
32-23zz and 32-68a, and any other provisions of the general statutes or any public or special act setting forth or governing the powers and duties of the authority.]

[(iii) (gg) "Remediation project" means any project (1) involving the development, redevelopment or productive reuse of real property within this state that (A) has been subject to a spill, as defined in section 22a-452c, (B) is an establishment, as defined in subdivision (3) of section 22a-134, (C) is a facility, as defined in 42 USC 9601(9), or (D) is eligible to be treated as polluted real property for purposes of section 22a-133m or contaminated real property for purposes of section 22a-133aa or section 22a-133bb, provided the development, redevelopment or productive reuse is undertaken pursuant to a remediation plan meeting all applicable standards and requirements of the Department of Energy and Environmental Protection, (2) that the authority determines will add or support significant new economic activity or employment in the municipality in which such project is located or will otherwise materially contribute to the economic base of the state or the municipality or will provide a residential or mixed-use development pursuant to chapter 828, and (3) for which assistance from the authority will be needed to attract necessary private investment.

Sec. 173. Section 32-40 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

(a) All applications for financial aid shall be forwarded, together with an application fee prescribed by the corporation, to the [executive director] chief executive officer of the corporation. Each such application shall be processed in accordance with the written procedures adopted by the corporation under subdivision (5) of subsection (d) of section 32-35. The [finance committee of the corporation] board of directors or a duly constituted committee thereof shall approve or deny each application recommended by the
[executive director] chief executive officer. If the [finance] board of directors or any such committee approves an application, the board or such committee may authorize the corporation to enter into an agreement or agreements on behalf of the corporation to provide financial aid to the applicant. The applicant shall be promptly notified of such action by the corporation.

(b) In making the decision as to approval or denial of an application, the [finance] board or any committee of the [corporation] board shall give priority to those applicants (1) whose businesses are defense-dependent, or are located in municipalities which the Commissioner of Economic and Community Development has declared have been severely impacted by prime defense contract cutbacks pursuant to section 32-56, and (2) whose proposed research and development activity, technology, product or invention is to be used to convert all or a portion of the applicant's business to non-defense-related industrial or commercial activity, or to create a new non-defense-related industrial or commercial business. For purposes of this section, a defense-dependent business is any business that derives over fifty per cent of its gross income, generated from operations within the state, from prime defense contracts or from subcontracts entered into in connection with prime defense contracts, a significant portion of whose facilities and equipment are designed specifically for defense production and cannot be converted to nondefense uses without substantial investment.

(c) All financial and credit information and all trade secrets contained in any application for financial aid submitted to the corporation or obtained by the corporation concerning any applicant, project, activity, technology, product or invention shall be exempt from the provisions of subsection (a) of section 1-210.

Sec. 174. Section 32-23f of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

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(a) Subject to the approval of the Treasurer of the state or the Treasurer's deputy appointed pursuant to section 3-12, and other applicable limitations of the [authority legislation, as defined in subsection (hh) of section 32-23d] general statutes, the [authority] corporation may borrow money and issue its bonds and notes from time to time and use the proceeds thereof for the purposes of the [authority, as defined in subsection (t) of section 32-23d, and in order] corporation and to carry out its powers [under said authority legislation] and to pay all other expenditures of the [authority] corporation incident to and necessary in connection with such purposes including providing funds to be paid into any fund or funds to secure such bonds or notes. All such bonds issued by the [authority] corporation, secured by a special capital reserve fund within the meaning of subsection (b) of section 32-23j, as amended by this act, shall be general obligations of the [authority] corporation payable out of any revenues or other receipts, funds, or moneys of the [authority] corporation, subject only to any agreements with the holders of particular notes or bonds pledging any particular revenues, receipts, funds or moneys, provided the [authority] corporation may issue general obligation bonds of the [authority] corporation without the security of a special capital reserve fund. Any other such bonds or notes not issued in anticipation of the issuance of bonds referred to in the preceding sentence shall be special obligations of the [authority] corporation payable solely out of any revenues or other receipts, funds or moneys of the [authority] corporation pledged therefor. All such notes and such bonds may be executed and delivered in such manner and at such times, may be in such form and denominations and of such tenor and maturity or maturities, may be in bearer or registered form, as to principal and interest or as to principal alone, may be payable at such time or times not exceeding forty years from the date thereof, may be payable at such place or places whether within or without the state, may bear interest at such rate or rates payable at such time or times and at such place or places and evidenced in such manner, and
may contain such provisions not inconsistent with said chapters and sections, as shall be provided in the resolution of the [authority] corporation authorizing the issuance of the bonds and notes.

(b) Issuance by the [authority] corporation of one or more series of bonds or notes for one or more purposes shall not preclude it from issuing other bonds or notes in connection with the same project or any other projects, but the proceeding wherein any subsequent bonds or notes may be issued shall recognize and protect any prior pledge or mortgage made for any prior issue of bonds or notes unless in the resolution authorizing such prior issue the right is reserved to issue subsequent bonds on a parity with such prior issue.

(c) Subject to the approval of the Treasurer of the state or his deputy appointed pursuant to section 3-12, any bonds or notes of the [authority] corporation may be sold at such price or prices, at public or private sale, in such manner and from time to time as may be determined by the [authority] corporation, and the [authority] corporation may pay all expenses, premiums and commissions which it may deem necessary or advantageous in connection with the issuance and sale thereof; and any moneys of the [authority] corporation, including proceeds from the sale of any bonds and notes, and revenues, receipts and income from any of its projects, may be invested and reinvested in such obligations, securities and other investments, including time deposits or certificates of deposit, or deposited or redeposited in such bank or banks as shall be provided in the resolution or resolutions authorizing the issuance of the bonds and notes.

(d) The [authority] corporation is authorized to provide for the issuance of its bonds for the purpose of refunding any bonds of the [authority] corporation then outstanding, including the payment of any redemption premium thereon and any interest accrued or to accrue to the earliest or subsequent date of redemption, purchase or
maturity of such bonds, and, if deemed advisable by the [authority] corporation, for the additional purpose of paying all or any part of the cost of constructing and acquiring additions, improvements, extensions or enlargements of a project or any portion thereof. The proceeds of any such bonds issued for the purpose of refunding outstanding bonds may, in the discretion of the [authority] corporation, be applied to the purchase or retirement at maturity or redemption of such outstanding bonds either on their earliest or any subsequent redemption date, and may, pending such application, be placed in escrow to be applied to such purchase or retirement at maturity or redemption on such date as may be determined by the [authority] corporation.

(e) Whether or not the bonds or notes are of such form and character as to be negotiable instruments under article eight of title 42a, the bonds or notes shall be and are hereby made negotiable instruments within the meaning of and for all the purposes of article eight of said title 42a, subject only to the provisions of the bonds or notes for registration.

(f) The principal of and interest on bonds or notes issued by the [authority] corporation may be secured by a pledge of any revenues and receipts of the [authority] corporation derived from any project and may be additionally secured by a mortgage or deed of trust covering all or any part of a project, including any additions, improvements, extensions to or enlargements of any projects thereafter made. Such bonds or notes may also be secured by a pledge or assignment of a loan agreement, conditional sale agreement or agreement of sale or by an assignment of the lease of any project for the construction and acquisition of which said bonds or notes are issued and by an assignment of the revenues and receipts derived by the [authority] corporation from such project. The payments of principal and interest on such bonds or notes may be additionally
secured by a pledge of any other property, revenues, moneys, or funds available to the [authority] corporation for such purpose. The resolution authorizing the issuance of any such bonds or notes and any such mortgage or deed of trust or lease or loan agreement, conditional sale agreement or agreement of sale or credit agreement may contain agreements and provisions respecting the establishment of reserves to secure such bonds or notes, the maintenance and insurance of the projects covered thereby, the fixing and collection of rents for any portion thereof leased by the [authority] corporation to others or the sums to be paid under any conditional sale agreement or agreement of sale entered into by the [authority] corporation with others, the creation and maintenance of special funds from such revenues and the rights and remedies available in the event of default, the vesting in a trustee or trustees of such property, rights, powers and duties in trust as the [authority] corporation may determine, which may include any or all of the rights, powers and duties of any trustee appointed by the holders of any bonds and notes and limiting or abrogating the right of the holders of any bonds and notes of the [authority] corporation to appoint a trustee under this chapter, chapter 578 and subsection (a) of section 10-409, or limiting the rights, powers and duties of such trustee; provision for a trust agreement by and between the [authority] corporation and a corporate trust which may be any trust company or bank having the powers of a trust company within or without the state, which agreement may provide for the pledging or assigning of any revenues or assets or income from assets to which or in which the [authority] corporation has any rights or interest, and may further provide for such other rights and remedies exercisable by the trustee as may be proper for the protection of the holders of any bonds or notes and not otherwise in violation of law, and such agreement may provide for the restriction of the rights of any individual holder of bonds or notes of the [authority] corporation and may contain any further provisions which are reasonable to delineate further the respective rights, duties, safeguards, responsibilities and liabilities of
the [authority] corporation; persons and collective holders of bonds or notes of the [authority] corporation and the trustee; and covenants to do or refrain from doing such acts and things as may be necessary or convenient or desirable in order to better secure any bonds or notes of the [authority] corporation, or which, in the discretion of the [authority] corporation, will tend to make any bonds or notes to be issued more marketable notwithstanding that such covenants, acts or things may not be enumerated herein; and any other matters of like or different character, which in any way affect the security or protection of the bonds or notes, all as the [authority] corporation shall deem advisable and not in conflict with the provisions hereof. Each pledge, agreement, mortgage and deed of trust made for the benefit or security of any of the bonds or notes of the [authority] corporation shall be in effect until the principal of and interest on the bonds or notes for the benefit of which the same were made have been fully paid, or until provision has been made for payment in the manner provided in the resolution or resolutions authorizing their issuance. Any pledge made in respect of such bonds or notes shall be valid and binding from the time when the pledge is made; the revenues, money or property so pledged and thereafter received by the [authority] corporation shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act; and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the [authority] corporation irrespective of whether such parties have notice thereof. Neither the resolution, trust indenture nor any other instrument by which a pledge is created need be recorded. The resolution authorizing the issuance of such bonds or notes may provide for the enforcement of any such pledge or security in any lawful manner. The [authority] corporation may elect to have the provisions of title 42a, the Connecticut uniform commercial code, apply to any pledge made by or to the [authority] corporation to secure its bonds or notes by filing a financing statement with respect to the security interest created by the pledge and, in such
case, the financing statement shall be filed as if the debtor were located in this state.

(g) The [authority] corporation may provide in any resolution authorizing the issuance of bonds or notes that any project or part thereof or any addition, improvement, extension or enlargement thereof, may be constructed by the [authority] corporation or the lessee or any designee of the [authority] corporation, and may also provide in such proceedings for the time and manner of and requisites for disbursements to be made for the cost of such construction and disbursements as the [authority] corporation shall deem necessary or appropriate.

(h) The [authority] corporation may issue notes and bonds in accordance herewith for one or more projects or to provide funds to be used for the purposes of the [authority, as defined in subsection (t) of section 32-23d] corporation, without reference to a particular project or projects.

(i) The [authority] corporation is further authorized and empowered to issue bonds, notes or other obligations under this section the interest on which may be includable in the gross income of the holder or holders thereof under the Internal Revenue Code of 1986, or any subsequent corresponding Internal Revenue Code of the United States, as from time to time amended, to the same extent and in the same manner that interest on bills, notes, bonds or other obligations of the United States is includable in the gross income of the holder or holders thereof under any such Internal Revenue Code. Any such bonds, notes or other obligations may be issued only upon a finding by the [authority] corporation that such issuance is necessary, is in the public interest, and is in furtherance of the purposes and powers of the [authority] corporation. The state hereby consents to such inclusion only for the bonds, notes or other obligations of the [authority] corporation so authorized.
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Sec. 175. Section 32-23i of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

Bonds issued by the [authority] corporation under the provisions of [the authority legislation, as defined in subsection (hh) of section 32-23d.] section 32-23f, as amended by this act, are hereby made securities in which all public officers and public bodies of the state and its political subdivisions, all insurance companies, credit unions, building and loan associations, investment companies, savings banks, banking associations, trust companies, executors, administrators, trustees and other fiduciaries and pension, profit-sharing and retirement funds may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or municipality of the state for any purpose for which the deposit of bonds or obligations of the state is now or may hereafter be authorized by law. The corporation and any subsidiary thereof may purchase and hold bonds or notes issued by the corporation or any such subsidiary.

Sec. 176. Section 32-23j of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

(a) Bonds or notes of the [authority] corporation issued under the provisions of [the authority legislation, as defined in subsection (hh) of section 32-23d] section 32-23f, as amended by this act, shall not be deemed to constitute a debt or liability of the state or of any municipality thereof or a pledge of the faith and credit of the state or of any such municipality and shall not constitute bonds or notes issued or guaranteed by the state within the meaning of section 3-21, but shall be payable solely from the revenues and funds herein provided therefor. All such bonds or notes shall contain on the face thereof a statement to the effect that neither the state of Connecticut nor any municipality thereof other than the [authority] corporation shall be obligated to pay
the same or the interest thereon and that neither the faith and credit
nor the taxing power of the state of Connecticut or of any municipality
is pledged to the payment of the principal of or the interest on such
bonds or notes.

(b) The [authority] corporation may create and establish one or
more reserve funds to be known as special capital reserve funds and
may pay into such special capital reserve funds (1) any moneys
appropriated and made available by the state for the purposes of such
funds, (2) any proceeds of sale of notes or bonds, to the extent
provided in the resolution of the [authority] corporation authorizing
the issuance thereof, and (3) any other moneys which may be made
available to the [authority] corporation for the purpose of such funds
from any other source or sources. The moneys held in or credited to
any special capital reserve fund established under this section, except
as hereinafter provided, shall be used solely for the payment of the
principal of bonds of the [authority] corporation secured by such
special capital reserve fund as the same become due, the purchase of
such bonds of the [authority] corporation, the payment of interest on
such bonds of the [authority] corporation or the payment of any
redemption premium required to be paid when such bonds are
redeemed prior to maturity; provided, the [authority] corporation shall
have power to provide that moneys in any such fund shall not be
withdrawn therefrom at any time in such amount as would reduce the
amount of such funds to less than the maximum amount of principal
and interest becoming due by reason of maturity or a required sinking
fund installment in the succeeding calendar year on the bonds of the
[authority] corporation then outstanding and secured by such special
capital reserve fund or such lesser amount specified by the [authority] corporation in its resolution authorizing the issuance of any such
bonds, such amount being herein referred to as the "required
minimum capital reserve", except for the purpose of paying such
principal of, redemption premium and interest on such bonds of the
[authority] corporation secured by such special capital reserve becoming due and for the payment of which other moneys of the [authority] corporation are not available. The [authority] corporation may provide that it shall not issue bonds at any time if the required minimum capital reserve on the bonds outstanding and the bonds then to be issued and secured by a special capital reserve fund will exceed the amount of such special capital reserve fund at the time of issuance, unless the [authority] corporation, at the time of the issuance of such bonds, shall deposit in such special capital reserve fund from the proceeds of the bonds so to be issued, or otherwise, an amount which, together with the amount then in such special capital reserve fund, will be not less than the required minimum capital reserve. On or before December first, annually, there is deemed to be appropriated from the state General Fund such sums, if any, as shall be certified by the commissioner to the Secretary of the Office of Policy and Management and Treasurer of the state, as necessary to restore each such special capital reserve fund to the amount equal to the required minimum capital reserve of such fund, and such amounts shall be allotted and paid to the [authority] corporation. For the purpose of evaluation of any such special capital reserve fund, obligations acquired as an investment for any such fund shall be valued at amortized cost. Nothing contained in this section shall preclude the [authority] corporation from establishing and creating other debt service reserve funds in connection with the issuance of bonds or notes of the [authority] corporation. Subject to any agreement or agreements with holders of outstanding notes and bonds of the [authority] corporation, any amount or amounts allotted and paid to the [authority] corporation by the state pursuant to this section shall be repaid to the state from moneys of the [authority] corporation at such time as such moneys are not required for any other of its corporate purposes and in any event shall be repaid to the state on the date one year after all bonds and notes of the [authority] corporation theretofore issued on the date or dates such amount or amounts are allotted and paid to the
[authority] corporation or thereafter issued, together with interest on such bonds and notes, with interest on any unpaid installments of interest and all costs and expenses in connection with any action or proceeding by or on behalf of the holders thereof, are fully met and discharged. Notwithstanding any other provisions contained in said chapters and sections, the aggregate amount of bonds secured by such special capital reserve funds authorized to be created and established by this section, shall not exceed four hundred fifty million dollars. Only economic development projects may be assisted or financed by such bonds and the proceeds of such bonds shall not be used for such purpose unless the [authority] corporation is of the opinion and determines that the revenues derived from the economic development project or projects shall be sufficient (1) to pay the applicable principal of and interest on the bonds, the proceeds of which are used to finance the economic development project or projects, (2) to establish, increase and maintain any reserves deemed by the [authority] corporation to be advisable to secure the payment of the principal of and interest on such bonds, (3) unless the contract with the person obligates the person to pay for the maintenance and insurance of the economic development project, to pay the cost of maintaining the economic development project in good repair and keeping it properly insured, and (4) to pay such other costs or taxes on the economic development project as may be required and that such person is found by the [authority] corporation to be financially responsible and presumptively able to comply with the terms and conditions of any lease, conditional sale or credit agreement or loan agreement, agreement of sale, mortgage or other agreement as made by it with the [authority] corporation with respect to the industrial project; in making these determinations and this finding, the authority shall consider all information reasonably available to it including information as to the business reputation of such person, the character and ability of its management, the adequacy of its financial resources, the market demand for its products, the adequacy of its distribution methods, its
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past earnings and the likelihood that it can successfully meet any required payments under such lease, mortgage, loan agreement or other agreement out of current income.

Sec. 177. Section 32-38 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

The board shall appoint [an executive director] a chief executive officer of the corporation who shall not be a member of the board and who shall serve at the pleasure of the board and shall receive such compensation as shall be determined by the board. The [executive director] chief executive officer shall direct and supervise administrative affairs and the general management of the corporation. The [executive director] chief executive officer may employ such other employees as shall be designated by the board of directors; shall attend all meetings of the board; keep a record of all proceedings and maintain and be custodian of all books, documents and papers filed with the corporation and of the minute book of the corporation and of its official seal. The [executive director] chief executive officer may cause copies to be made of all minutes and other records and documents of the corporation and may give certificates under the official seal of the corporation to the effect that such copies are true copies, and all persons dealing with the corporation may rely upon such certificates. The [executive director] chief executive officer or the [executive director's] chief executive officer's designee may serve as a member of such other boards or committees as may be necessary or desirable to carry out the purposes of the corporation.

Sec. 178. Section 32-41a of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

(a) There is hereby created a "Connecticut Innovations, Incorporated Fund". Proceeds from the sale of bonds authorized by the State Bond Commission in accordance with section 32-41, as amended by this act,
and section 32-41b shall be paid directly to the Treasurer of the state as agent of the corporation and the Treasurer shall deposit all such amounts in the Connecticut Innovations, Incorporated Fund. The moneys in said fund shall be paid by checks signed by the Treasurer of the state or by his deputy appointed pursuant to section 3-12 on requisition of the [executive director] chief executive officer of the corporation or his designee.

(b) Any funds or revenues of Connecticut Innovations, Incorporated derived from application fees, royalty payments, investment income, [and] sale and disposition of investments, license fees, lease payments, application, commitment or financing fees, loan repayments or any other source received by the corporation in connection with its programs shall, subject to the applicable terms of any indenture, resolution or other agreement pursuant to which notes, bonds or other obligations of the corporation or its predecessor, the Connecticut Development Authority, were issued or of any pledge or assignment of such funds or revenues granted in connection therewith, be held, administered and invested by the corporation or deposited with and invested by any institution as may be designated by the corporation at its sole discretion and paid as the corporation shall direct. All moneys in such accounts shall be used and applied to carry out the purposes of the corporation. Any such funds, revenues or other income which are pledged or assigned for the benefit of holders of notes, bonds or other obligations of the corporation, shall be received, administered, held, invested and applied subject to and in accordance with the applicable terms of the indenture, resolution or other agreement pursuant to which such notes, bonds or other obligations were issued or such pledge or assignment granted. Any such funds, revenues or other income of the corporation not so pledged or assigned, and any such funds, revenues or other income of the corporation remaining after all covenants relating to any such pledge or assignment have been satisfied, shall be deemed unrestricted funds of the corporation. The
corporation may make payments from such accounts to the Treasurer of the state for deposit in the Connecticut Innovations, Incorporated Fund for use in accordance with subsection (c) of this section.

(c) The moneys in the Connecticut Innovations, Incorporated Fund (1) shall be used to carry out the purposes of the corporation and for the repayment of state bonds in such amounts as may be required by the State Bond Commission pursuant to said section 32-41, as amended by this act, and section 32-41b and (2) may be used as state matching funds for federal funds available to the state for defense conversion projects or other projects consistent with a defense conversion strategy.

Sec. 179. Subsection (f) of section 32-9p of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

(f) "Authority", "capital reserve fund bond", "commissioner", "department", "industrial project" and "insurance fund" shall have the meaning such words and terms are given in section 32-23d, as amended by this act.

Sec. 180. Section 32-23zz of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

(a) For the purpose of assisting (1) any information technology project, as defined in subsection [(ee)] (dd) of section 32-23d, as amended by this act, which is located in an eligible municipality, as defined in subdivision (12) of subsection (a) of section 32-9t, or (2) any remediation project, as defined in subsection [(ii)] (gg) of section 32-23d, as amended by this act, [the Connecticut Development Authority] Connecticut Innovations, Incorporated, may, upon a resolution of the legislative body of a municipality, issue and administer bonds which are payable solely or in part from and secured by: (A) A pledge of and
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lien upon any and all of the income, proceeds, revenues and property of such a project, including the proceeds of grants, loans, advances or contributions from the federal government, the state or any other source, including financial assistance furnished by the municipality or any other public body, (B) taxes or payments or grants in lieu of taxes allocated to and payable into a special fund of [the Connecticut Development Authority] Connecticut Innovations, Incorporated, pursuant to the provisions of subsection (b) of this section, or (C) any combination of the foregoing. Any such bonds of [the Connecticut Development Authority] Connecticut Innovations, Incorporated, shall mature at such time or times not exceeding thirty years from their date of issuance and shall be subject to the general terms and provisions of law applicable to the issuance of bonds by [the Connecticut Development Authority] Connecticut Innovations, Incorporated, except that such bonds shall be issued without a special capital reserve fund as provided in subsection (b) of section 32-23j, as amended by this act, and, for purposes of section 32-23f, as amended by this act, only the approval of the board of directors of the [authority] corporation shall be required for the issuance and sale of such bonds. Any pledge made by the municipality or [the Connecticut Development Authority] Connecticut Innovations, Incorporated, for bonds issued as provided in this section shall be valid and binding from the time when the pledge is made, and revenues and other receipts, funds or moneys so pledged and thereafter received by the municipality or [the Connecticut Development Authority] Connecticut Innovations, Incorporated, shall be subject to the lien of such pledge without any physical delivery thereof or further act. The lien of such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the municipality or [the Connecticut Development Authority] Connecticut Innovations, Incorporated, even if the parties have no notice of such lien. Recording of the resolution or any other instrument by which such a pledge is created shall not be required. In connection with any such assignment
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of taxes or payments in lieu of taxes, [the Connecticut Development Authority] Connecticut Innovations, Incorporated, may, if the resolution so provides, exercise the rights provided for in section 12-195h of an assignee for consideration of any lien filed to secure the payment of such taxes or payments in lieu of taxes. All expenses incurred in providing such assistance may be treated as project costs.

(b) Any proceedings authorizing the issuance of bonds under this section may contain a provision that taxes or a specified portion thereof, if any, identified in such authorizing proceedings and levied upon taxable real or personal property, or both, in a project each year, or payments or grants in lieu of such taxes or a specified portion thereof, by or for the benefit of any one or more municipalities, districts or other public taxing agencies, as the case may be, shall be divided as follows: (1) In each fiscal year that portion of the taxes or payments or grants in lieu of taxes which would be produced by applying the then current tax rate of each of the taxing agencies to the total sum of the assessed value of the taxable property in the project on the date of such authorizing proceedings, adjusted in the case of grants in lieu of taxes to reflect the applicable statutory rate of reimbursement, shall be allocated to and when collected shall be paid into the funds of the respective taxing agencies in the same manner as taxes by or for said taxing agencies on all other property are paid; and (2) that portion of the assessed taxes or the payments or grants in lieu of taxes, or both, each fiscal year in excess of the amount referred to in subdivision (1) of this subsection shall be allocated to and when collected shall be paid into a special fund of [the Connecticut Development Authority] Connecticut Innovations, Incorporated, to be used in each fiscal year, in the discretion of [the Connecticut Development Authority] Connecticut Innovations, Incorporated, to pay the principal of and interest due in such fiscal year on bonds issued by [the Connecticut Development Authority] Connecticut Innovations, Incorporated, to finance, refinance or otherwise assist
such project, to purchase bonds issued for such project, or to reimburse the provider of or reimbursement party with respect to any guarantee, letter of credit, policy of bond insurance, funds deposited in a debt service reserve fund, funds deposited as capitalized interest or other credit enhancement device used to secure payment of debt service on any bonds issued by [the Connecticut Development Authority] Connecticut Innovations, Incorporated, to finance, refinance or otherwise assist such project, to the extent of any payments of debt service made therefrom. Unless and until the total assessed valuation of the taxable property in a project exceeds the total assessed value of the taxable property in such project as shown by the last assessment list referred to in subdivision (1) of this subsection, all of the taxes levied and collected and all of the payments or grants in lieu of taxes due and collected upon the taxable property in such project shall be paid into the funds of the respective taxing agencies. When such bonds and interest thereof, and such debt service reimbursement to the provider of or reimbursement party with respect to such credit enhancement, have been paid in full, all moneys thereafter received from taxes or payments or grants in lieu of taxes upon the taxable property in such development project shall be paid into the funds of the respective taxing agencies in the same manner as taxes on all other property are paid. The total amount of bonds issued pursuant to this section which are payable from grants in lieu of taxes payable by the state shall not exceed an amount of bonds, the debt service on which in any state fiscal year is, in total, equal to one million dollars.

(c) The [authority] corporation may make grants or provide loans or other forms of financial assistance from the proceeds of special or general obligation notes or bonds of the authority issued without the security of a special capital reserve fund within the meaning of subsection (b) of section 32-23j, as amended by this act, which bonds are payable from and secured by, in whole or in part, the pledge and security provided for in section 8-134, 8-192, 32-227 or this section, all.
on such terms and conditions, including such agreements with the municipality and the developer of the project, as the authority determines to be appropriate in the circumstances, provided any such project in an area designated as an enterprise zone pursuant to section 32-70 receiving such financial assistance shall be ineligible for any fixed assessment pursuant to section 32-71, and the authority, as a condition of such grant, loan or other financial assistance, may require the waiver, in whole or in part, of any property tax exemption with respect to such project otherwise available under subsection (59) or (60) of section 12-81.

(d) As used in this section, "bonds" means any bonds, including refunding bonds, notes, temporary notes, interim certificates, debentures or other obligations; "legislative body" has the meaning provided in subsection (w) of section 32-222; and "municipality" means a town, city, consolidated town or city or consolidated town and borough.

(e) For purposes of this section, references to [the Connecticut Development Authority] Connecticut Innovations, Incorporated, shall include any subsidiary of [the Connecticut Development Authority] Connecticut Innovations, Incorporated, established pursuant to [subsection (l) of section 32-11a] section 150 of this act, and a municipality may act by and through its implementing agency, as defined in subsection (k) of section 32-222.

(f) In the case of a remediation project, as defined in subsection [(ii)] (gg) of section 32-23d, as amended by this act, that involves buildings that are vacant, underutilized or in deteriorating condition and as to which municipal real property taxes are delinquent, in whole or in part, for more than one fiscal year, the amount determined in accordance with subdivision (1) of subsection (b) of this section may, if the resolution of the municipality so provides, be established at an amount less than the amount so determined, but not less than the
amount of municipal property taxes actually paid during the most recently completed fiscal year. If [the Connecticut Development Authority] Connecticut Innovations, Incorporated, issues bonds for the remediation project, the amount established in the resolution shall be used for all purposes of subsection (a) of this section.

Sec. 181. Section 8-13q of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

(a) Upon application by a municipality under section 8-13p, the Secretary of the Office of Policy and Management shall, not later than sixty days after receipt, issue, in writing, a preliminary determination of the eligibility of the municipality for the financial incentive payments set forth in section 8-13s, as amended by this act. At least thirty days before making such preliminary determination, the secretary shall electronically give notice of the application to all persons who have provided the secretary with a current electronic mail address and a written request to receive such notices. If the secretary determines that the application is incomplete or the proposed incentive housing zone is not eligible or does not comply with the provisions of sections 8-13m to 8-13x, inclusive, the secretary shall, within the sixty-day response period, notify the municipality, in writing, of the reasons for such determination. A municipality may thereafter reapply for approval after addressing the reasons for ineligibility. [The secretary's failure to issue] Nonissuance of a written response within sixty days of receipt shall be deemed to be disapproval, after which the municipality may reapply.

(b) After a municipality has received from the secretary a preliminary letter of eligibility, the zoning commission of the municipality may adopt the incentive housing zone regulations and design standards as proposed to the secretary for preliminary approval. Not later than thirty days after receipt from the municipality of a written statement that its zoning commission has adopted the
proposed regulations and standards, the secretary shall issue a letter of final approval of the incentive housing zone. [The secretary's failure to issue] Nonissuance of a letter of final approval not more than thirty days after receipt of the written statement shall be deemed disapproval of the zone after which the municipality may reapply for determination of eligibility under this section.

(c) The secretary shall not approve any proposed incentive housing zone for which the proposed regulations or design standards have the intent or effect of discriminating against, making unavailable, denying or impairing the physical or financial feasibility of housing which is receiving or will receive financial assistance under any governmental program for the construction or substantial rehabilitation of low or moderate income housing, or any housing occupied by persons receiving rental assistance under chapter 319uu or Section 1437f of Title 42 of the United States Code.

(d) Any amendment to the regulations or design standards approved by the secretary for preliminary or final eligibility shall be submitted to the secretary for approval as set forth in this section. The secretary shall approve or disapprove such amendment not more than sixty days after receipt of the amendment. [If the secretary fails] Nonissuance of the decision to approve or disapprove such amendment within such period, the amendment shall be deemed to be disapproved. Thereafter, the commission may reapply for approval of the amendment.

(e) Nothing in this section or in section 8-13s, as amended by this act, shall preclude a municipality that has filed an application for preliminary determination of eligibility for a zone adoption payment pursuant to section 8-13p from waiving its right to receive such payment. Any municipality that intends to waive such right shall provide to the secretary a written notice of its intent with the statement that its zoning commission has adopted incentive housing zone
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regulations and design standards.

Sec. 182. Section 8-13s of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

(a) Upon the determination that (1) the housing incentive zone has been adopted; (2) the time for appeal of the final adoption of the regulations has expired or a final and unappealable judgment upholding such regulations has been issued in any civil action challenging or delaying such regulations; and (3) the municipality has otherwise complied with the requirements of sections 8-13m to 8-13x, inclusive, the Secretary of the Office of Policy and Management shall, subject to the availability of funds, make a zone adoption payment to the municipality of up to two fifty thousand dollars, for each unit of housing that can, as-of-right, be built as part of an incentive housing development within such zone or zones based on the definition of developable land and the minimum as-of-right densities set forth in subdivision (3) of subsection (b) of section 8-13n. If a municipality has received a zone adoption payment, such municipality shall not be eligible to receive a subsequent zone adoption payment until construction has started in the housing incentive zone for which the municipality has received the previous zone adoption payment.

(b) Subject to the availability of funds, the secretary shall issue to the municipality a one-time building permit payment for each building permit for a residential housing unit in an approved incentive housing development upon submission by a municipality to the secretary of proof of issuance of such building permit and after determining that (1) no appeal from or challenge to such building permit has been filed or is pending, and (2) such building permit was issued for housing in an incentive housing development not later than five years after the date of the final adoption of incentive housing zone regulations by the zoning commission in accordance with the provisions of subsection (b) of section 8-13q, as amended by this act. The amount of payment shall
be up to two thousand dollars for each multifamily housing unit, duplex unit or townhouse unit and up to five thousand dollars for each single-family detached unit. Such payment shall be made by the secretary [not more than sixty days] after receipt of proof of the issuance of building permits and verification of the absence of any appeal or challenge.

(c) Residential units that are located within an approved incentive housing zone that are part of a development that constitutes housing for older persons permitted by the federal Fair Housing Act, 42 USC 3607 or sections 46a-64c and 46a-64d shall not be eligible for payments under this section.

Sec. 183. Subsection (l) of section 1-79 of the 2012 supplement to the general statutes, as amended by section 1 of public act 12-147, is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):


Sec. 184. Subdivision (1) of section 1-120 of the 2012 supplement to the general statutes, as amended by section 2 of public act 12-147, is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):
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Sec. 185. Section 1-124 of the 2012 supplement to the general statutes, as amended by section 3 of public act 12-147, is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

(a) [The Connecticut Development Authority,] Connecticut Innovations, Incorporated, the Connecticut Health and Educational Facilities Authority, the Connecticut Higher Education Supplemental Loan Authority, the Connecticut Housing Finance Authority, the Connecticut Housing Authority, the Connecticut Resources Recovery Authority, the Health Information Technology Exchange of Connecticut, the Connecticut Airport Authority, the Capital Region Development Authority and the Connecticut Health Insurance Exchange shall not borrow any money or issue any bonds or notes which are guaranteed by the state of Connecticut or for which there is a capital reserve fund of any kind which is in any way contributed to or guaranteed by the state of Connecticut until and unless such borrowing or issuance is approved by the State Treasurer or the Deputy State Treasurer appointed pursuant to section 3-12. The approval of the State Treasurer or said deputy shall be based on documentation provided by the authority that it has sufficient revenues to (1) pay the principal of and interest on the bonds and notes issued, (2) establish, increase and maintain any reserves deemed by the authority to be advisable to secure the payment of the principal of and
interest on such bonds and notes, (3) pay the cost of maintaining, servicing and properly insuring the purpose for which the proceeds of the bonds and notes have been issued, if applicable, and (4) pay such other costs as may be required.

(b) To the extent [the Connecticut Development Authority,] Connecticut Innovations, Incorporated, and the Connecticut Higher Education Supplemental Loan Authority, Connecticut Housing Finance Authority, Connecticut Housing Authority, Connecticut Resources Recovery Authority, Connecticut Health and Educational Facilities Authority, the Health Information Technology Exchange of Connecticut, the Connecticut Airport Authority, the Capital Region Development Authority or the Connecticut Health Insurance Exchange is permitted by statute and determines to exercise any power to moderate interest rate fluctuations or enter into any investment or program of investment or contract respecting interest rates, currency, cash flow or other similar agreement, including, but not limited to, interest rate or currency swap agreements, the effect of which is to subject a capital reserve fund which is in any way contributed to or guaranteed by the state of Connecticut, to potential liability, such determination shall not be effective until and unless the State Treasurer or his or her deputy appointed pursuant to section 3-12 has approved such agreement or agreements. The approval of the State Treasurer or his or her deputy shall be based on documentation provided by the authority that it has sufficient revenues to meet the financial obligations associated with the agreement or agreements.

Sec. 186. Section 1-125 of the 2012 supplement to the general statutes, as amended by section 4 of public act 12-147, is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

The directors, officers and employees of [the Connecticut Development Authority,] Connecticut Innovations, Incorporated, and the Connecticut Higher Education Supplemental Loan Authority,
Connecticut Housing Finance Authority, Connecticut Housing Authority, Connecticut Resources Recovery Authority, including ad hoc members of the Connecticut Resources Recovery Authority, Connecticut Health and Educational Facilities Authority, Capital Region Development Authority, the Health Information Technology Exchange of Connecticut, Connecticut Airport Authority, Connecticut Lottery Corporation and Connecticut Health Insurance Exchange and any person executing the bonds or notes of the agency shall not be liable personally on such bonds or notes or be subject to any personal liability or accountability by reason of the issuance thereof, nor shall any director or employee of the agency, including ad hoc members of the Connecticut Resources Recovery Authority, be personally liable for damage or injury, not wanton, reckless, wilful or malicious, caused in the performance of his or her duties and within the scope of his or her employment or appointment as such director, officer or employee, including ad hoc members of the Connecticut Resources Recovery Authority. The agency shall protect, save harmless and indemnify its directors, officers or employees, including ad hoc members of the Connecticut Resources Recovery Authority, from financial loss and expense, including legal fees and costs, if any, arising out of any claim, demand, suit or judgment by reason of alleged negligence or alleged deprivation of any person's civil rights or any other act or omission resulting in damage or injury, if the director, officer or employee, including ad hoc members of the Connecticut Resources Recovery Authority, is found to have been acting in the discharge of his or her duties or within the scope of his or her employment and such act or omission is found not to have been wanton, reckless, wilful or malicious.

Sec. 187. Section 32-600 of the general statutes, as amended by section 8 of public act 12-147, is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

*June 12 Sp. Sess., Public Act No. 12-1*
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As used in this chapter and sections 32-650 to 32-668, inclusive, as amended by this act, the following terms shall have the following meanings:

(1) "Authority" means the Capital Region Development Authority created pursuant to section 32-601, as amended by public act 12-147.

(2) "Capital city project" means any or all of the following: (A) A convention center project as defined in subdivision (3) of this section; (B) a downtown higher education center; (C) the renovation and rejuvenation of the civic center and coliseum complex; (D) the development of the infrastructure and improvements to the riverfront; (E) (i) the creation of up to three thousand downtown housing units through rehabilitation and new construction, and (ii) the demolition or redevelopment of vacant buildings; (F) the addition to downtown parking capacity; [and] (G) development and redevelopment; and (H) the promotion of and attraction to in-state professional and amateur sports and sporting events in consultation with the Sports Advisory Board established under section 10-425. All capital city projects shall be located or constructed and operated in the capital city economic development district, as defined in subdivision (7) of this section, provided any project undertaken pursuant to subparagraph (G) of this subdivision may be located anywhere in the town and city of Hartford, any project undertaken pursuant to subparagraph (D) or (E) (ii) of this subdivision may be located anywhere in the town and city of Hartford or town of East Hartford, and any project undertaken pursuant to subparagraph (H) of this subdivision may be located anywhere in the state.

(3) "Convention center" means a convention facility constructed and operated in the capital city economic development district, including parking for such facility, in conjunction with a privately developed hotel, including ancillary facilities and infrastructure improvements as
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more particularly described in the master development plan.

(4) "Convention center facilities" means (A) the convention center and the related parking facilities, as defined in section 32-651, as amended by [this act] public act 12-147, to the extent such related parking facilities are developed, owned or operated by the authority, (B) the on-site related private development, as defined in section 32-651, as amended by [this act] public act 12-147, to the extent any such on-site related private development is developed, owned or operated by the authority pursuant to a determination by the Secretary of the Office of Policy and Management and the authority that such development, ownership or operation by the authority is necessary and in the public interest, and (C) a central heating and cooling plant serving the convention center, the related parking facilities, the related private development and, to the extent of any surplus capacity, other users. "Convention center facilities" does not include the convention center hotel.

(5) "Convention center hotel" means the privately developed hotel required to be constructed and operated in conjunction with the convention center, as more particularly described in the master development plan, as defined in section 32-651, as amended by [this act] public act 12-147, including the second phase of the convention center hotel as therein described.

(6) "Convention center project" means the development, design, construction, finishing, furnishing and equipping of the convention center facilities and related site acquisition and site preparation.

(7) "Capital city economic development district" means the area bounded and described as follows: The northerly side of Masseek Street from the intersection of Van Dyke Avenue proceeding westerly to the intersection of Van Block Avenue, proceeding northerly along Van Block to the intersection of Nepaquash Street, proceeding easterly
to the intersection of Huyshope Avenue, proceeding northerly along Huyshope Avenue to the intersection of Charter Oak Avenue, proceeding westerly along Charter Oak Avenue to Willys Street, proceeding along Willys Street to Popieluszko Court, north on Popieluszko Court to Charter Oak Avenue proceeding westerly to Main Street, proceeding south along Main Street to Park Street, thence west along Park Street to the intersection of Laurel Street, proceeding north on Laurel Street to the intersection of Capitol Avenue, proceeding west on Capitol Avenue to the intersection of Forest Street, proceeding north on Forest Street to the intersection of Farmington Avenue, proceeding east on Farmington Avenue to the intersection of Asylum Avenue, proceeding east on Asylum Avenue, thence northwesterly along the Exit 48 on ramp to Interstate 84 northward to the railroad, now proceeding northeasterly along the railroad to its intersection with the southerly railroad spur, thence proceeding southeasterly along the railroad R. O. W. to the Bulkeley Bridge. Thence easterly to the city line. Proceeding south along city boundary to the point perpendicular with Masseek Street. Thence westerly to the point of beginning.

(8) "Capital region" means the towns contiguous to the city of Hartford, including the town of East Hartford.

(9) "Private development district" means any land on the Adriaen's Landing site that is designated jointly by the Secretary of the Office of Policy and Management and the authority as available for the purpose of on-site related private development and in need of inducement for private development and operation. Only land on which construction of a building or improvement is to commence on or after July 1, 2008, shall be so designated. Any land so designated shall remain part of the private development district during the term, including any extensions, of any agreement providing for payments to the authority in lieu of real property taxes entered into pursuant to subsection (e) of
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section 32-602, as amended by [this act] public act 12-147 and this act, and thereafter, until the Secretary of the Office of Policy and Management and the authority certify that such designation is no longer a needed inducement to private development and operation. As used in this subdivision, "land" includes an easement to use air space, whether or not contiguous to the surface of the ground.

Sec. 188. Section 32-602 of the 2012 supplement to the general statutes, as amended by section 10 of public act 12-147, is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

(a) The purpose of the Capital Region Development Authority shall be (1) to stimulate new investment within the capital region and provide support for multicultural destinations and the creation of a vibrant multidimensional downtown; (2) to work with the Department of Economic and Community Development to attract through a coordinated sales and marketing effort with the [capital region's] state's major sports, convention and exhibition venues large conventions, trade shows, exhibitions, conferences, consumer shows and events; (3) to encourage residential housing development; (4) to operate, maintain and market the convention center; (5) to stimulate family-oriented tourism, art, culture, history, education and entertainment through cooperation and coordination with city and regional organizations; (6) to manage facilities through contractual agreement or other legal instrument; (7) to stimulate economic development in the capital region; (8) upon request from the legislative body of a city or town within the capital region, to work with such city or town to assist in the development and redevelopment efforts to stimulate the economy of the region and increase tourism; (9) upon request of the Secretary of the Office of Policy and Management, may enter into an agreement for funding to facilitate the relocation of state offices within the capital city economic development district; (10) in addition to the authority set forth in subdivision (9) of section 32-600,
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as amended by [this act] public act 12-147 and this act, to develop and redevelop property within the town and city of Hartford; and (11) to market and develop the capital city economic development district as a multicultural destination and create a vibrant, multidimensional downtown.

(b) For these purposes, the authority shall have the following powers: (1) To have perpetual succession as a body corporate and to adopt procedures for the regulation of its affairs and the conduct of its business as provided in subsection (f) of section 32-601, as amended by [this act] public act 12-147, to adopt a corporate seal and alter the same at its pleasure, and to maintain an office at such place or places within the city of Hartford as it may designate; (2) to sue and be sued, to contract and be contracted with; (3) to employ such assistants, agents and other employees as may be necessary or desirable to carry out its purposes, which employees shall be exempt from the classified service and shall not be employees, as defined in subsection (b) of section 5-270, to fix their compensation, to establish and modify personnel procedures as may be necessary from time to time and to negotiate and enter into collective bargaining agreements with labor unions; (4) to acquire, lease, hold and dispose of personal property for the purposes set forth in section 32-602, as amended by [this act] public act 12-147 and this act; (5) to procure insurance against any liability or loss in connection with its property and other assets, in such amounts and from such insurers as it deems desirable and to procure insurance for employees; (6) to invest any funds not needed for immediate use or disbursement in obligations issued or guaranteed by the United States of America or the state of Connecticut, including the Short Term Investment Fund, and the Tax-Exempt Proceeds Fund, and in other obligations which are legal investments for savings banks in this state and in time deposits or certificates of deposit or other similar banking arrangements secured in such manner as the authority determines; (7) notwithstanding any other provision of the general statutes, upon
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request of the Secretary of the Office of Policy and Management, to enter into an agreement for funding to facilitate the relocation of state offices within the capital city economic development district; and (8) to do all acts and things necessary or convenient to carry out the purposes of and the powers expressly granted by this section.

(c) In addition to the powers enumerated in subsections (b) and (d) of this section, with respect to the convention center project and the convention center facilities the authority shall have the following powers: (1) To acquire, by gift, purchase, condemnation, lease or transfer, lands or rights-in-land in connection with the convention center facilities, the convention center hotel, the other on-site related private development or related infrastructure improvements and to sell and lease or sublease, as lessor or lessee or sublessor or sublessee, any portion of its real property rights, including air space above or areas below the convention center facilities or the convention center hotel, and enter into related common area maintenance, easement, access, support and similar agreements, and own and operate the convention center facilities, provided that such activity is consistent with all applicable federal tax covenants of the authority, transfer or dispose of any property or interest therein acquired by it, at any time and to receive and accept aid or contributions, from any source, of money, labor, property or other things of value, to be held, used and applied to carry out the purposes of this section, subject to the conditions upon which such grants and contributions are made, including, but not limited to, gifts or grants from any department, agency or instrumentality of the United States or this state for any purpose consistent with this section; (2) to condemn properties which may be necessary or desirable to effectuate the purposes of the authority with respect to the convention center project and the convention center hotel to be exercised in accordance with the provisions of part I of chapter 835; (3) to formulate plans for, acquire, finance and develop, lease, purchase, construct, reconstruct, repair,
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improve, expand, extend, operate, maintain and market the convention center facilities, provided such activities are consistent with all applicable federal tax covenants of the authority and provided further that the authority shall retain control over naming rights with respect to the convention center, that any sale of such naming rights shall require the approval of the secretary and that the proceeds of any such sale of naming rights, to the extent not required for start-up or current operating expenses of the convention center, shall be used by the authority exclusively for the purpose of operating or capital replacement reserves for the convention center; (4) to contract and be contracted with provided, if management, operating or promotional contracts or agreements or other contracts or agreements are entered into with nongovernmental parties with respect to property financed with the proceeds of obligations the interest on which is excluded from gross income for federal income taxation, the board of directors shall ensure that such contracts or agreements are in compliance with the covenants of the authority upon which such tax exclusion is conditioned; (5) to enter into arrangements or contracts to either purchase or lease, on a fully completed turn key basis, the convention center, and arrangements with the secretary regarding the development, ownership and operation by the authority of the related parking facilities, and to enter into a contract or contracts with an entity, or entities, for operation and management thereof and, for purposes of section 31-57f relating to standard wage rates for certain service workers, any such contract for operation and management of the convention center shall be deemed to be a contract with the state; (6) to fix and revise, from time to time, and to charge and collect fees, rents and other charges for the use, occupancy or operation of such projects, and to establish and revise from time to time, procedures concerning the use, operation and occupancy of the convention center facilities, including parking rates, rules and procedures, provided such arrangements are consistent with all applicable federal tax covenants of the authority, and to utilize net revenues received by the authority.
from the operation of the convention center facilities, after allowance for operating expenses and other charges related to the ownership, operation or financing thereof, for other proper purposes of the authority, including, but not limited to, funding of operating deficiencies or operating or capital replacement reserves for either the convention center or the related parking facilities as determined to be appropriate by the authority; (7) to engage architects, engineers, attorneys, accountants, consultants and such other independent professionals as may be necessary or desirable to carry out its purposes; to contract for construction, development, concessions and the procurement of goods and services and to establish and modify procurement procedures from time to time to implement the foregoing in accordance with the provisions of section 32-603, as amended by [this act] public act 12-147; (8) to adopt procedures (A) which shall require that contractors or subcontractors engaged in the convention center project and the construction of the convention center hotel take affirmative action to provide equal opportunity for employment without discrimination as to race, creed, color, national origin or ancestry or gender, (B) to ensure that the wages paid on an hourly basis to any mechanic, laborer or workman employed by such contractor or subcontractor with respect to the convention center project or the construction of the convention center hotel shall be at a rate customary or prevailing for the same work in the same trade or occupation in the town and city of Hartford, unless otherwise established pursuant to a project labor agreement, and (C) which shall require the prime construction contractors for the convention center project and for the convention center hotel, and the principal facility managers of the convention center facilities and the convention center hotel to make reasonable efforts to hire or cause to be hired available and qualified residents of the city of Hartford and available and qualified members of minorities, as defined in section 32-9n, for construction and operation jobs at the convention center facilities and the convention center hotel at all levels of construction and operation;
(9) to enter into a development agreement with the developer of the convention center hotel, which agreement shall prohibit any voluntary sale, transfer or other assignment of the interests of such developer, or any affiliate thereof, in the convention center hotel, including the rights under any ground lease, air rights or similar agreement with the state or the authority, for a minimum period of five years from the completion thereof except with the prior written consent of the authority given or withheld in its sole discretion, and thereafter except to a party which, in the reasonable judgment of the authority, is financially responsible and experienced in the ownership and operation of first class hotel properties in similar locations; (10) to borrow money and to issue bonds, notes and other obligations of the authority to the extent permitted under section 32-607, as amended by [this act] public act 12-147, to fund and refund the same and to provide for the rights of the holders thereof and to secure the same by pledge of assets, revenues, notes and state contract assistance as provided in section 32-608, as amended by [this act] public act 12-147; (11) to do anything necessary and desirable, including executing reimbursement agreements or similar agreements in connection with credit facilities, including, but not limited to, letters of credit or policies of bond insurance, remarketing agreements and agreements for the purpose of moderating interest rate fluctuations, to render any bonds to be issued pursuant to section 32-607, as amended by [this act] public act 12-147, more marketable; and (12) to engage in and contract for marketing and promotional activities to attract national, regional and local conventions, sports events, trade shows, exhibitions, banquets and other events to maximize the use of the convention center facilities.

(d) In addition to the powers enumerated in subsections (b) and (c) of this section, with respect to capital city projects [within the capital city economic development district] the authority shall have the following powers: (1) To acquire, by gift, purchase, condemnation, lease or transfer, lands or rights-in-land and to sell and lease or
sublease, as lessor or lessee or sublessor or sublessee, any portion of its real property rights, including air space above and enter into related common area maintenance, easement, access, support and similar agreements, and own and operate facilities, provided such activity is consistent with all applicable federal tax covenants of the authority, transfer or dispose of any property or interest therein acquired by it, at any time and to receive and accept aid or contributions, from any source, of money, labor, property or other thing of value, to be held, used and applied to carry out the purposes of this section, subject to the conditions upon which such grants and contributions are made, including, but not limited to, gifts or grants from any department, agency or instrumentality of the United States or this state for any purpose consistent with this section; (2) in consultation with the chief elected official of the town and city of Hartford, to condemn properties which may be necessary or desirable to effectuate the purposes of the authority to be exercised in accordance with the provisions of part I of chapter 835; (3) to formulate plans for, acquire, finance and develop, lease, purchase, construct, reconstruct, repair, improve, expand, extend, operate, maintain and market facilities, provided such activities are consistent with all applicable federal tax covenants of the authority; (4) to contract and be contracted with provided, if management, operating or promotional contracts or agreements or other contracts or agreements are entered into with nongovernmental parties with respect to property financed with the proceeds of obligations the interest on which is excluded from gross income for federal income taxation, the board of directors shall ensure that such contracts or agreements are in compliance with the covenants of the authority upon which such tax exclusion is conditioned; (5) to fix and revise, from time to time, and to charge and collect fees, rents and other charges for the use, occupancy or operation of such projects, and to establish and revise from time to time, procedures concerning the use, operation and occupancy of such facilities, including parking rates, rules and procedures, provided such arrangements are
consistent with all applicable federal tax covenants of the authority, and to utilize net revenues received by the authority from the operation of such facilities, after allowance for operating expenses and other charges related to the ownership, operation or financing thereof, for other proper purposes of the authority, including, but not limited to, funding of operating deficiencies or operating or capital replacement reserves for either such facilities and related parking facilities as determined to be appropriate by the authority; (6) to engage architects, engineers, attorneys, accountants, consultants and such other independent professionals as may be necessary or desirable to carry out its purposes; (7) to contract for construction, development, concessions and the procurement of goods and services and to establish and modify procurement procedures, from time to time, to implement the foregoing in accordance with the provisions of section 32-603, as amended by [this act] public act 12-147; (8) to borrow money and to issue bonds, notes and other obligations of the authority to the extent permitted under section 32-607, as amended by [this act] public act 12-147, to fund and refund the same and to provide for the rights of the holders thereof and to secure the same by pledge of assets, revenues, notes and state contract assistance, as provided in section 32-608, as amended by [this act] public act 12-147; (9) to do anything necessary and desirable, including executing reimbursement agreements or similar agreements in connection with credit facilities, including, but not limited to, letters of credit or policies of bond insurance, remarketing agreements and agreements for the purpose of moderating interest rate fluctuations, to render any bonds to be issued pursuant to section 32-607, as amended by [this act] public act 12-147 and this act, more marketable; and (10) to engage in and contract for marketing and promotional activities to attract national, regional and local conventions, sporting events, trade shows, exhibitions, banquets and other events to maximize the use of exhibition, sporting and entertainment facilities under the operation or jurisdiction of the authority.
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(e) The authority shall have the power to negotiate, and, with the approval of the Secretary of the Office of Policy and Management, to enter into an agreement with any private developer, owner or lessee of any building or improvement located on land in a private development district, as defined in section 32-600, as amended by [this act] public act 12-147 and this act, providing for payments to the authority in lieu of real property taxes. Such an agreement shall be made a condition of any private right of development within the private development district, and shall include a requirement that such private developer, owner or lessee make good-faith efforts to hire, or cause to be hired, available and qualified minority business enterprises, as defined in section 4a-60g, to provide construction services and materials for improvements to be constructed within the private development district in an effort to achieve a minority business enterprise utilization goal of ten per cent of the total costs of construction services and materials for such improvements. Such payments to the authority in lieu of real property taxes shall have the same lien and priority, and may be enforced by the authority in the same manner, as provided for municipal real property taxes. Such payments as received by the authority shall be used to carry out the purposes of the authority set forth in subsection (a) of this section.

(f) The authority and the Commissioner of Economic and Community Development may enter into a memorandum of understanding pursuant to which: (1) Administrative support and services, including all staff support, necessary for the operations of the authority may be provided by the Department of Economic and Community Development, (2) the Department of Economic and Community Development is authorized to administer contracts and accounts of the authority, and (3) provision is made for the coordination of management and operational activities at the convention center, sport, exhibition or coliseum facilities and the stadium facility, that may include: (A) Provision for joint procurement
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and contracting, (B) the sharing of services and resources, (C) the coordination of promotional and booking activities, and (D) other arrangements designed to enhance facility utilization and revenues, reduce operating costs or achieve operating efficiencies. The terms and conditions of such memorandum of understanding, including provisions with respect to the reimbursement by the authority to the Department of Economic and Community Development of the costs of such administrative support and services, shall be as the authority and the Commissioner of Economic and Community Development determine to be appropriate.

Sec. 189. Section 16a-4c of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) On or before January 1, [2012] 2014, and at least every twenty years thereafter, the Secretary of the Office of Policy and Management, within available appropriations, and in consultation with regional planning organizations, as defined in section 4-124i, the Connecticut Conference of Municipalities, the Connecticut Council of Small Towns and the chairpersons and ranking members of the joint standing committee of the General Assembly having cognizance of matters relating to planning and development, shall conduct an analysis of the boundaries of logical planning regions designated or redesignated under section 16a-4a. As part of such analysis, the secretary shall [develop criteria to evaluate the impact of urban centers on neighboring towns] evaluate opportunities for coordinated planning and the regional delivery of state and local services. Such [criteria] analysis shall include, but not be limited to, [criteria to (1) evaluate trends in economic development and the environment, including trends in housing patterns, employment levels, commuting patterns for the most common job classifications in the state, traffic patterns on major roadways, and local perceptions of social and historic ties; and (2)] an evaluation of (1) economic regions, including regional economic
development districts established pursuant to chapter 588ff; (2) comprehensive economic development strategies developed by such regional economic development districts; (3) labor market areas and workforce investment regions; (4) natural boundaries, including watersheds, coastlines, ecosystems and habitats; (5) relationships between urban, suburban and rural areas, including central cities and areas outside of the state; (6) census and other demographic information; (7) political boundaries, including municipal boundaries and congressional, senate and assembly districts; (8) transportation corridors, connectivity and boundaries, including the boundaries of metropolitan planning agencies; (9) current federal, state and municipal service delivery regions, including, but not limited to, regions established to provide emergency, health, transportation or human services; and (10) the current capacity of each regional planning organization to deliver diverse state and local services. Such analysis shall also establish a minimum size for logical planning areas that takes into consideration the number of municipalities, total population, and the total square mileage and whether the proposed planning region will have the capacity to successfully deliver necessary regional services. The secretary may enter into such contractual agreements as may be necessary to carry out the purposes of this subsection.

(b) Any two or more contiguous planning regions that contain a total of fourteen or more municipalities and voluntarily consolidate to form a single regional council of governments or regional council of elected officials shall be exempt from redesignation pursuant to subsection (a) of this section, provided the Secretary of the Office of Policy and Management formally redesignates such planning regions prior to January 1, 2014. The secretary may, in his or her discretion, waive the requirement that such redesignated planning region contain a total of fourteen or more municipalities.
[(b)] (c) (1) The secretary shall, not later than January 1, 2012, notify the chief executive officer of each municipality located in a planning region in which the boundaries are proposed for redesignation. If the legislative body of the municipality objects to such proposed redesignation, the chief executive officer of the municipality may, not later than thirty days after the date of receipt of the notice of redesignation, petition the secretary to attend a meeting of such legislative body. The petition shall specify the location, date and time of the meeting. The meeting shall be held not later than sixty days after the date of the petition. The secretary shall make a reasonable attempt to appear at the meeting, or at a meeting on another date within the forty-five-day period. If the secretary is unable to attend a meeting within the forty-five-day period, the secretary and the chief executive officer of the municipality shall jointly schedule a date and time for the meeting, provided such meeting shall be held not later than two hundred ten days after the date of the notice to the chief executive officer. At such meeting, the legislative body of the municipality shall inform the secretary of the objections to the proposed redesignation of the planning area boundaries. The secretary shall consider fully the oral and written objections of the legislative body and may redesignate the boundaries. Not later than sixty days after the date of the meeting, the secretary shall notify the chief executive officer of the determination concerning the proposed redesignation. The notice of determination shall include the reasons for such determination. As used in this subsection, "municipality" means a town, city or consolidated town and borough; "legislative body" means the board of selectmen, town council, city council, board of alderman, board of directors, board of representatives or board of the major warden and burgesses of a municipality; and "secretary" means the Secretary of the Office of Policy and Management or the designee of the secretary.
(2) Any revision to the boundaries of a planning area, based on the analysis completed pursuant to subsection (a) of this section or due to a modification by the secretary in accordance with this subsection, shall be effective on [the first day of July following the date of completion such analysis or modification] January 1, 2015.

Sec. 190. Section 4-66k of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

There is established an account to be known as the "regional performance incentive account" which shall be a separate, nonlapsing account within the General Fund. The account shall contain any moneys required by law to be deposited in the account. Moneys in the account shall be expended by the Secretary of the Office of Policy and Management for the purposes of (1) providing grants under the regional performance incentive program established pursuant to section 4-124s, and (2) providing funding to the Voluntary Regional Consolidation Bonus Pool established pursuant to subsection (b) of section 4-124q, as amended by this act.

Sec. 191. Section 4-124q of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

(a) There shall annually be paid to each regional planning agency organized under the provisions of chapter 127, each regional council of governments organized under the provisions of this chapter, and each regional council of elected officials organized under the provisions of this chapter in any planning region without a regional planning agency, from any appropriation for such purpose, a grant-in-aid equal to (1) five and three-tenths per cent of any such appropriation plus (2) for each agency or council which raises local dues in excess of five and three-tenths per cent of any such appropriation, an additional grant in
an amount equal to the product obtained by multiplying any appropriation available for the purpose of this subdivision by the following fraction: The amount of dues raised by such agency or council pursuant to section 8-34a, section 4-124f or section 4-124p in excess of five and three-tenths of any such appropriation shall be the numerator. The amount of such dues raised by each such agency or council in excess of five and three-tenths per cent of any such appropriation shall be added together and the sum shall be the denominator.

(b) There is established a Voluntary Regional Consolidation Bonus Pool to be administered by the Secretary of the Office of Policy and Management and funded by moneys received from the regional performance incentive account established in section 4-66k, as amended by this act. In addition to the annual payment to each regional planning agency under subsection (a) of this section, there shall be an additional payment made from said bonus pool to any two or more regional planning agencies, regional councils of governments or regional council of elected officials in any planning region without a regional planning agency, or any such combination thereof, that have (1) voted to merge forming a new regional council of governments or regional council of elected officials within a proposed or newly redesignated planning region boundary, and (2) submitted to said secretary a request for redesignation pursuant to subdivision (4) of section 16a-4a. Payments from said bonus pool shall be made to offset any and all reasonable costs, as determined by the secretary, associated with any such voluntary consolidation. Prior to issuing any payment pursuant to this subsection, the secretary shall review and approve each proposed consolidation to determine that such proposed consolidation is an appropriate and sustainable redesignated planning region. For the fiscal years ending June 30, 2012, and June 30, 2013, a payment shall be made under [subsection (a) of this section to] this subsection to any such approved consolidated planning region [.] on a
first-come, first-served basis, from any appropriation available for such purpose and until such time as the appropriation for the fiscal year has been exhausted] For the fiscal years ending June 30, 2013, June 30, 2014, and June 30, 2015, the secretary shall make a supplemental payment from said bonus pool, within available appropriations, to any regional council of governments or regional council of elected officials that is created in one of said fiscal years by consolidating two or more regional councils of governments, regional councils of elected officials or regional planning agencies, provided such consolidated regional council of governments or regional council of elected officials contains a combined total of fourteen or more municipalities. Such supplemental payment shall be equal to fifty per cent of the payment made pursuant to this subsection to offset the reasonable costs of voluntary consolidation. The secretary may waive the requirement that a consolidated regional council of governments or regional council of elected officials contain a combined total of fourteen or more municipalities.

Sec. 192. Subsection (c) of section 32-9zz of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(c) Any manufacturer may establish an interest-bearing manufacturing reinvestment account, provided (1) contributions in any income year shall not exceed the lesser of (A) fifty thousand dollars in income years commencing on or after January 1, 2011, and prior to January 1, 2012, or one hundred thousand dollars in income years commencing on or after January 1, 2012, or (B) such manufacturer's domestic gross receipts, (2) moneys may be held in such account for not more than five years, (3) distributions from such account shall be used by such manufacturer to purchase machinery, equipment for use in the state or manufacturing facilities, as defined in subdivision (72) of section 12-81, or for workforce training,
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development or expansion in the state, and (4) [disbursements] distributions shall be [subject to tax at a rate of three and one-half per cent regardless of corporate or business structure] treated in accordance with the provisions of chapter 208 or 229.

Sec. 193. Subsection (d) of section 32-9zz of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(d) Any money remaining in a [manufacturer's] manufacturing reinvestment account at the end of the five-year period [or] after such account's creation or organization, including any interest earned [that results in the account balance exceeding the amounts established pursuant to subdivision (1) of subsection (c) of this section in any given year] remaining, shall be returned to the manufacturer [who shall pay the full rate of tax on such amount under chapter 208, provided such payment shall be deemed to be a timely payment if such tax is remitted to the Commissioner of Revenue Services not later than sixty days after the date of such return] and shall be treated in accordance with the provisions of chapter 208 or 229.

Sec. 194. Subdivision (1) of subsection (a) of section 12-217 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage and applicable to income years commencing on or after January 1, 2011):

(a) (1) In arriving at net income as defined in section 12-213, as amended by this act, whether or not the taxpayer is taxable under the federal corporation net income tax, there shall be deducted from gross income, (A) all items deductible under the Internal Revenue Code effective and in force on the last day of the income year except (i) any taxes imposed under the provisions of this chapter which are paid or accrued in the income year and in the income year commencing January 1, 1989, and thereafter, any taxes in any state of the United
States or any political subdivision of such state, or the District of Columbia, imposed on or measured by the income or profits of a corporation which are paid or accrued in the income year, (ii) deductions for depreciation, which shall be allowed as provided in subsection (b) of this section, (iii) deductions for qualified domestic production activities income, as provided in Section 199 of the Internal Revenue Code, and (iv) in the case of any captive real estate investment trust, the deduction for dividends paid provided under Section 857(b)(2) of the Internal Revenue Code, and (B) additionally, in the case of a regulated investment company, the sum of (i) the exempt-interest dividends, as defined in the Internal Revenue Code, and (ii) expenses, bond premium, and interest related to tax-exempt income that are disallowed as deductions under the Internal Revenue Code, and (C) in the case of a taxpayer maintaining an international banking facility as defined in the laws of the United States or the regulations of the Board of Governors of the Federal Reserve System, as either may be amended from time to time, the gross income attributable to the international banking facility, provided, no expense or loss attributable to the international banking facility shall be a deduction under any provision of this section, and (D) additionally, in the case of all taxpayers, all dividends as defined in the Internal Revenue Code effective and in force on the last day of the income year not otherwise deducted from gross income, including dividends received from a DISC or former DISC as defined in Section 992 of the Internal Revenue Code and dividends deemed to have been distributed by a DISC or former DISC as provided in Section 995 of said Internal Revenue Code, other than thirty per cent of dividends received from a domestic corporation in which the taxpayer owns less than twenty per cent of the total voting power and value of the stock of such corporation, and (E) additionally, in the case of all taxpayers, the value of any capital gain realized from the sale of any land, or interest in land, to the state, any political subdivision of the state, or to any nonprofit land conservation organization where such land is to be permanently
preserved as protected open space or to a water company, as defined in section 25-32a, where such land is to be permanently preserved as protected open space or as Class I or Class II water company land, and (F) in the case of manufacturers, the amount of any contribution to a manufacturing reinvestment account established pursuant to section 32-9zz, as amended by this act, in the [taxable] income year that such contribution is made to the extent not deductible for federal income tax purposes.

Sec. 195. Subdivision (9) of subsection (a) of section 12-213 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage and applicable to income years commencing on or after January 1, 2011):

(9) (A) "Gross income" means gross income, as defined in the Internal Revenue Code, and, in addition, means any interest or exempt interest dividends, as defined in Section 852(b)(5) of the Internal Revenue Code, received by the taxpayer or losses of other calendar or fiscal years, retroactive to include all calendar or fiscal years beginning after January 1, 1935, incurred by the taxpayer which are excluded from gross income for purposes of assessing the federal corporation net income tax, and in addition, notwithstanding any other provision of law, means interest or exempt interest dividends, as defined in said Section 852(b)(5) of the Internal Revenue Code, accrued on or after the application date, as defined in section 12-242ff, with respect to any obligation issued by or on behalf of the state, its agencies, authorities, commissions and other instrumentalities, or by or on behalf of its political subdivisions and their agencies, authorities, commissions and other instrumentalities;

(B) "Gross income" shall include (i) to the extent not properly includable in gross income for federal income tax purposes, an amount equal to fifty per cent of any distribution from a manufacturing reinvestment account used in accordance with subsection (c) of section
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32-9zz, as amended by this act, to the extent that a contribution to such account was subtracted from gross income pursuant to subparagraph (F) of subdivision (1) of subsection (a) of section 12-217, as amended by this act, in computing net income for the current or a preceding income year, and (ii) to the extent not properly includable in gross income for federal income tax purposes, an amount equal to (I) any distribution from a manufacturing reinvestment account not used in accordance with subdivision (3) of subsection (c) of section 32-9zz, as amended by this act, to the extent that a contribution to such account was subtracted from gross income pursuant to subparagraph (F) of subdivision (1) of subsection (a) of section 12-217, as amended by this act, in computing net income for the current or a preceding income year, and (II) any return of money from a manufacturing reinvestment account pursuant to subsection (d) of section 32-9zz, as amended by this act, to the extent that a contribution to such account was subtracted from gross income pursuant to subparagraph (F) of subdivision (1) of subsection (a) of section 12-217, as amended by this act, in computing net income for the current or a preceding income year;

[(B)] (C) "Gross income" shall not include the amount which for federal income tax purposes is treated as a dividend received by a domestic United States corporation from a foreign corporation on account of foreign taxes deemed paid by such domestic corporation, when such domestic corporation elects the foreign tax credit for federal income tax purposes;

[(C)] (D) "Gross income" shall not include any amount which for federal income tax purposes is treated as a dividend received directly or indirectly by a taxpayer from a passive investment company;

Sec. 196. Subdivision (20) of subsection (a) of section 12-701 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage and applicable to taxable years commencing
"Connecticut adjusted gross income" means adjusted gross income, with the following modifications:

(A) There shall be added thereto (i) to the extent not properly includable in gross income for federal income tax purposes, any interest income from obligations issued by or on behalf of any state, political subdivision thereof, or public instrumentality, state or local authority, district or similar public entity, exclusive of such income from obligations issued by or on behalf of the state of Connecticut, any political subdivision thereof, or public instrumentality, state or local authority, district or similar public entity created under the laws of the state of Connecticut and exclusive of any such income with respect to which taxation by any state is prohibited by federal law, (ii) any exempt-interest dividends, as defined in Section 852(b)(5) of the Internal Revenue Code, exclusive of such exempt-interest dividends derived from obligations issued by or on behalf of the state of Connecticut, any political subdivision thereof, or public instrumentality, state or local authority, district or similar public entity created under the laws of the state of Connecticut and exclusive of such exempt-interest dividends derived from obligations, the income with respect to which taxation by any state is prohibited by federal law, (iii) any interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States which federal law exempts from federal income tax but does not exempt from state income taxes, (iv) to the extent included in gross income for federal income tax purposes for the taxable year, the total taxable amount of a lump sum distribution for the taxable year deductible from such gross income in calculating federal adjusted gross income, (v) to the extent properly includable in determining the net gain or loss from the sale or other disposition of capital assets for federal income tax purposes, any loss from the sale or exchange of
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obligations issued by or on behalf of the state of Connecticut, any political subdivision thereof, or public instrumentality, state or local authority, district or similar public entity created under the laws of the state of Connecticut, in the income year such loss was recognized, (vi) to the extent deductible in determining federal adjusted gross income, any income taxes imposed by this state, (vii) to the extent deductible in determining federal adjusted gross income, any interest on indebtedness incurred or continued to purchase or carry obligations or securities the interest on which is exempt from tax under this chapter, (viii) expenses paid or incurred during the taxable year for the production or collection of income which is exempt from taxation under this chapter or the management, conservation or maintenance of property held for the production of such income, and the amortizable bond premium for the taxable year on any bond the interest on which is exempt from tax under this chapter to the extent that such expenses and premiums are deductible in determining federal adjusted gross income, (ix) for property placed in service after September 10, 2001, but prior to September 11, 2004, in taxable years ending after September 10, 2001, any additional allowance for depreciation under subsection (k) of Section 168 of the Internal Revenue Code, as provided by Section 101 of the Job Creation and Worker Assistance Act of 2002, to the extent deductible in determining federal adjusted gross income, (x) to the extent deductible in determining federal adjusted gross income, the deduction allowable as qualified domestic production activities income, pursuant to Section 199 of the Internal Revenue Code, [and] (xi) to the extent not properly includable in gross income for federal income tax purposes for the taxable year, any income from the discharge of indebtedness, in taxable years ending after December 31, 2008, in connection with any reacquisition, after December 31, 2008, and before January 1, 2011, of an applicable debt instrument or instruments, as those terms are defined in Section 108 of the Internal Revenue Code, as amended by Section 1231 of the American Recovery and Reinvestment Act of 2009, the inclusion of which income in federal
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gross income for the taxable year is deferred, as provided by said Section 1231; (xii) to the extent not properly includable in gross income for federal income tax purposes, an amount equal to fifty per cent of any distribution from a manufacturing reinvestment account used in accordance with subdivision (3) of subsection (c) of section 32-9zz, as amended by this act, to the extent that a contribution to such account was subtracted from federal adjusted gross income pursuant to clause (xix) of subparagraph (B) of this subdivision in computing Connecticut adjusted gross income for the current or a preceding taxable year; and (xiii) to the extent not properly includable in gross income for federal income tax purposes, an amount equal to (I) any distribution from a manufacturing reinvestment account not used in accordance with subdivision (3) of subsection (c) of section 32-9zz, as amended by this act, to the extent that a contribution to such account was subtracted from federal adjusted gross income pursuant to clause (xix) of subparagraph (B) of this subdivision in computing Connecticut adjusted gross income for the current or a preceding taxable year, and (II) any return of money from a manufacturing reinvestment account pursuant to subsection (d) of section 32-9zz, as amended by this act, to the extent that a contribution to such account was subtracted from federal adjusted gross income pursuant to clause (xix) of subparagraph (B) of this subdivision in computing Connecticut adjusted gross income for the current or a preceding taxable year.

(B) There shall be subtracted therefrom (i) to the extent properly includable in gross income for federal income tax purposes, any income with respect to which taxation by any state is prohibited by federal law, (ii) to the extent allowable under section 12-718, exempt dividends paid by a regulated investment company, (iii) the amount of any refund or credit for overpayment of income taxes imposed by this state, or any other state of the United States or a political subdivision thereof, or the District of Columbia, to the extent properly includable in gross income for federal income tax purposes, (iv) to the extent
properly includable in gross income for federal income tax purposes and not otherwise subtracted from federal adjusted gross income pursuant to clause (x) of this subparagraph in computing Connecticut adjusted gross income, any tier 1 railroad retirement benefits, (v) to the extent any additional allowance for depreciation under Section 168(k) of the Internal Revenue Code, as provided by Section 101 of the Job Creation and Worker Assistance Act of 2002, for property placed in service after December 31, 2001, but prior to September 10, 2004, was added to federal adjusted gross income pursuant to subparagraph (A)(ix) of this subdivision in computing Connecticut adjusted gross income for a taxable year ending after December 31, 2001, twenty-five per cent of such additional allowance for depreciation in each of the four succeeding taxable years, (vi) to the extent properly includable in gross income for federal income tax purposes, any interest income from obligations issued by or on behalf of the state of Connecticut, any political subdivision thereof, or public instrumentality, state or local authority, district or similar public entity created under the laws of the state of Connecticut, (vii) to the extent properly includable in determining the net gain or loss from the sale or other disposition of capital assets for federal income tax purposes, any gain from the sale or exchange of obligations issued by or on behalf of the state of Connecticut, any political subdivision thereof, or public instrumentality, state or local authority, district or similar public entity created under the laws of the state of Connecticut, in the income year such gain was recognized, (viii) any interest on indebtedness incurred or continued to purchase or carry obligations or securities the interest on which is subject to tax under this chapter but exempt from federal income tax, to the extent that such interest on indebtedness is not deductible in determining federal adjusted gross income and is attributable to a trade or business carried on by such individual, (ix) ordinary and necessary expenses paid or incurred during the taxable year for the production or collection of income which is subject to taxation under this chapter but exempt from federal income tax, or the
management, conservation or maintenance of property held for the production of such income, and the amortizable bond premium for the taxable year on any bond the interest on which is subject to tax under this chapter but exempt from federal income tax, to the extent that such expenses and premiums are not deductible in determining federal adjusted gross income and are attributable to a trade or business carried on by such individual, (x) (I) for a person who files a return under the federal income tax as an unmarried individual whose federal adjusted gross income for such taxable year is less than fifty thousand dollars, or as a married individual filing separately whose federal adjusted gross income for such taxable year is less than fifty thousand dollars, or for a husband and wife who file a return under the federal income tax as married individuals filing jointly whose federal adjusted gross income for such taxable year is less than sixty thousand dollars, an amount equal to the Social Security benefits includable for federal income tax purposes; and (II) for a person who files a return under the federal income tax as an unmarried individual whose federal adjusted gross income for such taxable year is fifty thousand dollars or more, or as a married individual filing separately whose federal adjusted gross income for such taxable year is fifty thousand dollars or more, or for a husband and wife who file a return under the federal income tax as married individuals filing jointly whose federal adjusted gross income from such taxable year is sixty thousand dollars or more or for a person who files a return under the federal income tax as a head of household whose federal adjusted gross income for such taxable year is sixty thousand dollars or more, an amount equal to the difference between the amount of Social Security benefits includable for federal income tax purposes and the lesser of twenty-five per cent of the Social Security benefits received during the taxable year, or twenty-five per cent of the excess described in Section 86(b)(1) of the Internal Revenue

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Code, (xi) to the extent properly includable in gross income for federal income tax purposes, any amount rebated to a taxpayer pursuant to section 12-746, (xii) to the extent properly includable in the gross income for federal income tax purposes of a designated beneficiary, any distribution to such beneficiary from any qualified state tuition program, as defined in Section 529(b) of the Internal Revenue Code, established and maintained by this state or any official, agency or instrumentality of the state, (xiii) to the extent allowable under section 12-701a, contributions to accounts established pursuant to any qualified state tuition program, as defined in Section 529(b) of the Internal Revenue Code, established and maintained by this state or any official, agency or instrumentality of the state, (xiv) to the extent properly includable in gross income for federal income tax purposes, the amount of any Holocaust victims' settlement payment received in the taxable year by a Holocaust victim, (xv) to the extent properly includable in gross income for federal income tax purposes of an account holder, as defined in section 31-51ww, interest earned on funds deposited in the individual development account, as defined in section 31-51ww, of such account holder, (xvi) to the extent properly includable in the gross income for federal income tax purposes of a designated beneficiary, as defined in section 3-123aa, interest, dividends or capital gains earned on contributions to accounts established for the designated beneficiary pursuant to the Connecticut Homecare Option Program for the Elderly established by sections 3-123aa to 3-123ff, inclusive, (xvii) to the extent properly included in gross income for federal income tax purposes, fifty per cent of the income received from the United States government as retirement pay for a retired member of (I) the Armed Forces of the United States, as defined in Section 101 of Title 10 of the United States Code, or (II) the National Guard, as defined in Section 101 of Title 10 of the United States Code, [and] (xviii) to the extent properly includable in gross income for federal income tax purposes for the taxable year, any income from the discharge of indebtedness in connection with any
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reacquisition, after December 31, 2008, and before January 1, 2011, of
an applicable debt instrument or instruments, as those terms are
defined in Section 108 of the Internal Revenue Code, as amended by
Section 1231 of the American Recovery and Reinvestment Act of 2009,
to the extent any such income was added to federal adjusted gross
income pursuant to subparagraph (A)(x) of this subdivision in
computing Connecticut adjusted gross income for a preceding taxable
year; and (xix) to the extent not deductible in determining federal
adjusted gross income, the amount of any contribution to a
manufacturing reinvestment account established pursuant to section
32-9zz, as amended by this act, in the taxable year that such
contribution is made.

(C) With respect to a person who is the beneficiary of a trust or
estate, there shall be added or subtracted, as the case may be, from
adjusted gross income such person's share, as determined under
section 12-714, in the Connecticut fiduciary adjustment.

Sec. 197. (NEW) (Effective from passage) (a) The Commissioner of
Economic and Community Development shall, within existing
resources of the department, establish an urban revitalization pilot
program to foster the revitalization and stabilization of urban
neighborhoods by facilitating the acquisition and renovation of one to
four-family homes and prioritizing owner-occupancy of such homes.
Such program shall be implemented in one or more distressed
municipalities, as defined in section 32-9p of the general statutes, as
amended by this act. The commissioner may contract with one or more
state-wide nonprofit organizations to administer the program.

(b) The goal of the program shall be to increase homeownership in
targeted neighborhoods containing high proportions of one to four-
family homes, giving priority to promoting owner-occupancy in
buildings that are for sale, vacant, deteriorated, in foreclosure, bank-
owned or investor-owned. The program administrator shall target
neighborhoods in which concentrated resources can have a substantial impact on revitalizing and stabilizing the surrounding community. The program administrator shall recruit community stakeholders to provide active support for the program, including local banks, local boards of realtors, neighborhood revitalization zone committees, community-based organizations, community development financial institutions and similar entities. The program administrator shall, as necessary to accomplish program goals:

(1) Draw on diverse public and private funding sources and programs, including foundations, local loan funds and programs administered by departments or agencies other than the Department of Economic and Community Development, including the Connecticut Housing Finance Authority, and use public funds to leverage private resources;

(2) Provide financing or investment to support property purchase, rehabilitation, construction, demolition, energy efficiency and aesthetic improvements, including provision of financial products that promote homeownership, such as down payment assistance, and identify other financial resources to support such activities;

(3) Offer incentives to investors to develop tenants into owners, apply income restrictions to housing units in order to ensure affordability, and conduct energy efficiency improvements in order to meet weatherization goals;

(4) Identify and coordinate access for program participants to rental assistance and foreclosure prevention resources and to other resources that will increase homeownership, stabilize or decrease occupancy costs and stabilize neighborhoods;

(5) Provide assistance to individuals who are or who will become homeowners and to nonprofit and for-profit entities that will purchase
and rehabilitate properties to sell to individuals who will become homeowners;

(6) Provide support services for program participants who are or who will become homeowners so as to maximize the likelihood of their success in maintaining homeownership on a long-term basis, including training in skills necessary to be an effective landlord and assistance in resolving problems that may arise after closing on a home;

(7) Identify and structure incentives to encourage participation in the program by lenders, investors and developers with a goal of promoting homeownership; and

(8) Assist program participants in locating purchase financing and counseling before and after any purchase and direct such participants to programs that provide deferred, low or no interest or forgivable loans, including the Rental Housing Revolving Loan Fund established pursuant to section 8-37vv of the general statutes.

(c) Any person who receives assistance through the program established by this section to purchase a home shall agree (1) to occupy such home or a unit in such home as such person's primary residence for not less than five years, or (2) to transfer such home to a person who will agree to occupy such home or a unit in such home as such person's primary residence for not less than five years. Priority for participation in the program may be given to persons who will become first-time homebuyers and to persons who are living in a neighborhood targeted by the program.

(d) The Commissioner of Economic and Community Development, shall establish the parameters of the program not later than October 1, 2012, and shall designate one or more municipalities to participate in the program not later than January 1, 2013. The commissioner, in accordance with section 11-4a of the general statutes, shall submit the
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following to the joint standing committee of the General Assembly having cognizance of matters relating to housing: (1) A status report on the program not later than February 1, 2013; (2) an interim report on the program not later than January 1, 2014; and (3) a final report on the program not later than January 1, 2015.

Sec. 198. Section 12-217pp of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012, and applicable to income or taxable years commencing on or after January 1, 2012):

(a) As used in this section:

(1) "Commissioner" means the Commissioner of Economic and Community Development;

(2) "Control", with respect to a corporation, means ownership, directly or indirectly, of stock possessing fifty per cent or more of the total combined voting power of all classes of the stock of such corporation entitled to vote. "Control", with respect to a trust, means ownership, directly or indirectly, of fifty per cent or more of the beneficial interest in the principal or income of such trust. The ownership of stock in a corporation, of a capital or profits interest in a partnership, limited liability company or association or of a beneficial interest in a trust shall be determined in accordance with the rules for constructive ownership of stock provided in Section 267(c) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, other than paragraph (3) of said Section 267(c);

(3) "Full-time job" means a job in which an employee is required to work at least thirty-five hours per week for not less than forty-eight weeks in a calendar year. "Full-time job" does not include a temporary or seasonal job;
(4) "Income year" means, with respect to entities subject to the insurance premiums tax under chapter 207, the corporation business tax under this chapter, the utility companies tax under chapter 212 or the income tax under chapter 229, the income year as determined under each of said chapters, as the case may be;

(5) "New employee" means a person who resides in this state and is hired by a taxpayer on or after January 1, 2012, and prior to January 1, 2014, to fill a new job. "New employee" does not include a person who was employed in this state by a related person with respect to a taxpayer during the prior twelve months;

(6) "New job" means a job that did not exist in this state prior to a taxpayer's application to the commissioner for certification under this section for a job expansion tax credit, is filled by a new, qualifying or veteran employee, and (A) is a full-time job, or (B) in the case of a qualifying employee under subparagraph (B) of subdivision (7) of this subsection, is a job in which an employee is required to work at least twenty hours per week for not less than forty-eight weeks in a calendar year;

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

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

(B) Is (i) receiving vocational rehabilitation services from the Bureau of Rehabilitative Services, (ii) receiving employment services from the Department of Mental Health and Addiction Services, or (iii) participating in employment opportunities and day services, as defined in section 17a-226, operated or funded by the Department of Developmental Services;
(8) "Related person" means (A) a corporation, limited liability company, partnership, association or trust controlled by the taxpayer, (B) an individual, corporation, limited liability company, partnership, association or trust that is in control of the taxpayer, (C) a corporation, limited liability company, partnership, association or trust controlled by an individual, corporation, limited liability company, partnership, association or trust that is in control of the taxpayer, or (D) a member of the same controlled group as the taxpayer;

(9) "Taxpayer" means a person that (A) has been in business for at least twelve consecutive months prior to the date of the taxpayer's application to the commissioner for certification under this section for a job expansion tax credit, and (B) is subject to tax under this chapter or chapter 207, 212 or 229; and

(10) "Veteran employee" means a new employee who, at the time of hiring by the taxpayer, is a member of, was honorably discharged from or released under honorable conditions from active service in the armed forces, as defined in section 27-103.

(b) (1) There is established a job expansion tax credit program whereby a taxpayer may be allowed a credit against the tax imposed under this chapter or chapter 207, 212 or 229, other than the liability imposed by section 12-707, for each new, qualifying or veteran employee hired on or after January 1, 2012, and prior to January 1, 2014. For taxpayers that employ not more than fifty employees in full-time jobs in this state on the date of application to the commissioner for certification under this section, the creation of at least one new job in this state shall be required for said tax credit. For taxpayers that employ more than fifty, but not more than one hundred employees in full-time jobs in this state on the date of application to the commissioner for certification under this section, the creation of at least five new jobs in this state shall be required for said tax credit. For taxpayers that employ more than one hundred employees in full-time
jobs in this state on the date of application to the commissioner for certification under this section, the creation of at least ten new jobs in this state shall be required for said tax credit.

(2) For the purposes of determining the number of new jobs a taxpayer is required to create in order to claim a credit under this section, the number of employees working in full-time jobs the taxpayer employs in this state on the date of its application to the commissioner for certification under this section shall apply to such taxpayer for the duration of such certification.

(c) The amount of the credit shall be:

(1) Five hundred dollars per month for each new employee; or

(2) Nine hundred dollars per month for each qualifying or veteran employee.

(d) (1) The taxpayer shall claim the credit in the income year in which it is earned and, if eligible, in the two immediately succeeding income years. Any credit not claimed by the taxpayer in an income year shall expire and shall not be refundable.

(2) If the taxpayer is an S corporation or an entity treated as a partnership for federal income tax purposes, the shareholders or partners of such taxpayer may claim the credit. If the taxpayer is a single member limited liability company that is disregarded as an entity separate from its owner, the limited liability company's owner may claim the credit.

(3) No taxpayer shall claim a credit for any new, qualifying or veteran employee who is an owner, member or partner in the business or who is not employed by the taxpayer at the close of the taxpayer's income year.
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(4) No taxpayer claiming the credit under this section with respect to a new, qualifying or veteran employee shall claim any credit against any tax under any other provision of the general statutes with respect to the same new, qualifying or veteran employee.

(e) (1) To be eligible to claim the credit, a taxpayer shall apply to the commissioner in accordance with the provisions of this section. The application shall be on a form provided by the commissioner and shall contain sufficient information as required by the commissioner, including, but not limited to, the activities that the taxpayer primarily engages in, the North American Industrial Classification System code of the taxpayer, the current number of employees employed by the taxpayer as of the application date, and if applicable, the name and position or job title of the new, qualifying or veteran employee. The commissioner shall consult with the Labor Commissioner, the director of the Bureau of Rehabilitative Services or the Commissioner of Veterans' Affairs, Mental Health and Addiction Services or Developmental Services, as applicable, for any verification the commissioner deems necessary of unemployment compensation or vocational rehabilitation services received by a qualifying employee, or of service in the armed forces of the United States by a veteran employee. The commissioner may impose a fee for such application as the commissioner deems appropriate.

(2) Upon receipt of an application, the commissioner shall render a decision, in writing, on each completed application not later than thirty days after the date of its receipt by the commissioner. If the commissioner approves such application, the commissioner shall issue a certification letter to the taxpayer indicating that the credit will be available to be claimed by the taxpayer if the taxpayer and new, qualifying or veteran employee otherwise meets the requirements of this section.

(f) (1) The total amount of credits granted under this section and
sections 12-217ii, 12-217nn and 12-217oo, as amended by this act, shall not exceed twenty million dollars in any one fiscal year.

(2) If a taxpayer was issued an eligibility certificate by the commissioner prior to January 1, 2012, to receive a jobs creation tax credit pursuant to section 12-217ii, the provisions of the tax credit program pursuant to said section 12-217ii shall apply to such taxpayer for the duration of the eligibility certificate.

(3) If a taxpayer is issued a certification letter by the commissioner prior to January 1, 2013, to receive a qualified small business job creation tax credit pursuant to section 12-217nn, the provisions of the tax credit program pursuant to said section 12-217nn shall apply to such taxpayer for the duration of such certification.

(4) If a taxpayer was issued a certification letter by the commissioner prior to January 1, 2012, to receive a vocational rehabilitation job creation tax credit pursuant to section 12-217oo, as amended by this act, the provisions of the tax credit program pursuant to said section 12-217oo shall apply to such taxpayer for the duration of such certification.

(g) No credit allowed under this section shall exceed the amount of tax imposed on a taxpayer under this chapter or chapter 207, 212 or 229. The commissioner shall annually provide to the Commissioner of Revenue Services a list detailing all credits that have been approved and all taxpayers that have been issued a certification letter under this section.

(h) No credit shall be allowed under this section for any new jobs created on or after January 1, 2014.

Sec. 199. Section 32-7g of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

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(a) There is established within the Department of Economic and Community Development the Small Business Express program. Said program shall provide small businesses with various forms of financial assistance, using a streamlined application process to expedite the delivery of such assistance. The Commissioner of Economic and Community Development, at his or her discretion, may partner with the lenders in the Connecticut Credit Consortium, established pursuant to section 32-9yy, in order to fulfill the requirements of this section. A small business eligible for assistance through said program shall, as of [October 27, 2011] the effective date of this section, (1) employ, on at least fifty per cent of its working days during the preceding twelve months, not more than [fifty] one hundred employees, (2) [be a Connecticut-based business with] have operations in Connecticut, (3) have been registered to conduct business in this state for not less than twelve months, and (4) be in good standing with the payment of all state and local taxes and with all state agencies.

(b) The Small Business Express program shall consist of various components, including (1) a revolving loan fund, as described in subsection (d) of this section, to support small business growth, (2) a job creation incentive component, as described in subsection (e) of this section, to support hiring, and (3) a matching grant component, as described in subsection (f) of this section, to provide capital to small businesses that can match the state grant amount. The Commissioner of Economic and Community Development shall work with eligible small business applicants to provide a package of assistance using [not only] the financial assistance provided by the Small Business Express program [but also] and may refer small business applicants to the Subsidized Training and Employment program established pursuant to section 31-3pp, as amended by this act, and any other appropriate state program. Notwithstanding the provisions of section 32-5a, as amended by this act, regarding relocation limits, the department may require, as a condition of receiving financial assistance pursuant to this
section, that a small business receiving such assistance shall not relocate, as defined in said section 32-5a, for five years after receiving such assistance or during the term of the loan, whichever is longer. All other conditions and penalties imposed pursuant to said section 32-5a shall continue to apply to such small business.

(c) The commissioner shall establish a streamlined application process for the Small Business Express program. The small business applicant may receive assistance pursuant to said program not later than thirty days after submitting a completed application to the department. Any small business meeting the eligibility criteria in subsection (a) of this section may apply to said program. The commissioner shall give priority for available funding to (1) small businesses creating jobs, and (2) economic base industries, as defined in subsection (d) of section 32-222, including, but not limited to, those in the fields of precision manufacturing, business services, green and sustainable technology, bioscience and information technology.

(d) (1) There is established as part of the Small Business Express program a revolving loan fund to provide loans to eligible small businesses. Such loans shall be used for acquisition or purchase of machinery and equipment, construction or leasehold improvements, relocation expenses, working capital or other business-related expenses, as authorized by the commissioner.

(2) Loans from the revolving loan fund may be in amounts from ten thousand dollars to a maximum of one hundred thousand dollars, shall carry a maximum repayment rate of four per cent and shall be for a term of not more than [five] ten years. The department shall review and approve loan terms, conditions and collateral requirements in a manner that prioritizes job growth and retention.

(3) Any eligible small business meeting the eligibility criteria in subsection (a) of this section may apply for assistance from the
revolving loan fund, but the commissioner shall give priority to applicants that, as part of their business plan, are creating new jobs that will be maintained for not less than twelve consecutive months.

(e) (1) There is established as part of the Small Business Express program a job creation incentive component to provide loans for job creation to small businesses meeting the eligibility criteria in subsection (a) of this section, with the option of loan forgiveness based on the maintenance of an increased number of jobs for not less than twelve consecutive months. Such loans may be used for training, marketing, working capital or other expenses, as approved by the commissioner, that support job creation.

(2) Loans under the job creation incentive component may be in amounts from ten thousand dollars to a maximum of [two hundred fifty] three hundred thousand dollars, shall carry a maximum repayment rate of four per cent and shall be for a term of not more than ten years. Payments on such loans may be deferred, and all or part of such loan may be forgiven, based upon the commissioner's assessment of the small business's attainment of job creation goals. The department shall review and approve loan terms, conditions and collateral requirements in a manner that prioritizes job creation.

(f) (1) There is established as part of the Small Business Express program a matching grant component to provide grants for capital to small businesses meeting the eligibility criteria in subsection (a) of this section. Such small businesses shall match any state funds awarded under this program. Grant funds may be used for ongoing or new training, working capital, acquisition or purchase of machinery and equipment, construction or leasehold improvements, relocation within the state or other business-related expenses authorized by the commissioner.

(2) Matching grants provided under the matching grant component
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may be in amounts from ten thousand dollars to a maximum of one hundred thousand dollars. The commissioner shall prioritize applicants for matching grants based upon the likelihood that such grants will assist applicants in maintaining job growth.

(g) Not later than June 30, 2012, and every six months thereafter, the commissioner shall provide a report, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to finance, revenue and bonding, appropriations, commerce and labor. Such report shall include available data on (1) the number of small businesses that applied to the Small Business Express program, (2) the number of small businesses that received assistance under said program and the general categories of such businesses, (3) the amounts and types of assistance provided, (4) the total number of jobs on the date of application and the number proposed to be created or retained, and (5) the most recent employment figures of the small businesses receiving assistance. The contents of such report shall also be included in the department's annual report.

Sec. 200. Section 2 of public act 11-1 of the October special session is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) For the purposes described in subsection (b) of this section, the State Bond Commission shall have the power, from time to time to authorize the issuance of bonds of the state in one or more series and in principal amounts not exceeding in the aggregate one hundred million dollars, provided fifty million dollars of said authorization shall be effective July 1, 2012.

(b) The proceeds of the sale of said bonds, to the extent of the amount stated in subsection (a) of this section, shall be used by the Department of Economic and Community Development for the
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purpose of the Small Business Express program established pursuant to section [1 of this act] 32-7g of the general statutes, as amended by this act, provided (1) [twenty] ten million dollars of the amount stated in subsection (a) of this section may be used, in each of fiscal years 2012 and 2013, for the revolving loan fund established pursuant to subsection (d) of section [1 of this act] 32-7g of the general statutes, as amended by this act, (2) [ten] twenty million dollars of the amount stated in subsection (a) of this section may be used, in each of fiscal years 2012 and 2013, for the job creation incentive component established pursuant to subsection (e) of section [1 of this act] 32-7g of the general statutes, as amended by this act, and (3) twenty million dollars of the amount stated in subsection (a) of this section may be used, in each of fiscal years 2012 and 2013, for the matching grant component established pursuant to subsection (f) of section [1 of this act] 32-7g of the general statutes, as amended by this act. Any time at which an amount in subdivision (1), (2) or (3) of this subsection is used for a component of the Small Business Express program other than that specified in said subdivision (1), (2) or (3), the Commissioner of Economic and Community Development shall report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to finance, revenue and bonding, commerce and labor, detailing the amount of the proceeds of the sale of said bonds that was so used and how such amount was divided among said components.

(c) All provisions of section 3-20 of the general statutes, or the exercise of any right or power granted thereby, which are not inconsistent with the provisions of this section are hereby adopted and shall apply to all bonds authorized by the State Bond Commission pursuant to this section, and temporary notes in anticipation of the money to be derived from the sale of any such bonds so authorized may be issued in accordance with said section 3-20 and from time to time renewed. Such bonds shall mature at such time or times not
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exceeding twenty years from their respective dates as may be provided in or pursuant to the resolution or resolutions of the State Bond Commission authorizing such bonds. None of said bonds shall be authorized except upon a finding by the State Bond Commission that there has been filed with it a request for such authorization which is signed by or on behalf of the Secretary of the Office of Policy and Management and states such terms and conditions as said commission, in its discretion, may require. Said bonds issued pursuant to this section shall be general obligations of the state and the full faith and credit of the state of Connecticut are pledged for the payment of the principal of and interest on said bonds as the same become due, and accordingly and as part of the contract of the state with the holders of said bonds, appropriation of all amounts necessary for punctual payment of such principal and interest is hereby made, and the State Treasurer shall pay such principal and interest as the same become due.

Sec. 201. (NEW) (Effective from passage) (a) There is established an account to be known as the "small business express assistance account" which will be a separate, nonlapsing account within the General Fund. The account shall contain any money required by law to be deposited in the account. Repayment of principal and interest on loans shall be credited to such fund and shall become part of the assets of the fund. Moneys in the account shall be expended by the Department of Economic and Community Development for the purposes of the Small Business Express program established pursuant to section 32-7g of the general statutes, as amended by this act. All moneys received for the purposes of the Small Business Express program and payments of principal and interest on any loans given under said program shall be credited to the account.

(b) The Commissioner of Economic and Community Development may provide for the payment of any administrative expenses or other
costs incurred by the department or its lender partners in carrying out the purposes of the Small Business Express program not to exceed four per cent of funding from this program from the account established pursuant to subsection (a) of this section.

Sec. 202. Section 31-3pp of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) For purposes of this section:

(1) "Department" means the Labor Department;

(2) "Eligible small business" means a business that (A) employed not more than [fifty] one hundred full-time employees on at least fifty per cent of its working days during the preceding twelve months, (B) is a Connecticut-based business with operations in Connecticut, (C) has been registered to conduct business in this state for not less than twelve months, and (D) is in good standing with the payment of all state and local taxes; [. "Eligible small business" does not include a retailer, as defined in section 42-371;]

(3) "Control", with respect to a corporation, means ownership, directly or indirectly, of stock possessing fifty per cent or more of the total combined voting power of all classes of the stock of such corporation entitled to vote. "Control", with respect to a trust, means ownership, directly or indirectly, of fifty per cent or more of the beneficial interest in the principal or income of such trust. The ownership of stock in a corporation, of a capital or profits interest in a partnership, limited liability company or association or of a beneficial interest in a trust shall be determined in accordance with the rules for constructive ownership of stock provided in Section 267(c) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time
(4) "Related person" means (A) a corporation, limited liability company, partnership, association or trust controlled by the eligible small business, (B) an individual, corporation, limited liability company, partnership, association or trust that is in control of the eligible small business, (C) a corporation, limited liability company, partnership, association or trust controlled by an individual, corporation, limited liability company, partnership, association or trust that is in control of the eligible small business, or (D) a member of the same controlled group as the eligible small business;

(5) "Eligible small manufacturer" means an eligible small business described in sectors 31 to 33, inclusive, of the North American Industry Classification System, that employed not more than one hundred employees on at least fifty per cent of its working days during the preceding twelve months.

(b) (1) There is established within the Labor Department a Subsidized Training and Employment program for eligible small businesses and eligible small manufacturers. Said program shall provide grants to such businesses and manufacturers to subsidize, for the first six months one hundred eighty calendar days after a person is hired, a part of the cost of employment, including any costs related to training. No such business or manufacturer receiving a grant under this section with respect to a new employee or newly hired person may receive a second grant under this section with respect to the same new employee or newly hired person.

(2) [The] At the discretion of the Labor Commissioner, the department may use up to four per cent of any funds allocated pursuant to section 5 of public act 11-1 of the October special session, as amended by this act, for the purpose of retaining outside consultants [to administer] or the Workforce Investment Boards to
operate the Subsidized Training and Employment program.

(3) In fiscal year 2013, the department may use up to four per cent of any funds allocated pursuant to section 5 of public act 11-1 of the October special session, as amended by this act, in said fiscal year for the purpose of the marketing and operation of the Subsidized Training and Employment program.

(c) (1) An eligible small business may apply to the department for a grant to subsidize on-the-job training and compensation for a new employee, where "new employee" means a person who (A) was unemployed immediately prior to employment, regardless of whether such person collected unemployment compensation benefits as a result of such unemployment, (B) is a resident of a municipality that has (i) an unemployment rate that is equal to or higher than the state unemployment rate as of September 1, 2011, or (ii) a population of eighty thousand or more, and (C) has a family income equal to or less than two hundred fifty per cent of the federal poverty level, adjusted for family size. "New employee" does not include a person who was employed in this state by a related person with respect to the eligible small business during the prior twelve months or a person employed on a temporary or seasonal basis by a retailer, as defined in section 42-371.

(2) Grants to eligible small businesses under the Subsidized Training and Employment program shall be in the following amounts: (A) For the first [full calendar month] thirty calendar days a new employee is employed, one hundred per cent of an amount representing the hourly wage of such new employee, exclusive of any benefits, but in no event shall such amount exceed twenty dollars per hour; (B) for the [second and third full calendar months] thirty-first to ninetieth, inclusive, calendar days, seventy-five per cent of such amount; (C) for the [fourth and fifth full calendar months] ninety-first to one hundred fiftieth, inclusive, calendar days, fifty per cent of such amount.
(d) (1) An eligible small manufacturer may apply to the department for a grant to be used to train and compensate persons newly hired by such manufacturer. Any training shall be provided by such manufacturer, and take place on such manufacturer's premises, but no existing formal training program shall be required. The Labor Commissioner, or said commissioner's designee, shall review and approve such manufacturer's description of the proposed training as part of the application.

(2) Grants awarded to an eligible small manufacturer pursuant to this subsection shall subsidize the costs of training and compensating each person newly hired by such manufacturer. In no event shall a grant exceed the salary of the newly hired person. Maximum amounts of each grant are: For the first full calendar month a newly hired person is employed, up to two thousand five hundred dollars; for the second month, up to two thousand four hundred dollars; for the third month, up to two thousand two hundred dollars; for the fourth month, up to two thousand dollars; for the fifth month, up to one thousand eight hundred dollars; and for the sixth month, up to one thousand six hundred dollars. No grant shall exceed a total amount of twelve thousand five hundred dollars per newly hired person. A grant may be cancelled as of the date such person leaves employment with the eligible small manufacturer.

(e) Not later than [June 30, 2012, and every six months] July 15, 2012, and annually thereafter, and January 15, 2013, and annually thereafter, the Labor Commissioner shall provide a report, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to finance,
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revenue and bonding, appropriations, commerce and labor. Said report shall include available data, for the six-month period ending on the last day of the calendar month preceding such report, on (1) the number of small businesses that participated in the Subsidized Training and Employment program established pursuant to subsection (c) of this section, and the general categories of such businesses, (2) the number of small manufacturers that participated in the Subsidized Training and Employment program established pursuant to subsection (d) of this section, and the general categories of such manufacturers, (3) the number of individuals that received employment, and (4) the most recent estimate of the number of jobs created or maintained.

(f) The Labor Commissioner may adopt regulations in accordance with the provisions of chapter 54 to carry out the provisions of this section.

Sec. 203. Section 5 of public act 11-1 of the October special session is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) For the purposes described in subsection (b) of this section, the State Bond Commission shall have the power, from time to time, to authorize the issuance of bonds of the state in one or more series and in principal amounts not exceeding in the aggregate twenty million dollars, provided ten million dollars of said authorization shall be effective July 1, 2012.

(b) The proceeds of the sale of said bonds, to the extent of the amount stated in subsection (a) of this section, shall be used by the Labor Department for the purpose of the Subsidized Training and Employment program established pursuant to section [4 of this act] 31-3pp of the general statutes, as amended by this act, provided (1) [five] ten million dollars of the amount stated in subsection (a) of this section shall be used in [each of] fiscal years 2012, [and] 2013 and 2014 for the
small business program established pursuant to [subsection (c) of section 4 of this act] section 31-3pp of the general statutes, as amended by this act, and (2) [five] ten million dollars of the amount stated in subsection (a) of this section shall be used in [each of] fiscal years 2012, [and] 2013 and 2014 for the small manufacturer program established pursuant to [subsection (d) of section 4 of this act] section 31-3pp of the general statutes, as amended by this act.

(c) All provisions of section 3-20 of the general statutes, or the exercise of any right or power granted thereby, which are not inconsistent with the provisions of this section are hereby adopted and shall apply to all bonds authorized by the State Bond Commission pursuant to this section, and temporary notes in anticipation of the money to be derived from the sale of any such bonds so authorized may be issued in accordance with said section 3-20 and from time to time renewed. Such bonds shall mature at such time or times not exceeding twenty years from their respective dates as may be provided in or pursuant to the resolution or resolutions of the State Bond Commission authorizing such bonds. None of said bonds shall be authorized except upon a finding by the State Bond Commission that there has been filed with it a request for such authorization which is signed by or on behalf of the Secretary of the Office of Policy and Management and states such terms and conditions as said commission, in its discretion, may require. Said bonds issued pursuant to this section shall be general obligations of the state and the full faith and credit of the state of Connecticut are pledged for the payment of the principal of and interest on said bonds as the same become due, and accordingly and as part of the contract of the state with the holders of said bonds, appropriation of all amounts necessary for punctual payment of such principal and interest is hereby made, and the State Treasurer shall pay such principal and interest as the same become due.
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Sec. 204. (NEW) (Effective from passage) (a) For purposes of this section:

(1) "Department" means the Labor Department;

(2) "Eligible business" means a business that (A) has operations in Connecticut, (B) has been registered to conduct business for not less than twelve months, and (C) is in good standing with the payment of all state and local taxes;

(3) "Control", with respect to a corporation, means ownership, directly or indirectly, of stock possessing fifty per cent or more of the total combined voting power of all classes of the stock of such corporation entitled to vote. "Control", with respect to a trust, means ownership, directly or indirectly, of fifty per cent or more of the beneficial interest in the principal or income of such trust. The ownership of stock in a corporation, of a capital or profits interest in a partnership, limited liability company or association or of a beneficial interest in a trust shall be determined in accordance with the rules for constructive ownership of stock provided in Section 267(c) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, other than paragraph (3) of said Section 267(c);

(4) "Related person" means (A) a corporation, limited liability company, partnership, association or trust controlled by an eligible business, (B) an individual, corporation, limited liability company, partnership, association or trust that is in control of an eligible business, (C) a corporation, limited liability company, partnership, association or trust controlled by an individual, corporation, limited liability company, partnership, association or trust that is in control of an eligible business, or (D) a member of the same controlled group as an eligible business;
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(5) "New employee" means a person who (A) was unemployed prior to employment with an eligible business, regardless of whether such person collected unemployment compensation benefits as a result of such unemployment, (B) was a member of the armed forces and was called to active service in support of (i) Operation Enduring Freedom, or (ii) military operations that were authorized by the President of the United States that entail military action against Iraq, and (C) was honorably discharged after not less than ninety days of service in an area designated by the President of the United States by executive order as a combat zone, as indicated on a military discharge document, as defined in section 1-219 of the general statutes, unless separated from service earlier because of a service-connected disability rated by the Veterans' Administration. "New employee" does not include a person who was employed in this state by a related person of such eligible business during any of the twelve months prior to employment with the eligible business;

(6) "On-the-job training" means training provided by an eligible business on such business' premise; and

(7) "Armed Forces" means the United States Army, Navy, Marine Corps, Coast Guard and Air Force and any reserve component thereof, including a state National Guard performing duty as provided in Title 32 of the United States Code.

(b) (1) There is established within the Labor Department an Unemployed Armed Forces Member Subsidized Training and Employment program for eligible businesses. Said program shall provide grants to eligible businesses to subsidize, for the first one hundred eighty calendar days after a new employee is hired, part of the cost of on-the-job training and compensation for such new employee, in accordance with subsection (c) of this section. No business receiving a grant under this section with respect to a new employee may receive a second grant under this section or a grant
under section 31-3pp of the general statutes, as amended by this act, with respect to the same new employee.

(2) At the discretion of the Labor Commissioner, the department may use up to four per cent of any funds allocated pursuant to section 205 of this act, for the purpose of retaining outside consultants or the Workforce Investment Boards to operate the Unemployed Armed Forces Member Subsidized Training and Employment program.

(3) In fiscal year 2013, the department may use up to four per cent of any funds allocated pursuant to section 205 of this act in said fiscal year for the purpose of the marketing and operation of the Unemployed Armed Forces Member Subsidized Training and Employment program.

(c) (1) An eligible business may apply to the department for a grant to subsidize on-the-job training and compensation for a new employee hired by such business. The Labor Commissioner, or said commissioner's designee, shall review and approve such business' description of the proposed on-the-job training as part of the grant application.

(2) A grant awarded to an eligible business pursuant to this subsection shall be in the following amount: (A) For the first thirty calendar days a new employee is employed, one hundred per cent of the wage of such new employee, exclusive of any benefits, not to exceed twenty dollars per hour; (B) for the thirty-first to ninetieth, inclusive, calendar days, seventy-five per cent of such amount; (C) for the ninety-first to one hundred fiftieth, inclusive, calendar days, fifty per cent of such amount; and (D) for the one hundred fifty-first to one hundred eightieth, inclusive, calendar days, twenty-five per cent of such amount. A grant shall be cancelled as of the date the new employee leaves employment with the eligible business.
(d) Not later than July 15, 2013, and annually thereafter, and January 15, 2014, and annually thereafter, the Labor Commissioner shall provide a report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to finance, revenue and bonding, appropriations, commerce, veterans and labor. Said report shall include available data, for the six-month period ending on the last day of the calendar month preceding such report, on (1) the number of businesses that participated in the Unemployed Armed Forces Member Subsidized Training and Employment program established pursuant to subsection (b) of this section, and the general categories of such businesses, and (2) the number of individuals that received employment under said program.

(e) The Labor Commissioner may adopt regulations in accordance with the provisions of chapter 54 of the general statutes to carry out the provisions of this section.

Sec. 205. (NEW) (Effective July 1, 2012) (a) For the purposes described in subsection (b) of this section, the State Bond Commission shall have the power, from time to time, to authorize the issuance of bonds of the state in one or more series and in principal amounts not exceeding in the aggregate ten million dollars, provided five million dollars of said authorization shall be effective July 1, 2013.

(b) The proceeds of the sale of said bonds, to the extent of the amount stated in subsection (a) of this section, shall be used by the Labor Department for the purposes of the Unemployed Armed Forces Member Subsidized Training and Employment program established pursuant to section 204 of this act.

(c) All provisions of section 3-20 of the general statutes, or the exercise of any right or power granted thereby, which are not inconsistent with the provisions of this section are hereby adopted and
shall apply to all bonds authorized by the State Bond Commission pursuant to this section, and temporary notes in anticipation of the money to be derived from the sale of any such bonds so authorized may be issued in accordance with said section 3-20 and from time to time renewed. Such bonds shall mature at such time or times not exceeding twenty years from their respective dates as may be provided in or pursuant to the resolution or resolutions of the State Bond Commission authorizing such bonds. None of said bonds shall be authorized except upon a finding by the State Bond Commission that there has been filed with it a request for such authorization which is signed by or on behalf of the Secretary of the Office of Policy and Management and states such terms and conditions as said commission, in its discretion, may require. Said bonds issued pursuant to this section shall be general obligations of the state and the full faith and credit of the state of Connecticut are pledged for the payment of the principal of and interest on said bonds as the same become due, and accordingly and as part of the contract of the state with the holders of said bonds, appropriation of all amounts necessary for punctual payment of such principal and interest is hereby made, and the State Treasurer shall pay such principal and interest as the same become due.

Sec. 206. (NEW) (Effective October 1, 2012) The Commissioner of Economic and Community Development shall, within available appropriations, establish and administer a program to promote the marketing of products produced in Connecticut for the purpose of encouraging the development of manufacturing and production in the state. The commissioner may, within available appropriations, provide a grant-in-aid to any person, firm, partnership or corporation engaged in the promotion and marketing of such products, provided the words "CONNECTICUT-MADE" or "CT-Made" are clearly incorporated in such promotional and marketing activities. The commissioner shall (1) provide for the design, plan and implementation of a multiyear, state-
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wide marketing and advertising campaign, including, but not limited to, television and radio advertisements, promoting the availability of, and advantages of purchasing, Connecticut-made products, (2) establish and continuously update a web site connected with such advertising campaign that includes, but is not limited to, a comprehensive listing of Connecticut manufacturers, Connecticut-made products and Connecticut retailers selling Connecticut-made products, (3) direct Connecticut manufacturers and producers of Connecticut-made products in need of assistance to the appropriate economic development entity or state agency, and (4) conduct efforts to promote interaction and business relationships between Connecticut manufacturers and producers of Connecticut-made products and retailers, marketers, chambers of commerce, regional tourism districts and other potential institutional purchasers of Connecticut-made products, including, but not limited to, (A) linking Connecticut manufacturers and producers of Connecticut-made products with potential purchasers through a separate feature of the web site established pursuant to this section, and (B) organizing state-wide or regional events promoting Connecticut manufacturers and producers of Connecticut-made products, where such manufacturers, producers and institutional purchasers are invited to participate. The commissioner shall use his or her best efforts to solicit cooperation and participation from Connecticut manufacturers, producers of Connecticut-made products, retailers, marketers, chambers of commerce and regional tourism districts in such advertising, Internet-related and event planning efforts, including, but not limited to, soliciting private sector matching funds. The commissioner shall administer this program within available appropriations. On or before January 1, 2013, and annually thereafter, the commissioner shall report to the joint standing committee of the General Assembly having cognizance of matters relating to commerce on issues with respect to efforts undertaken pursuant to the requirements of this section, including, but not limited to, the amount of private matching funds.
received and expended by the department. The commissioner may adopt such regulations, in accordance with chapter 54 of the general statutes, as he or she deems necessary to carry out the purposes of this section.

Sec. 207. (NEW) (Effective from passage) On or before October 1, 2012, the Commissioner of Economic and Community Development, in consultation with the Culture and Tourism Advisory Committee, shall develop a program to designate locations in the state with cultural, educational or historical significance as "Connecticut Treasures". Such program shall promote locations designated as Connecticut Treasures or state-owned and operated museums, and shall integrate existing programs of the Department of Economic and Community Development and Culture and Tourism Advisory Committee in the promotion of such locations to adults and children. Such program shall include a "Connecticut Treasures Passport", which shall provide free or reduced admission to locations designated as Connecticut Treasures and all state-owned and operated museums for children younger than eighteen years of age who are accompanied by an adult.

Sec. 208. Section 4-66h of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) There is established an account to be known as the "Main Street Investment Fund account" which shall be a separate, nonlapsing account within the General Fund. The account shall contain any moneys required by law to be deposited in the account. Moneys in the account shall be expended by the Office of Policy and Management for the purposes of providing grants not to exceed five hundred thousand dollars to municipalities with populations of not more than thirty thousand or municipalities eligible for the small town economic assistance program pursuant to section 4-66g for eligible projects as defined in subsection (d) of this section. Municipalities shall apply for
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such grants in a manner to be determined by the Secretary of the Office of Policy and Management. Said secretary may contract with a nonprofit entity to administer the provisions of this section.

(b) In awarding such grants, the secretary shall determine that an eligible project advances the municipality's approved plan pursuant to subdivision (2) of subsection (d) of this section. Such advancements may include, but not be limited to, facade or awning improvements; sidewalk improvements or construction; street lighting; building renovations, including mixed use of residential and commercial; landscaping and development of recreational areas and greenspace; bicycle paths; and other improvements or renovations deemed by the secretary to contribute to the economic success of the municipality.

(c) A grant received pursuant to this section shall be used for improvements to property owned by the municipality, except the municipality may use a portion of the proceeds of such grant to provide a one-time reimbursement to owners of commercial private property for eligible expenditures that directly support and enhance an eligible project. The maximum allowable reimbursement for such eligible expenditures to any such owner shall be fifty thousand dollars, to be provided at the following rates: (1) Expenditures equal to or less than fifty thousand dollars shall be reimbursed at a rate of fifty per cent, and (2) any additional expenditures greater than fifty thousand dollars but less than or equal to one hundred fifty thousand dollars shall be reimbursed at a rate of twenty-five per cent.

(d) For the purposes of this section:

(1) "Eligible expenditures" include expenses for cosmetic and structural exterior building improvements, signage, lighting and landscaping that is visible from the street, including, but not limited to, exterior painting or surface treatment, decorative awnings, window and door replacements or modifications, storefront enhancements,
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irrigation, streetscape, outdoor patios and decks, exterior wall lighting, decorative post lighting and architectural features, but do not include (A) any renovations that are solely the result of ordinary repair and maintenance, (B) improvements that are required to remedy a health, housing or safety code violation, or (C) nonpermanent structures, furnishings, movable equipment or other nonpermanent amenities. Eligible expenditures also include reasonable administrative expenses incurred by a nonprofit entity contracted with by the Office of Policy and Management to implement the provisions of this section.

(2) "Eligible projects" means projects that are part of a plan previously approved by the governing body of the municipality to develop or improve town commercial centers to attract small businesses, promote commercial viability, and improve aesthetics and pedestrian access.

Sec. 209. Subsection (a) of section 32-4l of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) (1) The Department of Economic and Community Development shall establish a first five plus program to encourage business expansion and job creation. As part of said program, the department may provide substantial financial assistance to up to [ten eligible business development projects in the fiscal year ending June 30, 2012, and up to five] fifteen eligible business development projects [in the fiscal year ending] by June 30, 2013.

(2) A business development project eligible for financial assistance under the first five plus program shall commit, in the manner prescribed by the Commissioner of Economic and Community Development, to (A) create not less than two hundred new jobs within twenty-four months from the date such application is approved; or (B) invest not less than twenty-five million dollars and create not less than
two hundred new jobs [within] not later than five years [from] after the date such application is approved.

(3) The Commissioner of Economic and Community Development may give preference to a business development project that (A) involves the relocation of an out-of-state or international manufacturer or corporate headquarters, (B) involves the relocation of jobs that are outside the United States to the state, or [(B)] (C) is a redevelopment project if the commissioner believes such redevelopment project will create jobs sooner than the schedule set forth in subdivision (2) of this subsection.

(4) The Commissioner of Economic and Community Development may, in awarding financial assistance to an eligible business development project, work with [the Connecticut Development Authority and] Connecticut Innovations, Incorporated, to secure financing for such project.

(5) The Commissioner of Economic and Community Development shall certify to the Governor for his or her approval that a business development project applicant has satisfied all the eligibility criteria in the program. Financial assistance awarded through the first five plus program shall be with the written consent of the Governor.

Sec. 210. Subsection (a) of section 32-235 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) For the purposes described in subsection (b) of this section, the State Bond Commission shall have the power, from time to time to authorize the issuance of bonds of the state in one or more series and in principal amounts not exceeding in the aggregate one billion fifteen million three hundred thousand dollars, provided one hundred forty million dollars of said authorization shall be effective July 1, 2011, and
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twenty million dollars of said authorization shall be made available for small business development. Two hundred eighty million dollars of said authorization shall be effective July 1, 2012, and forty million dollars of said authorization shall be made available for small business development and not more than twenty million dollars of said authorization may be made available for businesses that commit to relocating one hundred or more jobs that are outside of the United States to the state. Any amount of said authorizations that are [required to be] made available for small business development or businesses that commit to relocating one hundred or more jobs that are outside of the United States to the state but are not exhausted for such purpose by the first day of the fiscal year subsequent to the fiscal year in which such amount was made available shall be used for the purposes described in subsection (b) of this section. For purposes of this subsection, a "small business" is one employing not more than [fifty] one hundred employees.

Sec. 211. Section 19a-7f of the 2012 supplement to the general statutes is amended by adding subsection (c) as follows (Effective from passage):

(NEW) (c) Not later than October 1, 2012, the Department of Public Health shall (1) post on its Internet web site its most current policy regarding vaccine wastage. Such policy shall include a statement of the factors said department used to determine such policy and shall be updated as necessary to reflect the most current policy in effect, and (2) make a form available to health care providers for the purpose of reporting to said department instances when a health care provider does not receive a full order of a requested vaccine. Not later than January 1, 2013, and biannually thereafter, said department shall, within available resources, track, record and investigate all such reported instances and shall post aggregate findings of such instances and the reasons for such findings on said department's Internet web
Sec. 212. Subsections (a) and (b) of section 19a-7f of the 2012 supplement to the general statutes are repealed and the following is substituted in lieu thereof (Effective October 1, 2012):

(a) The Commissioner of Public Health shall determine the standard of care for immunization for the children of this state. The standard of care for immunization shall be based on the recommended schedules for active immunization for normal infants and children published by the National Centers for Disease Control and Prevention Advisory Committee on Immunization Practices, the American Academy of Pediatrics and the American Academy of Family Physicians. The commissioner shall establish, within available appropriations, an immunization program which shall: (1) Provide vaccine at no cost to health care providers in Connecticut to administer to children so that cost of vaccine will not be a barrier to age-appropriate vaccination in this state; (2) with the assistance of hospital maternity programs, provide all parents in this state with the recommended immunization schedule for normal infants and children, a booklet to record immunizations at the time of the infant's discharge from the hospital nursery and a list of sites where immunization may be provided; (3) inform in a timely manner all health care providers of changes in the recommended immunization schedule; (4) assist hospitals, local health providers and local health departments to develop and implement record-keeping and outreach programs to identify and immunize those children who have fallen behind the recommended immunization schedule or who lack access to regular preventative health care and have the authority to gather such data as may be needed to evaluate such efforts; (5) assist in the development of a program to assess the vaccination status of children who are clients of state and federal programs serving the health and welfare of children and make provision for vaccination of those who are behind the
recommended immunization schedule; (6) access available state and federal funds including, but not limited to, any funds available through the federal Childhood Immunization Reauthorization or any funds available through the Medicaid program; (7) solicit, receive and expend funds from any public or private source; and (8) develop and make available to parents and health care providers public health educational materials about the benefits of timely immunization.

(b) (1) Commencing October 1, 2011, one group health care provider located in Bridgeport and one group health care provider located in New Haven, as identified by the Commissioner of Public Health, and any health care provider located in Hartford who administers vaccines to children under the federal Vaccines For Children immunization program that is operated by the Department of Public Health under authority of 42 USC 1396s may select under said federal program, and the department shall provide, any vaccine licensed by the federal Food and Drug Administration, including any combination vaccine and dosage form, that is (A) recommended by the National Centers for Disease Control and Prevention Advisory Committee on Immunization Practices, and (B) made available to the department by the National Centers for Disease Control and Prevention.

(2) Not later than June 1, 2012, the Commissioner of Public Health shall provide an evaluation of the vaccine program established in subdivision (1) of this subsection to the joint standing committee of the General Assembly having cognizance of matters relating to public health. Such evaluation shall include, but not be limited to, an assessment of the program's impact on child immunization rates, an assessment of any health or safety risks posed by the program, and recommendations regarding future expansion of the program.

(3) (A) Provided the evaluation submitted pursuant to subdivision (2) of this subsection does not indicate a significant reduction in child immunization rates or an increased risk to the health and safety of
children, commencing [July] October 1, 2012, (i) any health care provider who administers vaccines to children under the federal Vaccines For Children immunization program that is operated by the Department of Public Health under authority of 42 USC 1396s may select, and the department shall provide, any vaccine licensed by the federal Food and Drug Administration, including any combination vaccine and dosage form, that is [(A)] [(I)] recommended by the National Centers for Disease Control and Prevention Advisory Committee on Immunization Practices, and [(B)] [(II)] made available to the department by the National Centers for Disease Control and Prevention, and (ii) any health care provider who administers vaccines to children may select, and the department shall provide, subject to inclusion in such program due to available appropriations, any vaccine licensed by the federal Food and Drug Administration, including any combination vaccine and dosage form, that is (I) recommended by the National Centers for Disease Control and Prevention Advisory Committee on Immunization Practices, (II) made available to the department by the National Centers for Disease Control and Prevention, and (III) equivalent, as determined by the commissioner, to the cost for vaccine series completion of comparable available licensed vaccines.

(B) Commencing January 1, 2013, (i) any health care provider who administers vaccines to children under the federal Vaccines For Children immunization program that is operated by the Department of Public Health under authority of 42 USC 1396s shall utilize, and the department shall provide, any vaccine licensed by the federal Food and Drug Administration, including any combination vaccine and dosage form, that is (I) recommended by the National Centers for Disease Control and Prevention Advisory Committee on Immunization Practices, and (II) made available to the department by the National Centers for Disease Control and Prevention, and (ii) any health care provider who administers vaccines to children shall utilize,
and the department shall provide, subject to inclusion in such program due to available appropriations, any vaccine licensed by the federal Food and Drug Administration, including any combination vaccine and dosage form, that is (I) recommended by the National Centers for Disease Control and Prevention Advisory Committee on Immunization Practices, (II) made available to the department by the National Centers for Disease Control and Prevention, and (III) equivalent, as determined by the commissioner, to the cost for vaccine series completion of comparable available licensed vaccines.

(C) For purposes of subparagraphs (A)(ii) and (B)(ii) of this subdivision, "comparable" means a vaccine (i) protects a recipient against the same infection or infections, (ii) has similar safety and efficacy profiles, (iii) requires the same number of doses, and (iv) is recommended for similar populations by the National Centers for Disease Control and Prevention.

(4) (A) The provisions of this subsection shall not apply in the event of a public health emergency, as defined in section 19a-131, or an attack, major disaster, emergency or disaster emergency, as those terms are defined in section 28-1.

(B) Nothing in this subsection shall require a health care provider to procure a vaccine from the Department of Public Health when such provider is directed by said department to procure such vaccine from another source, including, but not limited to, during a declared national or state vaccine shortage.

(C) Nothing in this subsection shall require a health care provider to utilize or administer a vaccine provided by said department if, based upon such provider's medical judgment, (i) administration of such vaccine is not medically appropriate, or (ii) the administration of another vaccine that said department is not authorized to supply under subdivision (3) of this subsection is more medically appropriate.
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(5) No health care provider shall seek or receive remuneration for or sell any vaccine serum provided by said department under this section. Nothing in this section shall prohibit a health care provider from charging or billing for administering a vaccine.

(6) Not later than January 1, 2014, said department shall submit a report to the General Assembly, in accordance with section 11-4a, evaluating the effectiveness of implementing expanded vaccine choice and universal health care provider participation.

Sec. 213. Section 19a-7j of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

(a) Not later than September 1, 2003, and thereafter, the Secretary of the Office of Policy and Management, in consultation with the Commissioner of Public Health, shall (1) determine the amount appropriated for the following purposes: (A) To purchase, store and distribute vaccines for routine immunizations included in the schedule for active immunization required by section 19a-7f, as amended by this act; (B) to purchase, store and distribute (i) vaccines to prevent hepatitis A and B in persons of all ages, as recommended by the schedule for immunizations published by the National Advisory Committee for Immunization Practices, (ii) antibiotics necessary for the treatment of tuberculosis and biologics and antibiotics necessary for the detection and treatment of tuberculosis infections, and (iii) antibiotics to support treatment of patients in communicable disease control clinics, as defined in section 19a-216a; and (C) to provide services needed to collect up-to-date information on childhood immunizations for all children enrolled in Medicaid who reach two years of age during the year preceding the current fiscal year, to incorporate such information into the childhood immunization registry, as defined in section 19a-7h, and (2) inform the Insurance Commissioner of such amount.
(b) (1) As used in this subsection, (A) "health insurance" means health insurance of the types specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-469, and (B) "exempt insurer" means a domestic insurer that administers self-insured health benefit plans and is exempt from third-party administrator licensure under subparagraph (C) of subdivision (11) of section 38a-720 and section 38a-720a.

[(b)] (2) (A) Each domestic insurer or health care center doing [life insurance or] health insurance business in this state shall annually pay to the Insurance Commissioner, for deposit in the General Fund, a health and welfare fee assessed by the Insurance Commissioner pursuant to this section. [Not later than October 1, 2003, and annually thereafter, the Insurance Commissioner shall determine the fee to be assessed against each such domestic insurer or health care center for the next fiscal year. Such fee shall be a percentage of the total amount appropriated, as identified in subsection (a) of this section, and shall be calculated on the basis of life insurance premiums and health insurance premiums and subscriber charges in the same manner as calculations under section 38a-48. Not later than November 1, 2003, and annually thereafter, the Insurance Commissioner shall submit a statement to each such insurer and health care center that includes the proposed fee for the insurer or health care center calculated in accordance with this section. As used in this section, "health insurance" means health insurance, as defined in subdivisions (1) to (13), inclusive, of section 38a-469.]

(B) Each third-party administrator licensed pursuant to section 38a-720a that provides administrative services for self-insured health benefit plans and each exempt insurer shall, on behalf of the self-insured health benefit plans for which such third-party administrator or exempt insurer provides administrative services, annually pay to the Insurance Commissioner, for deposit in the General Fund, a health and welfare fee assessed by the Insurance Commissioner pursuant to
(3) Not later than September first, annually, each such insurer, health care center, third-party administrator and exempt insurer shall report to the Insurance Commissioner, on a form designated by said commissioner, the number of insured or enrolled lives in this state as of May first immediately preceding for which such insurer, health care center, third-party administrator or exempt insurer is providing health insurance or administering a self-insured health benefit plan that provides coverage of the types specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-469. Such number shall not include lives enrolled in Medicare, any medical assistance program administered by the Department of Social Services, workers' compensation insurance or Medicare Part C plans.

(4) Not later than November first, annually, the Insurance Commissioner shall determine the fee to be assessed for the current fiscal year against each such insurer, health care center, third-party administrator and exempt insurer. Such fee shall be calculated by multiplying the number of lives reported to said commissioner pursuant to subdivision (3) of this subsection by a factor, determined annually by said commissioner as set forth in this subdivision, to fully fund the amount determined under subsection (a) of this section. The Insurance Commissioner shall determine the factor by dividing such amount by the total number of lives reported to said commissioner pursuant to subdivision (3) of this subsection.

(5) (A) Not later than December first, annually, the Insurance Commissioner shall submit a statement to each such insurer, health care center, third-party administrator and exempt insurer that includes the proposed fee for the insurer, health care center, third-party administrator or exempt insurer calculated in accordance with this subsection. Each such insurer, health care center, third-party administrator and exempt insurer shall pay such fee to the Insurance
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Commissioner not later than February first, annually.

[(c)] (B) Any [domestic] such insurer, [or] health care center, third-party administrator or exempt insurer aggrieved by an assessment levied under this [section] subsection may appeal therefrom in the same manner as provided for appeals under section 38a-52, as amended by this act.

(6) Any insurer, health care center, third-party administrator or exempt insurer that fails to file the report required under subdivision (3) of this subsection shall pay a late filing fee of one hundred dollars per day for each day from the date such report was due. The Insurance Commissioner may require an insurer, health care center, third-party administrator or exempt insurer subject to this subsection to produce the records in its possession, and may require any other person to produce the records in such person's possession, that were used to prepare such report, for said commissioner's or said commissioner's designee's examination. If said commissioner determines there is other than a good faith discrepancy between the actual number of insured or enrolled lives that should have been reported under subdivision (3) of this subsection and the number actually reported, such insurer, health care center, third-party administrator or exempt insurer shall pay a civil penalty of not more than fifteen thousand dollars for each report filed for which said commissioner determines there is such a discrepancy.

Sec. 214. Section 38a-52 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

Any (1) domestic insurance company or other domestic entity aggrieved because of any assessment levied under section 38a-48, [or any] (2) fraternal benefit society or foreign or alien insurance company or other entity aggrieved because of any assessment levied under the provisions of sections 38a-49 to 38a-51, inclusive, or (3) domestic
insurer, health care center, third-party administrator licensed pursuant to section 38a-320a or exempt insurer, as defined in subdivision (1) of subsection (b) of section 19a-7j, as amended by this act, aggrieved because of any assessment levied under said section 19a-7j, may, within one month from the time provided for the payment of such assessment, appeal therefrom to the superior court for the judicial district of New Britain, which appeal shall be accompanied by a citation to the commissioner to appear before said court. Such citation shall be signed by the same authority, and such appeal shall be returnable at the same time and served and returned in the same manner, as is required in case of a summons in a civil action. The authority issuing the citation shall take from the appellant a bond or recognizance to the state, with surety to prosecute the appeal to effect and to comply with the orders and decrees of the court in the premises. Such appeals shall be preferred cases, to be heard, unless cause appears to the contrary, at the first session, by the court or by a committee appointed by the court. Said court may grant such relief as may be equitable, and, if such assessment has been paid prior to the granting of such relief, may order the Treasurer to pay the amount of such relief, with interest at the rate of six per cent per annum, to the aggrieved company. If the appeal has been taken without probable cause, the court may tax double or triple costs, as the case demands; and, upon all such appeals which may be denied, costs may be taxed against the appellant at the discretion of the court, but no costs shall be taxed against the state.

Sec. 215. Section 38a-91nn of the 2012 supplement to the general statutes, as amended by section 66 of public act 11-1 of the October special session, is repealed and the following is substituted in lieu thereof (Effective July 1, 2012, and applicable to calendar years commencing on or after January 1, 2012):

(a) Each captive insurance company shall pay to the Commissioner
of Revenue Services, on or before March first of each year, a tax at the rate of (1) thirty-eight hundredths of one per cent on the first twenty million dollars, (2) two hundred eighty-five thousandths of one per cent on the next twenty million dollars, (3) nineteen hundredths of one per cent on the next twenty million dollars, and (4) seventy-two thousandths of one per cent on each dollar thereafter, on the direct premiums collected or contracted for on policies or contracts of insurance written by the captive insurance company during the year ending December thirty-first next preceding, after deducting from the direct premiums subject to the tax the amounts paid to policyholders as return premiums which shall include dividends on unabsorbed premiums or premium deposits returned or credited to policyholders, except that no tax shall be due or payable as to considerations received for annuity contracts.

(b) Each captive insurance company shall pay to the Commissioner of Revenue Services, in the month of March of each year, a tax at the rate of (1) two hundred fourteen thousandths of one per cent on the first twenty million dollars, (2) one hundred forty-three thousandths of one per cent on the next twenty million dollars, (3) forty-eight thousandths of one per cent on the next twenty million dollars, and (4) twenty-four thousandths of one per cent on each dollar thereafter, on assumed reinsurance premiums collected or contracted for on policies or contracts of insurance written by the captive insurance company during the year ending December thirty-first next preceding, provided no tax under this subsection shall apply to premiums for risks or portions of risks that are subject to taxation on a direct basis pursuant to subsection (a) of this section. No tax under this subsection shall be payable in connection with the receipt of assets in exchange for the assumption by a captive insurance company of loss reserves and other liabilities of another insurer under common ownership and control, if such transaction is part of a plan to discontinue the operations of such other insurer and if the intent of the parties to such transaction is to
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renew or maintain such business with the captive insurance company.

(c) (1) The annual minimum aggregate tax to be paid by a captive insurance company, other than a sponsored captive insurance company, calculated under subsection (a) of this section shall be seven thousand five hundred dollars, and the annual maximum aggregate tax calculated under subsections (a) and (b) of this section shall be two hundred thousand dollars. In the case of a branch captive insurance company, the annual aggregate tax to be paid by such company shall apply only to the branch business of such company.

(2) In the case of a sponsored captive insurance company, the annual minimum aggregate tax to be paid by a sponsored captive insurance company shall be seven thousand five hundred dollars and shall apply to such company as a whole and not to each protected cell. The annual maximum tax to be paid by a sponsored captive insurance company shall be the aggregate tax liability, calculated under subsection (a) of this section, of each protected cell.

(d) The provisions of sections 12-204, 12-204d, 12-204g and 12-205 to 12-208, inclusive, shall apply to the provisions of sections 38a-91aa to 38a-91tt, inclusive, in the same manner and with the same force and effect as if the language of said sections 12-204, 12-204d, 12-204g and 12-205 to 12-208, inclusive, had been incorporated in full into this section and had expressly referred to the tax due under this section, except to the extent that any such language is inconsistent with a provision of said sections 38a-91aa to 38a-91tt, inclusive.

(e) (1) Except as specified in subsection (c) of this section and subdivision (2) of this subsection, two or more captive insurance companies under common ownership and control shall be taxed as though they were a single captive insurance company.

(2) Special purpose financial captive insurance companies shall not
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be consolidated with other captive insurance companies that are not special purpose financial captive insurance companies for purposes of calculating the tax due under this section.

(f) For the purposes of this section, (1) "common ownership and control" means ownership and control of two or more captive insurance companies by the same person or group of persons, and (2) "ownership and control" means:

(A) In the case of stock insurers, the direct or indirect ownership of eighty per cent or more of the outstanding voting stock of the insurer;

(B) In the case of mutual or nonprofit corporations, the direct or indirect ownership of eighty per cent or more of the surplus and the voting power of the corporation;

(C) In the case of limited liability companies, the direct or indirect ownership of eighty per cent or more of the membership interests in the company; and

(D) In the case of sponsored captive insurance companies, a protected cell shall be treated as a separate captive insurance company owned and controlled by the protected cell's participants.

(g) (1) The tax provided for in this section shall constitute all taxes collectible under the laws of this state from any captive insurance company, and no other occupation tax or other taxes shall be levied or collected from any captive insurance company by the state or any county, city or municipality within this state, except sales and use taxes and ad valorem taxes on real and personal property used in the production of income.

(2) The tax provided for in this section shall be calculated on an annual basis, notwithstanding policies or contracts of insurance or contracts of reinsurance issued on a multiyear basis. In the case of
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multiyear policies or contracts, the premium shall be prorated for purposes of determining the tax under this section.

(3) A captive insurance company may claim a nonrefundable tax credit of seven thousand five hundred dollars against the aggregate tax imposed under this section for the first calendar year on or after January 1, 2012, in which the company has liability under this section. The Commissioner of Revenue Services shall prescribe the form and manner in which such tax credit may be claimed.

[(h) (1) There is established an account to be known as the "captive insurance regulatory and supervision account" which shall be a separate, nonlapsing account within the Insurance Fund established under section 38a-52a. The account shall contain any moneys required by law to be deposited in the account. Moneys in the account shall be expended by the commissioner for the purposes of funding staff positions and other reasonable expenses related to the regulation of captive insurance companies.]

[(2) (A)] (h) (1) All fees and assessments relating to captive insurance companies received by the Insurance Department shall be deposited in the [account] Insurance Fund established pursuant to section 38a-52a. [(B)] The Comptroller shall transfer annually to [the account] said fund eleven per cent of the tax collected pursuant to this section.

[(3)] (2) The Comptroller may transfer from the [account] Insurance Department's available appropriation, with the approval of the Secretary of the Office of Policy and Management, an amount equivalent to not more than two per cent of the tax collected pursuant to this section, to the Department of Economic and Community Development for reasonable expenses incurred to promote the captive insurance industry in this state. The Department of Economic and Community Development may also utilize the transferred moneys to
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collaborate with other entities to promote the captive insurance industry in this state.

[(4) (3) No payment for the maintenance of staff or associated expenses, including contractual services as necessary, shall be disbursed until the commissioner receives proper documentation regarding services rendered and expenses incurred. The commissioner shall establish the form and manner of such documentation.

[(5) Any balance remaining in the account at the end of any fiscal year shall be carried forward in the account for the fiscal year next succeeding.]

Sec. 216. Section 38a-91oo of the 2012 supplement to the general statutes, as amended by section 67 of public act 11-1 of the October special session, is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

Unless otherwise provided in sections 38a-91aa to 38a-91tt, inclusive, no provision of this title shall apply to captive insurance companies, unless expressly included therein, except for the following: (1) Sections 38a-8, 38a-16, 38a-17, 38a-54 to 38a-57, inclusive, 38a-59, 38a-69a, 38a-73, 38a-129 to 38a-140, inclusive, and 38a-250 to 38a-266, inclusive, and chapter 704c; and (2) section 38a-73, which shall apply only to captive insurance companies formed as risk retention groups, as defined in section 38a-91aa.

Sec. 217. Subsections (a) to (c), inclusive, of section 38a-1081 of the 2012 supplement to the general statutes are repealed and the following is substituted in lieu thereof (Effective from passage):

(a) There is hereby created as a body politic and corporate, constituting a public instrumentality and political subdivision of the state created for the performance of an essential public and governmental function, to be known as the Connecticut Health
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Insurance Exchange. The Connecticut Health Insurance Exchange shall not be construed to be a department, institution or agency of the state. The exchange shall serve both qualified individuals and qualified employers.

(b) (1) The powers of the exchange shall be vested in and exercised by a board of directors, which shall consist of [eleven] twelve voting members. The appointment of the initial board members shall be as follows:

(A) The Governor shall appoint two board members, one of whom shall have expertise in the area of individual health insurance coverage and shall serve for a term of three years and one of whom shall have expertise in issues relating to small employer health insurance coverage and shall serve for a term of two years;

(B) The president pro tempore of the Senate shall appoint one board member who shall have expertise in the area of health care finance and shall serve for a term of four years;

(C) The speaker of the House of Representatives shall appoint one board member who shall have expertise in the area of health care benefits plan administration and shall serve for a term of four years;

(D) The majority leader of the Senate shall appoint one board member who shall have expertise in the health care delivery systems and shall serve for a term of two years;

(E) The majority leader of the House of Representatives shall appoint one board member who shall have expertise in the area of health care economics and shall serve for a term of [one year] two years;

(F) The minority leader of the Senate shall appoint one board member who shall have expertise in health care access issues faced by
(G) The minority leader of the House of Representatives shall appoint one board member who shall have expertise concerning barriers to individual health care coverage and shall serve for a term of two years;

(H) The Commissioner of Social Services, the Special Advisor to the Governor on Healthcare Reform, [and] the Secretary of the Office of Policy and Management and the Healthcare Advocate, or their designees, who shall serve as ex-officio voting board members; and

(I) The Insurance Commissioner, [and] the Commissioner of Public Health, [and the Healthcare Advocate,] or their designees, who shall serve as ex-officio nonvoting board members.

(2) (A) No board member shall be employed by, a consultant to, a member of the board of directors of, affiliated with or otherwise a representative of (i) an insurer, (ii) an insurance producer or broker, (iii) a health care provider, or (iv) a health care facility or health or medical clinic while serving on the board or on the staff of the exchange. For purposes of this subdivision, "health care provider" means any person that is licensed in this state, or operates or owns a facility or institution in this state, to provide health care or health care professional services in this state, or an officer, employee or agent thereof acting in the course and scope of such officer's, employee's or agent's employment.

(B) No board member shall be a member of, a member of the board of, a consultant to or an employee of a trade association of (i) insurers, (ii) insurance producers or brokers, (iii) health care providers, or (iv) health care facilities or health or medical clinics while serving on the board or on the staff of the exchange.

(C) No board member shall be a health care provider unless such
member receives no compensation for rendering services as a health care provider and does not have an ownership interest in a professional health care practice.

(c) (1) All initial appointments shall be made not later than July 1, 2011. Following the expiration of such initial terms, subsequent board [members] member terms shall be for four years. Any vacancy shall be filled by the appointing authority for the balance of the unexpired term. If an appointing authority fails to make an initial appointment, or an appointment to fill a vacancy within ninety days of the date of such vacancy, the appointed board members may make such appointment by a majority vote. Any board member previously appointed to the board or appointed to fill a vacancy may be reappointed in accordance with this section. Any board member may be removed for misfeasance, malfeasance or wilful neglect of duty at the sole direction of the appointing authority.

(2) As a condition of qualifying as a member of the board of directors, each appointee shall, before entering upon such member's duties, take and subscribe the oath or affirmation required under section 1 of article eleventh of the Constitution of the state. A record of each such oath shall be filed in the office of the Secretary of the State.

(3) Appointed board members may not designate a representative to perform in their absence their respective duties under sections 38a-1080 to 38a-1090, inclusive. The Governor shall select a chairperson from among the board members and the board members shall annually elect a vice-chairperson. The chairperson shall schedule the first meeting of the board, which shall be held not later than August 1, 2011. Meetings of the board of directors shall be held at such times as shall be specified in the bylaws adopted by the board and at such other time or times as the chairperson deems necessary. Any board member who fails to attend more than fifty per cent of all meetings held during any calendar year shall be deemed to have resigned from the board.
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(4) [Six] Seven board members shall constitute a quorum for the transaction of any business or the exercise of any power of the exchange. For the transaction of any business or the exercise of any power of the exchange, the exchange may act by a majority of the board members present at any meeting at which a quorum is in attendance. No vacancy in the membership of the board of directors shall impair the right of such board members to exercise all the rights and perform all the duties of the board. [Any] Except as otherwise provided, any action taken by the board under the provisions of sections 38a-1080 to 38a-1090, inclusive, may be authorized by resolution approved by a majority of the board members present at any regular or special meeting, which resolution shall take effect immediately unless otherwise provided in the resolution.

(5) Board members shall receive no compensation for their services but shall receive actual and necessary expenses incurred in the performance of their official duties.

(6) Subject to the provisions of subdivision (2) of subsection (b) of this section, board members may engage in private employment or in a profession or business, subject to any applicable laws, rules and regulations of the state or federal government regarding official ethics or conflicts of interest.

(7) Notwithstanding any provision of the general statutes, it shall not constitute a conflict of interest for a trustee, director, partner or officer of any person, firm or corporation, or any individual having a financial interest in a person, firm or corporation, to serve as a board member of the exchange, provided such trustee, director, partner, officer or individual shall abstain from deliberation, action or vote by the exchange in specific request to such person, firm or corporation.

(8) Each board member shall execute a surety bond in the penal sum of fifty thousand dollars, or, in lieu thereof, the chairperson of the
board shall execute a blanket position bond covering each board member, the chief executive officer and the employees of the exchange, each surety bond to be conditioned upon the faithful performance of the duties of the office or offices covered, to be executed by a surety company authorized to transact business in this state as surety and to be approved by the Attorney General and filed in the office of the Secretary of the State. The cost of each such bond shall be paid by the exchange.

(9) No board member of the exchange shall, for one year after the end of such member's service on the board, accept employment with any health carrier that offers a qualified health benefit plan through the exchange.

Sec. 218. Subsection (e) of section 38a-1081 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(e) (1) (A) No employee of the exchange shall be employed by, a consultant to, a member of the board of directors of, affiliated with or otherwise a representative of (i) an insurer, (ii) an insurance producer or broker, (iii) a health care provider, or (iv) a health care facility or health or medical clinic while serving on the staff of the exchange. For purposes of this subdivision, "health care provider" means any person that is licensed in this state, or operates or owns a facility or institution in this state, to provide health care or health care professional services in this state, or an officer, employee or agent thereof acting in the course and scope of such officer's, employee's or agent's employment.

(B) No employee of the exchange shall be a member of, a consultant to, or an employee of a trade association of [(A)] (i) insurers, [(B)] (ii) insurance producers or brokers, [(C)] (iii) health care providers, or [(D)] (iv) health care facilities or health or medical clinics while serving on the board or on the staff of the exchange.
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exchange.

[(2)] (C) No employee of the exchange shall be a health care provider unless [(A)] (I) such employee receives no compensation for rendering services as a health care provider, or [(ii)] (II) the chief executive officer approves the hiring of such provider as an employee on the basis that such provider fills an area of need of expertise for the exchange, and [(B)] (ii) such employee does not have an ownership interest in a professional health care practice.

[(3)] (2) No employee of the exchange shall, for one year after terminating employment with the exchange, accept employment with any health carrier that offers a qualified health benefit plan through the exchange.

[(4)] (3) Any employee of the exchange whose primary purpose is to assist individuals or small employers in selecting health insurance plans offered on the exchange to purchase shall be licensed as an insurance producer under chapter 701a not later than eighteen months after such employee begins employment with the exchange.

(4) Any employee of the exchange may enroll in a group hospitalization and medical and surgical insurance plan under subsection (a) of section 5-259, provided the exchange reimburses the appropriate state agencies for all costs incurred by such enrollment.

Sec. 219. (Effective July 1, 2012) (a) If the chief executive officer of the Connecticut Health Insurance Exchange, established pursuant to section 38a-1081 of the general statutes, as amended by this act, determines that the current expenses of said exchange exceed the amount of cash available to said exchange and an advance of funds from federal grants awarded to the exchange is unavailable, the chief executive officer may make a written request for approval from the Secretary of the Office of Policy and Management for an advance, not
to exceed five million dollars, from the General Fund to pay such expenses.

(b) If said secretary approves the request, the Office of Policy and Management shall notify the Treasurer and the Comptroller of the advance amount approved and the Comptroller shall draw a warrant for disbursement of the advance amount approved. Said secretary shall not approve any advances pursuant to this section (1) until all prior advances have been repaid, (2) if sufficient federal grant award funds to repay an advance are unavailable, and (3) after December 31, 2014.

(c) Said exchange shall process draw-downs of federal grant funds awarded to the exchange as soon as is practicable and shall repay to the Comptroller the amount advanced not later than seven business days after the exchange receives such advance. Said exchange and the Office of Policy and Management shall provide reports regarding any advances approved as required by the Comptroller.

Sec. 220. Section 10a-19g of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

The program established by [the Board of Regents for Higher Education] The University of Connecticut to provide grants to assist residents of this state to pursue degrees in veterinary medicine shall be known as the Kirklyn M. Kerr grant program.

Sec. 221. Section 10a-19h of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

(a) For the purposes of this section, "veterinary student" means an in-state resident enrolled in an accredited veterinary graduate school.
(b) The president of [the Board of Regents for Higher Education] The University of Connecticut shall establish and administer the Kirklyn M. Kerr program to support the veterinary medicine education of not more than five veterinary students per cohort. Each cohort may be funded for a four-year period.

Sec. 222. (NEW) (Effective July 1, 2012) (a) There is established an English language learner educator loan reimbursement program to be administered by the Office of Financial and Academic Affairs for Higher Education within available appropriations.

(b) Up to twenty persons may be eligible for reimbursement of federal or state educational loans up to a maximum of five thousand dollars per person per year for up to five years, provided each such person, on or after May 1, 2012, (1) (A) graduates from a teacher preparation program offered by an institution of higher education in this state and completes teacher certification requirements pursuant to section 10-145b of the general statutes, or (B) holds a teaching certificate and completes a program in this state pursuant to which such person receives an endorsement in teaching English to speakers of other languages or bilingual education, (2) if such person has not received an endorsement in teaching English to speakers of other languages or bilingual education, receives such an endorsement, and (3) is employed in a teaching position that requires an endorsement in teaching English to speakers of other languages or bilingual education at a public school in this state and commits, in writing, to remain employed in such a position at a public school in this state for at least five years following such person's receipt of such an endorsement. Any such person eligible for reimbursement under this section who does not remain employed in a teaching position that requires an endorsement in teaching English to speakers of other languages or bilingual education at a public school in this state for at least five years after receiving such an endorsement shall repay the cost to the state of
any such reimbursement in accordance with subsection (c) of this section.

(c) The executive director of the Office of Financial and Academic Affairs for Higher Education shall treat reimbursement of educational loans pursuant to this section as loans for any person who does not remain employed for at least five years in a teaching position that requires an endorsement in teaching English to speakers of other languages or bilingual education at a public school in this state. The executive director shall determine the manner of the repayment of such reimbursement by persons who do not remain employed in such a position at a public school in this state for five years, provided, for each year of such five-year period that the person does not remain employed in such a position, the person shall owe to the state not less than twenty per cent of the total amount of such reimbursement.

(d) The Office of Financial and Academic Affairs for Higher Education may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes to carry out the provisions of subsections (a) to (c), inclusive, of this section.

Sec. 223. (Effective July 1, 2012) The Labor Commissioner, in consultation with the Connecticut Employment and Training Commission, shall develop youth employment strategies to bolster youth employment and address the unemployment of youth and young adults, including, but not limited to, educating employers concerning a tax credit available pursuant to section 12-217pp of the general statutes, as amended by this act, for a taxpayer who hires a young adult who qualifies as a new employee under said section. Such strategies shall reflect the impact of an aging population on the employment of youth and young adults and the importance of urban centers as hubs for youth employment. On or before December 31, 2012, the Labor Commissioner shall report, in accordance with the provisions of section 11-4a of the general statutes, regarding such
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strategies to the joint standing committee of the General Assembly having cognizance of matters relating to higher education and employment advancement.

Sec. 224. (NEW) (Effective July 1, 2012) Each local and regional board of education, in collaboration with the Board of Regents for Higher Education and the Board of Trustees for The University of Connecticut, shall develop a plan to align Connecticut's common core state standards with college level programs at Connecticut public institutions of higher education not later than one year after Connecticut first implements said standards.

Sec. 225. (NEW) (Effective from passage) (a) On or before July 1, 2013, the Department of Education, in collaboration with the Board of Regents for Higher Education and the Board of Trustees of The University of Connecticut, shall develop a pilot program to incorporate Connecticut's common core state standards into the curricula of the priority school districts, as described in section 10-266p of the general statutes, and, for the school year commencing July 1, 2013, to the school year ending June 30, 2018, inclusive, align such curricula with college level programs offered by the constituent units of the state system of higher education and the independent institutions of higher education in this state.

(b) The pilot program shall require the local or regional board of education for a priority school district to partner with the Board of Regents for Higher Education on behalf of a regional community-technical college or a state university, the Board of Trustees for The University of Connecticut on behalf of the university or the governing board of an independent institution of higher education on behalf of such institution to (1) evaluate and align curricula, (2) evaluate students in grade ten or eleven using a college readiness assessment developed or adopted by the Department of Education, (3) use the results of such evaluations to assess college readiness, and (4) offer a
plan of support to any student in grade twelve who is found to be not ready for college based on such student's results on the college readiness assessment. Such local or regional board of education shall annually report such test results and assessments to the Department of Education, the Board of Regents for Higher Education, the Office of Financial and Academic Affairs for Higher Education and The University of Connecticut.

Sec. 226. (Effective from passage) (a) Notwithstanding the provisions of chapter 173 of the general statutes, or any regulation adopted by the State Board of Education or the Department of Construction Services under said chapter requiring a completed grant application be submitted prior to June 30, 2011, and prohibiting reimbursement for costs associated with the construction of outdoor athletic facilities, a new construction project for Bowen Field in New Haven with costs not to exceed eleven million dollars shall be included in subdivision (1) of section 1 of public act 12-179, provided a complete grant application is submitted prior to June 30, 2013. Such building project shall be eligible for a reimbursement rate of sixty-eight and ninety-three-hundredths per cent.

(b) Notwithstanding the provisions of chapter 173 of the general statutes or any regulation adopted under said chapter, the town of New Haven is authorized to illuminate the athletic fields at Bowen Field in an amount not to exceed six hundred thousand dollars and shall be subsequently eligible for school construction grant assistance provided a completed grant application is submitted to the Department of Construction Services prior to June 30, 2013. The full cost of the illumination project shall be deemed eligible costs for the purpose of grant calculation. The grant for construction assistance shall be calculated using the same rate of reimbursement as assigned to school building projects for the town of New Haven.

Sec. 227. (Effective from passage) Notwithstanding the provisions of
section 10-286 of the general statutes or any regulations adopted by the State Board of Education or the Department of Construction Services pursuant to said section 10-286 concerning the calculation of grants using the state standard space specifications, the town of Brooklyn shall be exempt from the state standard space specifications for the purpose of the calculation of the grant for the extension and alteration project at the Brooklyn Middle School (Project Number 019-0027 EA).

Sec. 228. (Effective from passage) (a) Notwithstanding the provisions of section 10-283 of the general statutes or any regulation adopted by the State Board of Education or the Department of Construction Services pursuant to said section 10-283 concerning ineligible costs and subsection (d) of section 10-286 of the general statutes or any regulation adopted by the State Board of Education or Department of Construction Services requiring that all change orders or other change directives issued for such project on or after July 1, 2011, shall be submitted not later than six months after the date of such issuance, the town of Manchester may submit change orders relating to the installation of an off-site chiller system for air conditioning for the project at the Elisabeth M. Bennet Academy (Project Number 077-0209 PS/EA) and shall be eligible to receive reimbursement for costs associated with such change orders, provided such change orders have been approved by the Department of Construction Services' bureau of school facilities and provided further the town of Manchester can ensure that there will be no other connections to such off-site chiller system by anyone other than Elisabeth M. Bennet Academy.

(b) Notwithstanding the provisions of section 10-292 of the general statutes or any regulation adopted by the State Board of Education or Department of Construction Services requiring that a bid not be let out until plans and specifications have been approved by the Department of Construction Services' bureau of school facilities, the town of Manchester may let out for bid on and commence the construction
project described in subsection (a) of this section at Elisabeth M. Bennet Academy and shall be eligible to receive reimbursement, provided plans and specifications have been approved by the Department of Construction Services' bureau of school facilities.

Sec. 229. *(Effective from passage)* Notwithstanding the provisions of section 10-283 of the general statutes or any regulation adopted by the State Board of Education or the Department of Construction Services pursuant to said section 10-283 concerning ineligible costs and section 10-287 of the general statutes or any regulation adopted by the State Board of Education or the Department of Construction Services pursuant to said section requiring a competitive bidding process for orders and contracts for school building construction receiving state assistance under chapter 173 of the general statutes, the town of Wethersfield shall be eligible to receive reimbursement for costs associated with architect fees for an extension and alteration project at Wethersfield High School, provided such project meets all other provisions of said chapter 173 or any regulation adopted by the State Board of Education or the Department of Construction Services.

Sec. 230. Subsection (a) of section 10-19o of the general statutes is repealed and the following is substituted in lieu thereof *(Effective from passage)*:

(a) The Commissioner of Education shall establish a program to provide grants to youth service bureaus in accordance with this section. Only youth service bureaus which were eligible to receive grants pursuant to this section for the fiscal year ending June 30, 2007, or which applied for a grant by June 30, [2007] 2012, with prior approval of the town's contribution pursuant to subsection (b) of this section, shall be eligible for a grant pursuant to this section for any fiscal year commencing on or after July 1, [2007] 2012. Each such youth service bureau shall receive a grant of fourteen thousand dollars. The Department of Education may expend an amount not to exceed two
per cent of the amount appropriated for purposes of this section for administrative expenses. If there are any remaining funds, each such youth service bureau that was awarded a grant in excess of fifteen thousand dollars in the fiscal year ending June 30, 1995, shall receive a percentage of such funds. The percentage shall be determined as follows: For each such grant in excess of fifteen thousand dollars, the difference between the amount of the grant awarded to the youth service bureau for the fiscal year ending June 30, 1995, and fifteen thousand dollars shall be divided by the difference between the total amount of the grants awarded to all youth service bureaus that were awarded grants in excess of fifteen thousand dollars for said fiscal year and the product of fifteen thousand dollars and the number of such grants for said fiscal year.

Sec. 231. (Effective July 1, 2012) (a) For the fiscal year ending June 30, 2013, the Department of Education shall establish a coordinated school health pilot program to provide grants to two educational reform districts, as defined in section 34 of public act 12-116, as selected by the Commissioner of Education, for coordinating school health, education and wellness and reducing childhood obesity. Such coordinated school health pilot program shall (1) enhance student health, promote academic achievement and reduce childhood obesity by bringing together school administrators, teachers, other school staff, students, families and community members to assess health needs, set priorities and plan, implement and evaluate school health activities, and (2) include, but not be limited to, the following components: School nutrition services, physical education, a healthy school environment, staff health and wellness, family and community involvement, health education and services, school counseling and school psychological and social services.

(b) The commissioner shall (1) establish guidelines for the implementation of the coordinated school health pilot program for use
by the local or regional board of education for selected educational reform districts, (2) provide technical assistance and resources to the local or regional board of education for such selected educational reform districts for the implementation of such coordinated school health pilot program, and (3) not later than October 1, 2013, submit a final report on the implementation of such coordinated school health pilot program to the Governor and the joint standing committees of the General Assembly having cognizance of matters relating to education and appropriations and the budgets of state agencies, in accordance with the provisions of section 11-4a of the general statutes.

Sec. 232. (NEW) (Effective July 1, 2012) The Commissioner of Education shall, within available appropriations, establish a wraparound services grant program that awards grants to educational reform districts, as defined in section 34 of public act 12-116, for social-emotional behavioral supports, family involvement and support, student engagement, physical health and wellness, and social work and case management. The local or regional board of education for an educational reform district may apply to the commissioner for a grant under this section at such time and in such manner as the commissioner prescribes.

Sec. 233. (Effective July 1, 2012) For the fiscal year ending June 30, 2013, the Department of Education shall establish a parent university pilot program to provide grants to two educational reform districts, as defined in section 34 of public act 12-116, as selected by the Commissioner of Education, for the establishment of a parent university in such selected educational reform districts. Each parent university established under this section shall provide district-wide educational opportunities for parents and educational opportunities for parents of students enrolled in certain schools and who reside in certain neighborhoods. The local or regional board of education for an educational reform district or a nonprofit organization partnering with
such board of education may apply to the commissioner for a grant under this section at such time and in such manner as the commissioner prescribes. The department may accept private donations for purposes of the parent university pilot program, provided such donations shall in no way limit the scope of parent university pilot program grants pursuant to this section.

Sec. 234. (NEW) (Effective July 1, 2012) The Commissioner of Education shall, within available appropriations, establish an educational reform district science grant program that awards grants to educational reform districts, as defined in section 34 of public act 12-116, for the purpose of improving student academic performance in science, reading and numeracy in kindergarten to grade eight, inclusive. The local or regional board of education for an educational reform district may apply to the commissioner for a grant under this section at such time and in such manner as the commissioner prescribes. In awarding such grants, the commissioner shall give priority to (1) applicant programs that partner with schools that have a record of low academic performance in science, and (2) applicant after-school elementary science programs that have a record of improving student academic performance in science.

Sec. 235. Subsection (g) of section 10-16mm of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(g) (1) Not later than [July 1, 2012] January 15, 2013, the task force shall submit the master plan described in subsection (a) of this section to the joint standing committee of the General Assembly having cognizance of matters relating to education, in accordance with the provisions of section 11-4a, and the Interagency Council for Ending the Achievement Gap described in section 10-16nn.

(2) Not later than [January] July 1, 2013, and annually thereafter
until January 1, 2020, the task force shall submit progress reports on
the implementation of the master plan described in subsection (a) of
this section and recommendations for implementing said master plan
to the joint standing committee of the General Assembly having
cognizance of matters relating to education, in accordance with the
provisions of section 11-4a.

Sec. 236. Section 10-65 of the 2012 supplement to the general
statutes, as amended by section 64 of public act 12-116, is amended by
adding subsection (g) as follows (Effective July 1, 2012):

(NEW) (g) Notwithstanding the provisions of sections 10-51 and 10-
222, for the fiscal year ending June 30, 2013, any amount received by a
local or regional board of education pursuant to subdivision (2) of
subsection (a) of this section that exceeds the amount appropriated for
education by the municipality or the amount in the budget approved
by such regional board of education for purposes of said subdivision
(2) of subsection (a) of this section, shall be available for use by such
local or regional board of education, provided such excess amount is
spent in accordance with the provisions of subdivision (2) of
subsection (a) of this section.

Sec. 237. (Effective July 1, 2012) The sum of $27,000 appropriated in
section 67 of public act 11-61, as amended by section 1 of public act 12-
104, to the Department of Education, Other Expenses, shall be
transferred to The University of Connecticut, Operating Expenses, for
the Cooperative Extension Service at The University of Connecticut to
coordinate the FoodCorps in Connecticut for the fiscal year ending
June 30, 2013.

Sec. 238. (Effective July 1, 2012) (a) For the fiscal year ending June 30,
2013, the Commissioner of Education shall establish a school
nutritional rating system pilot grant program to be implemented in
school districts selected by the commissioner for the school years
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commencing July 1, 2012, and July 1, 2013. Such school nutritional rating system pilot grant program shall provide grants of up to fifty thousand dollars to eligible applicants, as described in subsection (b) of this section, selected by the commissioner, in accordance with the provisions of subsection (c) of this section, to adopt and implement a nutritional rating system to be used in at least one elementary school, one middle school and one high school in the school district that (1) provides information on the nutritional value of food provided to students in the school cafeteria to guide student food choices at school, and (2) assists local and regional boards of education in food service decisions relating to the procurement of food for schools. An eligible applicant receiving a grant under this section shall monitor and report to the commissioner on whether the development or adoption of such nutritional rating system has effected student food-purchasing patterns.

(b) An eligible applicant may apply to the commissioner for a grant under this section at such time and in such manner as the commissioner prescribes. For purposes of this section, an "eligible applicant" means a local or regional board of education submitting an application on its own or a group of boards of education submitting an application together that has at least one elementary school, one middle school and one high school located in the school district or districts.

(c) The commissioner shall select at least three applications, but not more than five applications, submitted by eligible applicants pursuant to subsection (b) of this section, provided the commissioner selects at least one eligible applicant, with a total resident student population that is less than one thousand students, one eligible applicant, with a total resident student population that is equal to or greater than one thousand, but less than ten thousand, and one eligible applicant, with a total resident student population that is equal to or greater than ten
(d) The commissioner may accept private donations for purposes of the school nutritional rating system pilot grant program, provided such donations shall in no way limit the scope of school nutritional rating system pilot program grants pursuant to this section.

(e) Not later than October 1, 2014, the commissioner shall submit a report assessing the school nutritional rating system pilot grant program to the joint standing committee of the General Assembly having cognizance of matters relating to education, in accordance with the provisions of section 11-4a of the general statutes. Such report shall include any recommendations relating to the expansion of such school nutritional rating system pilot grant program. The commissioner shall consult with the food service directors for the school districts participating in the school nutritional rating system pilot grant program in the development of such report and recommendations.

Sec. 239. (Effective July 1, 2012) Not later than July 1, 2013, the Commissioner of Education shall submit a report and recommendations relating to the establishment of a state-wide procurement guide, that contains nutritional rating information for food items most commonly procured by boards of education, for use by local and regional boards of education to the joint standing committee of the General Assembly having cognizance of matters relating to education, in accordance with the provisions of section 11-4a of the general statutes. The commissioner shall consult with food service directors for school districts throughout the state in the development of such report and recommendations.

Sec. 240. Subsection (c) of section 29-7b of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

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thousand.

(d) The commissioner may accept private donations for purposes of the school nutritional rating system pilot grant program, provided such donations shall in no way limit the scope of school nutritional rating system pilot program grants pursuant to this section.

(e) Not later than October 1, 2014, the commissioner shall submit a report assessing the school nutritional rating system pilot grant program to the joint standing committee of the General Assembly having cognizance of matters relating to education, in accordance with the provisions of section 11-4a of the general statutes. Such report shall include any recommendations relating to the expansion of such school nutritional rating system pilot grant program. The commissioner shall consult with the food service directors for the school districts participating in the school nutritional rating system pilot grant program in the development of such report and recommendations.

Sec. 239. (Effective July 1, 2012) Not later than July 1, 2013, the Commissioner of Education shall submit a report and recommendations relating to the establishment of a state-wide procurement guide, that contains nutritional rating information for food items most commonly procured by boards of education, for use by local and regional boards of education to the joint standing committee of the General Assembly having cognizance of matters relating to education, in accordance with the provisions of section 11-4a of the general statutes. The commissioner shall consult with food service directors for school districts throughout the state in the development of such report and recommendations.

Sec. 240. Subsection (c) of section 29-7b of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):
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(c) The Division of Scientific Services: (1) May investigate any physical evidence or evidentiary material related to a crime upon the request of any federal, state or local agency, (2) may conduct or assist in the scientific field investigation at the scene of a crime and provide other technical assistance and training in the various fields of scientific criminal investigation upon request, (3) shall assure the safe custody of evidence during examination, (4) shall forward a written report of the results of an examination of evidence to the agency submitting such evidence, (5) shall render expert court testimony when requested, and (6) shall conduct ongoing research in the areas of the forensic sciences. The Commissioner of Emergency Services and Public Protection or a [deputy commissioner] director designated by the commissioner shall be in charge of the Division of Scientific Services operations and shall establish and maintain a system of case priorities and a procedure for submission of evidence and evidentiary security. The director of the Division of Scientific Services shall be in the unclassified service and shall serve at the pleasure of the commissioner.

Sec. 241. Subsection (a) of section 28-24 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

(a) There is established an Office of State-Wide Emergency Telecommunications which shall be within the Department of Emergency Services and Public Protection. The Office of State-Wide Emergency Telecommunications shall be responsible for developing and maintaining a state-wide emergency service telecommunications policy. In connection with said policy, the office shall:

(1) Develop a state-wide emergency service telecommunications plan specifying emergency police, fire and medical service telecommunications systems needed to provide coordinated emergency service telecommunications to all state residents, including the physically disabled;
(2) Pursuant to the recommendations of the task force established by public act 95-318 to study enhanced 9-1-1 telecommunications services, and in accordance with regulations adopted by the Commissioner of Emergency Services and Public Protection pursuant to subsection (b) of this section, develop and administer, by July 1, 1997, an enhanced emergency 9-1-1 program, which shall provide for: (A) The replacement of existing 9-1-1 terminal equipment for each public safety answering point; (B) the subsidization of regional public safety emergency telecommunications centers, with enhanced subsidization for municipalities with a population in excess of forty thousand; (C) the establishment of a transition grant program to encourage regionalization of public safety telecommunications centers; and (D) the establishment of a regional emergency telecommunications service credit in order to support regional dispatch services;

(3) Provide technical telecommunications assistance to state and local police, fire and emergency medical service agencies;

(4) Provide frequency coordination for such agencies;

(5) Coordinate and assist in state-wide planning for 9-1-1 and E 9-1-1 systems;

(6) Review and make recommendations concerning proposed legislation affecting emergency service telecommunications; [and]

(7) Review and make recommendations to the General Assembly concerning emergency service telecommunications funding; and

(8) On or before January first of each year, prepare the annual budget for the use of funds from the Enhanced 9-1-1 Telecommunications Fund and submit such budget to the Secretary of the Office of Policy and Management for the secretary's review and approval. On or before January fifteenth of each year, said secretary shall submit a report concerning the proposed use of such funds to the
joint standing committees of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies, finance, revenue and bonding, and public safety in accordance with the provisions of section 11-4a.

Sec. 242. (Effective from passage) Notwithstanding the provisions of section 3-125a of the general statutes, the first amendment to the settlement agreement between the state of Connecticut and the Mashantucket Pequot Tribe and the first amendment to the settlement agreement between the state of Connecticut and the Mohegan Tribe of Indians of Connecticut, concerning the calculation of the revenue due the state under the slot machine agreements between the state and said tribes, submitted by the Governor to the General Assembly on April 23, 2012, for approval pursuant to section 3-6c of the general statutes, are approved.

Sec. 243. Section 29-4 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

[The] (a) On and after the effective date of this section and until July 1, 2013, the Commissioner of Emergency Services and Public Protection shall appoint and maintain a sufficient number of sworn state police personnel to efficiently maintain the operation of the Division of State Police as determined by the commissioner in the commissioner's judgment. On and after July 1, 2013, the commissioner shall appoint and maintain a sufficient number of sworn state police personnel to efficiently maintain the operation of the division as determined by the commissioner in accordance with the recommended standards developed pursuant to subsection (f) of this section.

(b) On or before February first of each odd-numbered year, the commissioner shall submit a report to the joint standing committees of
the General Assembly having cognizance of matters relating to public safety and appropriations and the budgets of state agencies, in accordance with section 11-4a, providing an assessment of the number of sworn state police personnel necessary to perform division operations for the biennium beginning July first of that year. If such report recommends a staffing level of less than one thousand two hundred forty-eight sworn state police personnel, the commissioner shall include in such report an assessment of the impact to public safety and any potential negative impact specifically attributable to such deviation in staffing level.

(c) The commissioner shall appoint from among such sworn state police personnel not more than three lieutenant colonels who shall be in the unclassified service as provided in section 5-198, as amended by this act. Any permanent employee in the classified service who accepts appointment to the position of lieutenant colonel in the unclassified service may return to the classified service at such employee's former rank. The commissioner shall appoint not more than twelve majors who shall be in the classified service. The position of major in the unclassified service shall be abolished on July 1, 2011. Any permanent employee in the classified service who accepts appointment to the position of major in the unclassified service prior to July 1, 2011, may return to the classified service at such permanent employee's former rank. The commissioner, subject to the provisions of chapter 67, shall appoint such numbers of captains, lieutenants, sergeants, detectives and corporals as the commissioner deems necessary to officer efficiently the state police force.

(d) The commissioner shall establish such divisions as the commissioner deems necessary for effective operation of the state police force and consistent with budgetary allotments, a Criminal Intelligence Division and a state-wide organized crime investigative task force to be engaged throughout the state for the purpose of
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preventing and detecting any violation of the criminal law. The head of the Criminal Intelligence Division shall be of the rank of sergeant or above. The head of the state-wide organized crime investigative task force shall be a police officer.

(e) Salaries of the members of the Division of State Police within the Department of Emergency Services and Public Protection shall be fixed by the Commissioner of Administrative Services as provided in section 4-40. State police personnel may be promoted, demoted, suspended or removed by the commissioner, but no final dismissal from the service shall be ordered until a hearing has been had before said commissioner on charges preferred against such officer. Each state police officer shall, before entering upon such officer's duties, be sworn to the faithful performance of such duties. The Commissioner of Emergency Services and Public Protection shall designate an adequate patrol force for motor patrol work exclusively.

(f) The Legislative Program Review and Investigations Committee shall conduct a study to develop recommended standards for use by the Commissioner of Emergency Services and Public Protection in determining the commissioner's proposed level of staffing for the Division of State Police for purposes of the biennial budget. The committee, in developing such recommended standards, shall consider the following: Technological improvements, federal mandates and funding, statistical data on rates and types of criminal activity, staffing of patrol positions, staffing of positions within the division and department that do not require the exercise of police powers, changes in municipal police policy and staffing and such other criteria as the committee deems relevant. On or before January 9, 2013, the committee shall report such recommended standards to the joint standing committee of the General Assembly having cognizance of matters relating to public safety and shall forward a copy thereof to the Commissioner of Emergency Services and Public Protection.
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Sec. 244. Section 29-22 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

The Commissioner of Emergency Services and Public Protection is authorized to recruit, train and organize a volunteer police auxiliary force for the purpose of providing emergency services throughout the state for peacetime or wartime emergencies or threatened emergencies and for augmenting the state police force in such manner as the Commissioner of Emergency Services and Public Protection may deem appropriate. Such volunteer police auxiliary force shall at all times be under the direction of said commissioner and subject to the rules and regulations of the Division of State Police within the Department of Emergency Services and Public Protection. The total membership of the auxiliary force shall not exceed in number twice the [authorized strength prescribed in section 29-4 for the state police, and such] number of sworn state police personnel appointed pursuant to section 29-4, as amended by this act. Such auxiliary force may be equipped with uniforms prescribed by the commissioner and delegated special police powers for specific emergency police duties. The commissioner may, within available appropriations, provide subsistence and maintenance to the volunteer police auxiliary force when called to duty. In the event of participation in emergency services, the members of the volunteer police auxiliary force shall have the same immunities and privileges as apply to the organized militia and to the regular members of the Division of State Police. All members of the volunteer police auxiliary force shall be compensated for death, disability or injury incurred while in training for or on auxiliary state police duty under the provisions of this section as follows: (1) Employees of the state, municipalities or political subdivisions of the state who are members of the volunteer police auxiliary force and for whom such compensation is provided by any provision of existing law shall be construed to be acting within the scope of their employment while in training for or engaged in auxiliary state police duty and shall be
compensated in accordance with the provisions of chapter 568 and
sections 5-142 and 5-144. (2) Any persons who are engaged in regular
employment apart and separate from their duties as members of the
volunteer police auxiliary force and for whom such compensation is
not so provided shall, while in training for or engaged in duties under
the provisions of this section, be construed to be employees of the state
for the purpose of chapter 568 and sections 5-142 and 5-144, and shall
be compensated by the state in accordance with the provisions of said
chapter and sections.

Sec. 245. Subsection (a) of section 29-1s of the 2012 supplement to
the general statutes is repealed and the following is substituted in lieu
thereof (Effective from passage):

(a) (1) Wherever the term "Department of Public Safety" is used in
the following general statutes, the term "Department of Emergency
Services and Public Protection" shall be substituted in lieu thereof; and
(2) wherever the term "Commissioner of Public Safety" is used in the
following general statutes, the term "Commissioner of Emergency
Services and Public Protection" shall be substituted in lieu thereof: 1-
24, 1-84b, 1-217, 2-90b, 3-2b, 4-68m, 4a-2a, 4a-18, 4a-67d, 4b-1, 4b-130, 5-
142, 5-146, 5-149, 5-150, 5-169, 5-173, 5-192f, 5-192t, 5-246, 6-32g, 7-169,
7-285, 7-294f to 7-294h, inclusive, 7-294l, 7-294n, 7-294y, 7-425, 9-7a, 10-
233h, 12-562, 12-564a, 12-586f, 12-586g, 13a-123, 13b-69, 13b-376, 14-10,
14-64, 14-67j, 14-67m, 14-67w, 14-103, 14-108a, 14-138, 14-152, 14-163c,
14-211a, 14-212a, as amended by this act, 14-212f, 14-219c, 14-227a, 14-
227c, 14-267a, 14-270c to 14-270f, inclusive, 14-283, 14-291, 14-298, 14-
315, 15-98, 15-140r, 15-140u, 16-256g, 16a-103, 17a-105a, 17a-106a, 17a-
500, 17b-90, 17b-137, 17b-192, 17b-225, 17b-279, 17b-490, 18-87k, 19a-
112a, 19a-112f, 19a-179b, 19a-409, 19a-904, 20-12c, 20-327b, 21a-36, 21a-
283, 22a-2, 23-8b, 23-18, 26-5, 26-67b, 27-19a, 27-107, 28-25b, 28-27, 28-
27a, 28-30a, 29-1c, 29-1e to 29-1h, inclusive, 29-1q, 29-1zz, 29-2, 29-2a,
29-2b, 29-3a, [29-3b], 29-4a, 29-6a, 29-7, 29-7b, as amended by this act.
Sec. 246. Subsection (a) of section 29-1s of the 2012 supplement to the general statutes, as amended by section 245 of this act and section 24 of public act 12-81, is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

(a) (1) Wherever the term "Department of Public Safety" is used in the following general statutes, the term "Department of Emergency Services and Public Protection" shall be substituted in lieu thereof; and (2) wherever the term "Commissioner of Public Safety" is used in the following general statutes, the term "Commissioner of Emergency Services and Public Protection" shall be substituted in lieu thereof: 1-24, 1-84b, 1-217, 2-90b, 3-2b, 4-68m, 4a-2a, 4a-18, 4a-67d, 4b-1, 4b-130, 5-142, 5-146, 5-149, 5-150, 5-169, 5-173, 5-192f, 5-192t, 5-246, 6-32g, 7-169, 7-285, 7-294f to 7-294h, inclusive, 7-294l, 7-294n, 7-294y, 7-425, 9-7a, 10-233h, 12-562, 12-564a, 12-586f, 12-586g, 13a-123, 13b-69, 13b-376, 14-10, 14-64, 14-67m, 14-67w, 14-103, 14-108a, 14-138, 14-152, 14-163c, 14-211a, 373 of 474
Sec. 247. Subsection (a) of section 29-1s of the 2012 supplement to the general statutes, as amended by section 245 of this act, section 24 of public act 12-81 and section 192 of public act 12-80, is repealed and the following is substituted in lieu thereof (Effective October 1, 2012):

(a) (1) Wherever the term "Department of Public Safety" is used in the following general statutes, the term "Department of Emergency Services and Public Protection" shall be substituted in lieu thereof; and
(2) wherever the term "Commissioner of Public Safety" is used in the following general statutes, the term "Commissioner of Emergency Services and Public Protection" shall be substituted in lieu thereof: 1-24, 1-84b, 1-217, 2-90b, 3-2b, 4-68m, 4a-2a, 4a-18, 4a-67d, 4b-1, 4b-130, 5-142, 5-146, 5-149, 5-150, 5-169, 5-173, 5-192f, 5-192t, 5-246, 6-32g, 7-169, 7-285, 7-294f to 7-294h, inclusive, 7-294l, 7-294n, 7-294y, 7-425, 9-7a, 10-233h, 12-562, 12-564a, 12-586f, 12-586g, 13a-123, 13b-69, 13b-376, 14-10, 14-64, 14-67m, 14-67w, 14-103, 14-108a, 14-138, 14-152, 14-163c, 14-211a, 14-212a, 14-212f, 14-219c, 14-227a, 14-227c, 14-267a, 14-270c to 14-270f, inclusive, 14-283, 14-291, 14-298, 14-315, 15-98, 15-140r, 15-140u, 16-256g, 16a-103, 17a-105a, 17a-106a, 17a-500, 17b-90, 17b-137, 17b-192, 17b-225, 17b-279, 17b-490, 18-87k, 19a-112a, as amended by this act, 19a-112f, 19a-179b, 19a-409, 19a-904, 20-12c, 20-327b, 21a-36, 21a-283, 22a-2, 23-8b, 23-18, 23-9, 23-9a, 27-7a, 28-93a, 29-4a, 29-6a, 29-7, 29-97b, as amended by this act, 29-7c, 29-7h, 29-7m, 29-7n, 29-8, 29-10, 29-10a, 29-10c, 29-11, 29-12, 29-17a, 29-17b, 29-17c, 29-18 to 29-23a, inclusive, as amended by this act, 29-25, 29-26, 29-28, 29-28a, 29-30 to 29-32, inclusive, 29-32b, 29-33, 29-36f to 29-36i, inclusive, 29-36k, 29-36m, 29-36n, 29-37a, 29-37f, 29-38b, 29-38e, 29-38f, 29-108b, 29-143i, 29-143j, 29-145 to 29-151, inclusive, 29-152f to 29-152j, inclusive, 29-152m, 29-152o, 29-152u, 29-153, 29-155d, 29-156a, 29-161g to 29-161i, inclusive, 29-161k to 29-161m, inclusive, 29-161o to 29-161t, inclusive, 29-161v to 29-161z, inclusive, 29-163, 29-164g, 29-166, 29-176 to 29-179, inclusive, 29-179f to 29-179h, 29-275, 38a-18, 38a-356, 45a-6a, 46a-4b, 46a-20, 46a-170, 46b-20a, 46b-38d, 46b-38f, 51-5c, 51-10c, 51-51o, 51-277a, 52-11, 53-39a, 53-134, 53-199, 53-202, 53-202b, 53-202c, 53-202g, 53-202l, 53-202n, 53-202o, 53-278c, 53-341b, 53a-3, 53a-30, 53a-54b, 53a-130, 53a-130a, 54-1f, 54-1l, 54-36e, 54-36i, 54-36n, 54-47aa, 54-63c, 54-76l, 54-86k, 54-102g to 54-102j, inclusive, 54-102m, 54-102pp, 54-142j, 54-222a, 54-240, 54-240m, 54-250 to 54-258, inclusive, 54-259a, 54-260b, and 54-300.
Sec. 248. (NEW) (Effective July 1, 2012) (a) The Department of Administrative Services shall enter into a memorandum of understanding with each state agency for which the department provides the following services: (1) Personnel, (2) payroll, (3) affirmative action, and (4) business office functions, establishing said department's and such agency's responsibilities regarding the services provided. Said department and each such agency shall enter into such a memorandum of understanding not later than October 1, 2012, or three months after the department begins providing such services to such agency, whichever is later.

(b) Not later than October 1, 2012, or three months after the Department of Administrative Services begins providing services to a state agency, whichever is later, the department shall submit a report on the status of each memorandum entered into pursuant to subsection (a) of this section to the joint standing committee of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies through the Office of Fiscal Analysis in accordance with the provisions of section 11-4a of the general statutes.

Sec. 249. Subsection (c) of section 4-98 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

(c) Notwithstanding the provisions of subsection (a) or (b) of this section, the Comptroller may allow budgeted agencies to use purchasing cards for purchases [of ten thousand dollars or less.] not exceeding two hundred fifty thousand dollars, unless such agency receives written approval from the Comptroller and the Commissioner of Administrative Services to exceed such amount. No budgeted agency, or any official, employee or agent of a budgeted agency, shall incur any obligation using such a card, except in accordance with procedures established by the Comptroller.
Sec. 250. Section 22a-233a of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

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

Sec. 251. Section 22a-449a of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

As used in this section and sections 22a-449c to 22a-449m, inclusive, and 22a-449p, as amended by this act, and sections 262 to 264, inclusive, of this act:

(1) "Petroleum" means crude oil, crude oil fractions and refined petroleum fractions, including gasoline, kerosene, heating oils and...
(2) "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing of petroleum from any underground storage tank or underground storage tank system;

(3) "Responsible party" means (A) for an application or request for payment or reimbursement received by the [board] commissioner before July 1, 2005, or for a determination made by the [board] commissioner before July 1, 2005, regarding a person's status as a responsible party or a third party with respect to a specific release or suspected release, any person who owns or operates an underground storage tank or underground storage tank system from which a release or suspected release emanates, (B) for an application or request for payment or reimbursement received by the [board] commissioner on or after July 1, 2005, any person who (i) at any time owns, leases, uses or has an interest in the real property on which an underground storage tank system is or was located from which there is or has been a release or suspected release, regardless of when the release or suspected release occurred, or whether such person owned, leased, used or had an interest in the real property at the time the release or suspected release occurred, or whether such person owned, operated, leased or used the underground storage tank system from which the release or suspected release occurred, (ii) at any time owns, leases, operates, uses, or has an interest in an underground storage tank system from which there is or has been a release or suspected release, regardless of when the release or suspected release occurred or whether such person owned, leased, operated, used or had an interest in the underground storage tank system at the time the release or suspected release occurred, or (iii) is affiliated with a person described in clause (i) or (ii) of this subparagraph through a direct or indirect familial relationship or any contractual, corporate or financial

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relationship;

(4) "Underground storage tank" means a tank or combination of tanks, including underground pipes connected thereto, used to contain an accumulation of petroleum, whose volume is ten per cent or more beneath the surface of the ground, including the volume of underground pipes connected thereto;

(5) "Underground storage tank system" means an underground storage tank and any associated ancillary equipment and containment system;

(6) "Residential underground heating oil storage tank system" means (A) an underground storage tank system used in connection with residential real property composed of four residential units or fewer, or (B) a storage tank system and any associated ancillary equipment used in connection with residential real property composed of four residential units or fewer; [and]

(7) "Person" means any individual, firm, partnership, association, syndicate, company, trust, corporation, limited liability company, municipality, agency or political or administrative subdivision of the state, or other legal entity of any kind; [and]

(8) "Municipal applicant" means an applicant that is a town, city or borough, whether consolidated or unconsolidated;

(9) "Small station applicant" means an applicant who owned, operated, leased, used, or had an interest in, at the time such applicant's first application was received by the underground storage tank petroleum clean-up program, five or fewer separate parcels of real property, within or outside of the state, on which an underground storage tank system was or had been previously located;

(10) "Mid-size station applicant" means an applicant who owned,
operated, leased, used, or had an interest in, at the time such applicant's first application was received by the underground storage tank petroleum clean-up program, six to ninety-nine separate parcels of real property, within or outside of the state, on which an underground storage tank system was or had been previously located;

(11) "Large station applicant" means an applicant who owned, operated, leased, used, or had an interest in, at the time such applicant's first application was received by the underground storage tank petroleum clean-up program, one hundred or more separate parcels of real property, within or outside of the state, on which an underground storage tank system was or had been previously located;

(12) "Other applicant" means an applicant who is not a municipal applicant or a small, mid-size or large station applicant;

(13) "Applicant" means any person who has filed an application;

(14) "Application" means any request or application for payment or reimbursement, including, but not limited to, any supplemental application, from the underground storage tank petroleum clean-up program established pursuant to section 22a-449c, as amended by this act;

(15) "Affiliate" or "a person affiliated" means a person that directly or indirectly through one or more intermediaries owns or controls, is owned or controlled by, or is under common control with an applicant;

(16) "Control", "controlling", "controlled by" or "under common control with" means the possession, directly or indirectly, of the power to direct or cause the direction of the management or the policies of a person, whether through the ownership of voting securities, by contract or otherwise. For the purposes of this definition, the beneficial ownership of ten per cent or more of the voting stock of a corporation creates a presumption of control; and
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(17) "Commissioner" means the Commissioner of Energy and Environmental Protection or the commissioner's designee.

Sec. 252. Section 22a-449c of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) (1) There is established an underground storage tank petroleum clean-up program administered by the commissioner. The Department of Energy and Environmental Protection shall constitute a successor department to the Underground Storage Tank Petroleum Clean-Up Review Board in the manner provided for departments, institutions and agencies under the provisions of sections 4-38d, 4-38e and 4-39. Any application received by, filed with or submitted to the board, pursuant to sections 22a-449a to 22a-449p, inclusive, as amended by this act, prior to the effective date of this section, shall be deemed to have been received by, filed with or submitted to the commissioner on the date such application was received by, filed with or submitted to the board. Any approval, determination or decision of the board prior to the effective date of this section, regarding an application pursuant to sections 22a-449a to 22a-449p, inclusive, as amended by this act, shall be deemed to have been made by the commissioner.

(2) The program shall provide money for reimbursement or payment pursuant to [section 22a-449f] this section, sections 22a-449d to 22a-449i, inclusive, as amended by this act, section 22a-449p, as amended by this act, and sections 262 and 264 of this act, within available appropriations, to responsible parties or parties supplying goods or services, for costs, expenses and other obligations paid or incurred, as the case may be, as a result of releases, and suspected releases, costs of investigation and remediation of releases and suspected releases, and for claims by a person other than a responsible party for bodily injury, property damage and damage to natural resources that have been finally adjudicated or settled with the prior written consent of the [board] commissioner. The commissioner may
also make payment to an assignee who is in the business of receiving assignments of amounts approved by the [board] commissioner, but not yet paid from the [account] program, provided the party making any such assignment, using a form approved by the commissioner, directs the commissioner to pay such assignee, that no cost of any assignment shall be borne by the state and that the state and its agencies shall not bear any liability with respect to any such assignment.

(3) Notwithstanding the provisions of this section regarding reimbursements of parties pursuant to section 22a-449f, as amended by this act, and regulations adopted pursuant to section 22a-449e, as amended by this act, and regardless of when an application for payment or reimbursement from the program may have been submitted to the [board,] commissioner, no payment or reimbursement shall be made [in accordance with the following: (A) After June 1, 2004, no payment or reimbursement shall be made for any person: (A) For any costs, expenses and other obligations paid or incurred for remediation, including any monitoring to determine the effectiveness of the remediation, of a release to levels more stringent than or beyond those specified in the remediation standards established pursuant to section 22a-133k, except to the extent the applicant demonstrates that it has been directed otherwise, in writing, by the commissioner; (B) [after June 1, 2005, no payment or reimbursement shall be made to any person] for diminution in property value or interest; [ , provided that reimbursement for interest accrued on attorneys' fees may be permitted if an application seeking interest accrued on attorneys' fees was submitted to the commissioner on or before March 31, 2003, and such application has been tabled by the board for three or more years;] and (C) [after June 1, 2005, no payment or reimbursement shall be made] for attorneys' fees or other costs of legal representation paid or incurred as a result of a release or suspected release (i) in excess of five thousand dollars to any responsible party, (ii) in excess of ten
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thousand dollars to any person other than a responsible party, and (iii) by a responsible party regarding the defense of claims brought by another person, except that applications for reimbursement filed on or before June 30, 2005, shall not be subject to the limitations for reimbursement imposed by clauses (i) and (ii) of this subparagraph. In addition, notwithstanding the provisions of this section regarding reimbursements of parties pursuant to section 22a-449f, as amended by this act, the responsible party shall bear all costs of the release that are less than ten thousand dollars and all persons shall bear all costs of the release that are more than one million dollars, except that for any such release which was reported to the department prior to December 31, 1987, and for which more than five hundred thousand dollars has been expended by the responsible party to remediate such release prior to June 19, 1991, the responsible party for the release shall bear all costs of such release which are less than ten thousand dollars or more than five million dollars, provided the portion of any reimbursement or payment in excess of three million dollars may, at the discretion of the commissioner, be made in annual payments for up to a five-year period.

(b) (1) If an initial application or request for payment or reimbursement is received by the [board] commissioner before July 1, 2005, no supplemental application or request for payment or reimbursement shall be submitted [to the board] on or after October 1, 2009, regarding costs, expenses or other obligations paid or incurred in response to the release or suspected release noted in any such initial application or request for payment or reimbursement. The provisions of this subdivision shall apply regardless of whether the cost, expense or other obligation was paid or incurred by an applicant before October 1, 2009, and no reimbursement or payment from the [account] program shall be ordered [by the board] or made by the commissioner regarding any such supplemental application or request for payment or reimbursement received [by the board] on or after the October 1,
(2) If an initial application or request for payment or reimbursement is received by the [board] commissioner on or after July 1, 2005, no supplemental application or request for payment or reimbursement shall be submitted [to the board] more than five years after the date that the initial application or request for payment or reimbursement was received by the [board] commissioner, regarding costs, expenses or other obligations paid or incurred in response to the release or suspected release noted in such initial application or request for payment or reimbursement. The provisions of this subdivision shall apply regardless of whether a cost, expense or other obligation was paid or incurred by an applicant before the expiration of the five-year deadline established in this subdivision and no reimbursement or payment from the [account] program shall be ordered [by the board] or made by the commissioner regarding any such supplemental application or request for payment or reimbursement received by the [board] commissioner after the five-year deadline established in this subdivision.

(3) Notwithstanding the provisions of subsection (i) of section 22a-449f, as amended by this act, if the commissioner has not ordered payment or reimbursement on an application or request for payment or reimbursement [is not brought before the board for a decision not later than] within six months after having [been] received [by the board] such application, provided such application is complete, as determined by the commissioner, then six months shall be added to the deadline applicable pursuant to subdivision (1) or (2) of this subsection, provided no more than two years shall be added to the deadline established pursuant to subdivision (1) or (2) of this subsection, [regardless of whether one or more applications or requests for payment or reimbursement have been received by the board but have not been brought before the board for a decision not later than six]
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months after receipt. In addition, if the commissioner determines that an application or request for payment or reimbursement is ready for decision by the board and such application or request has been placed on the agenda for the meeting of the board, but cannot be brought before the board because the board is unable to meet or cannot act on such application or request, the deadlines established pursuant to subdivision (1) or (2) of this subsection shall also be extended only for that period that the board is unable to meet or is unable to act on such application or request.]

(4) The provisions of this subsection shall not apply to annual groundwater remedial actions, including the preparation of a groundwater remedial action progress report, performed pursuant to subdivision (6) of section 22a-449p, as amended by this act. [Notwithstanding the provisions of this subsection, the board] The commissioner may continue to receive applications or requests for payment or reimbursement for such annual groundwater remedial actions and, provided all other requirements have been met, may order payment or reimbursement from the [account] program for such activities.

(c) (1) Any person who has insurance, or a contract or other agreement to provide payment or reimbursement for any costs, expense or other obligation paid or incurred in response to a release or suspected release may submit an application or request seeking payment or reimbursement from the [account to the board] program to the commissioner, provided any such application or request for payment or reimbursement shall be subject to all applicable requirements, including, but not limited to, subdivision (7) of subsection (c) of section 22a-449f, as amended by this act.

(2) Any person who at any time receives or expects to receive payment or reimbursement from any source other than the program for any cost, expense, obligation, damage or injury for which such
person has received or has applied for payment or reimbursement from the program, shall notify the [board] commissioner, in writing, of such supplemental or expected payment and shall, not more than thirty days after receiving such supplemental payment, repay the program all such amounts received from any other source.

(3) If the [board] commissioner determines that a person is seeking or has sought payment or reimbursement for any cost, expense, obligation, damage or injury from the program and that payment or reimbursement for any such cost, expense, obligation, damage or injury is actually or potentially available to any such person from any source other than the program, the [board] commissioner may impose any conditions [it] the commissioner deems reasonable regarding any amount [it] the commissioner orders to be paid from the program.

Sec. 253. Section 22a-449d of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) [There is established an Underground Storage Tank Petroleum Clean-Up Review Board.] Upon application for reimbursement or payment pursuant to section 22a-449f, as amended by this act, the [board] commissioner shall determine, based on the provisions of sections 22a-449a to 22a-449i, inclusive, as amended by this act, section 22a-449p, as amended by this act, sections 262 and 264 of this act, and all regulations adopted pursuant to [said sections 22a-449a to 22a-449i, inclusive] section 22a-449e, as amended by this act, whether or not to order payment or reimbursement from the program. The [board] commissioner shall have the authority to order payment within available resources to registered contractors pursuant to section 22a-449l, as amended by this act, or to owners pursuant to section 22a-449n, as amended by this act, for reasonable costs associated with the remediation of a residential underground heating oil storage tank system based on the guidelines established pursuant to subsection (c)
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of this section; hold hearings, administer oaths, subpoena witnesses and documents through its chairperson when authorized by the board; designate an agent to perform such duties of the board as it deems necessary except the duty to render a final decision to order reimbursement or payment from the account; and provide by notice, printed on any form, that any false statement made thereof or pursuant thereto is punishable pursuant to section 53a-157b.

[(b) The board shall consist of the Commissioners of Energy and Environmental Protection and Revenue Services, the Secretary of the Office of Policy and Management and the State Fire Marshal, or their designees; one member representing the Connecticut Petroleum Council, appointed by the speaker of the House of Representatives; one member representing the Service Station Dealers Association, appointed by the majority leader of the Senate; one member of the public, appointed by the majority leader of the House of Representatives; one member representing the Independent Connecticut Petroleum Association, appointed by the president pro tempore of the Senate; one member representing the Gasoline and Automotive Service Dealers of America, Inc., appointed by the minority leader of the House of Representatives; one member representing a municipality with a population greater than one hundred thousand, appointed by the Governor; one member representing a municipality with a population of less than one hundred thousand, appointed by the minority leader of the Senate; one member representing a small manufacturing company which employs fewer than seventy-five persons, appointed by the speaker of the House of Representatives; one member experienced in the delivery, installation, and removal of residential underground petroleum storage tanks and remediation of contamination from such tanks, appointed by the president pro tempore of the Senate; and one member who is an environmental professional licensed under section 22a-133v and is experienced in investigating and remediating]
contamination attributable to underground petroleum storage tanks, appointed by the Governor. The board shall annually elect one of its members to serve as chairperson.

[(c) Not later than July 1, 2000, the board] (b) The commissioner shall establish guidelines for determining what costs are reasonable for payment under sections 22a-449l, as amended by this act, and 22a-449n, as amended by this act, and shall establish requirements for financial assurance, training and performance standards for registered contractors, as defined in said sections 22a-449l, as amended by this act, and 22a-449n, as amended by this act. The [board] commissioner shall make payment pursuant to section 22a-449n, as amended by this act, to the owner at a rate not to exceed one hundred fifty-seven dollars per ton of contaminated soil removed which shall be considered as full payment for all eligible costs for remediation. For any claim filed pursuant to section 22a-449n, as amended by this act, where no contaminated soil is removed the [board] commissioner shall reimburse eligible costs in accordance with the guidelines pursuant to this section.

[(d)] (c) To the extent that funds are available, the [board] commissioner may order payment to registered contractors for reimbursement of eligible costs for services associated with the remediation of a residential underground heating oil storage tank system prior to July 1, 2001, to owners of such systems for payment for eligible costs incurred after July 1, 2001. No such payment shall be authorized unless the [board] commissioner deems the costs reasonable based on the guidelines established pursuant to subsection [(c)] (b) of this section. Notwithstanding the provisions of this subsection, if the [board] commissioner determines that the owner may not receive reimbursement payment from the contractor, the [board] commissioner may, if reimbursement has not been sent to the contractor, directly reimburse the owner of such system for eligible
costs incurred by the owner and paid to the registered contractor for services associated with a remediation of a system prior to July 1, 2001.

Sec. 254. Section 22a-449e of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) The [Commissioner of Energy and Environmental Protection, after consultation with the members of the board established by section 22a-449d,] commissioner shall adopt regulations in accordance with the provisions of chapter 54 setting forth procedures for reimbursement and payment from the program established under section 22a-449c, as amended by this act. Such regulations shall include such provisions as the commissioner deems necessary to carry out the purposes of sections 22a-449a to [22a-449h, inclusive] 22a-449i, inclusive, as amended by this act, including, but not limited to, provisions for (1) notification of eligible parties of the existence of the underground storage tank petroleum clean-up program; (2) records required for submission of claims and reimbursement and payment; (3) periodic and partial reimbursement and payment to enable responsible parties to meet interim costs, expenses and obligations; and (4) reimbursement and payment for costs, expenses and obligations incurred in connection with releases or suspected releases discovered before or after July 5, 1989, provided reimbursement and payment shall not be ordered or made for costs, expenses and obligations incurred by a responsible party on or before said date.

(b) (1) The commissioner, in accordance with the procedures set forth in subdivision (2) of this subsection, may prescribe a schedule for the maximum or range of amounts to be paid for labor, equipment, materials, services or other costs, expenses or obligations paid or incurred as a result of a release or suspected release. Such schedule shall not be a regulation, as defined in section 4-166 and the adoption, modification, repeal or use of such schedule shall not be subject to the
provisions of chapter 54 concerning a regulation. The amounts in any such schedule may be less than and shall be not more than the usual, customary and reasonable amounts charged, as determined by the commissioner. Notwithstanding the provisions of sections 22a-449a to 22a-449j, inclusive, as amended by this act, or any regulation adopted by the commissioner pursuant to this section, upon adoption of any such schedule, the amount to be paid for any labor, equipment, materials, services or other costs, expenses or other obligations, shall not exceed the amount established in any such schedule and such schedule may serve as guidance with respect to any costs, expenses or other obligations paid or incurred before the adoption of such schedule.

(2) The commissioner shall adopt, revise or revoke the schedule in accordance with the provisions of this subsection. [After consultation with the board, the] The commissioner shall publish notice of intent to adopt, revise or revoke the schedule, or any portion thereof, in a newspaper having substantial circulation in the affected area. There shall be a comment period of thirty days following publication of such notice during which interested persons may submit written comments to the commissioner. The commissioner shall publish notice of the adoption, revision or revocation of the schedule, or part thereof, in a newspaper having substantial circulation in the affected area. The commissioner shall, upon request, review the schedule and shall make any revisions the commissioner deems necessary to such schedule once every two years or may do so more frequently as the commissioner deems necessary. The commissioner [, after consultation with the board,] may revise or revoke the schedule, in whole or in part, using the procedures specified in this subsection. Any person may request that the commissioner adopt, revise or revoke the schedule in accordance with this subsection.

(c) Upon adoption of a schedule by the commissioner pursuant to
subsection (b) of this section, the requirements concerning obtaining three bids for services rendered contained in regulations adopted pursuant to this section shall not apply, provided that the schedule includes the subject services.

(d) An environmental professional, who has a currently valid and effective license issued pursuant to section 22a-133v, shall use a seal, as provided for in regulations adopted pursuant to section 22a-133v, to provide written approval required under sections 22a-449c, as amended by this act, 22a-449f, as amended by this act, and 22a-449p, as amended by this act, and any approval without a seal shall not constitute an approval of a licensed environmental professional. The regulations adopted pursuant to section 22a-133v regarding the use of a seal and the rules of professional conduct shall apply to the duties of a licensed environmental professional contained in sections 22a-449a to 22a-449i, inclusive, as amended by this act, and 22a-449p, as amended by this act.

Sec. 255. Section 22a-449f of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) A responsible party may apply to the [Underground Storage Tank Petroleum Clean-Up Review Board established under section 22a-449d] commissioner for reimbursement for costs paid and payment of costs incurred as a result of a release, or a suspected release, including costs of investigating and remediating a release, or a suspected release, incurred or paid by such party who is determined not to have been liable for any such release. If a person other than a responsible party [claims to have suffered bodily injury, property damage or damage to natural resources from a release, the person with such claim shall make reasonable attempts to provide written notice to the responsible party of such claim and if such person cannot provide such notice or if the responsible party does not apply to the [board] commissioner for payment of such claim not later than sixty days after
(b) (1) In addition to all other applicable requirements, a person seeking payment or reimbursement from the underground storage tank petroleum clean-up program established pursuant to section 22a-449c, as amended by this act, shall demonstrate that when the total costs, expenses or other obligations in response to a release or suspected release (A) are two hundred fifty thousand dollars or less, all labor, equipment and materials provided after October 1, 2005, and all services and activities undertaken after October 1, 2005, are approved, in writing, either by the commissioner or by a licensed environmental professional with a currently valid and effective license issued pursuant to section 22a-133v; and (B) exceed two hundred fifty thousand dollars, all labor, equipment and materials provided after October 1, 2005, and all services and activities undertaken after October 1, 2005, are approved, in writing, by the commissioner, provided the commissioner may authorize, in writing, a licensed environmental professional with a currently valid and effective license issued pursuant to section 22a-133v to approve, in writing, such labor, equipment, materials, services and activities, in lieu of the commissioner. The provisions of this subsection shall apply to all costs, expenses or other obligations for which a person is seeking payment or reimbursement from the underground storage tank petroleum clean-up program and the commissioner shall not order or make payment or reimbursement from the program for any cost, expense or other obligation, unless the person seeking such payment or reimbursement provides the written approval required by this subdivision. Any written approval provided by a licensed environmental professional pursuant to this subdivision shall be submitted with the application for payment or reimbursement. Any written approval provided by the commissioner pursuant to this
subdivision shall not constitute an approval pursuant to any other provision of the general statutes or any regulation. [and shall be presented to the board prior to the board making a decision regarding the application that such approval concerns.]

(2) The fees charged by a licensed environmental professional regarding labor or services rendered in response to a release or suspected release may be included in any application or request for payment or reimbursement [submitted to the board] from the program. The amount to be paid or reimbursed for such fees may also be established in the schedule adopted by the commissioner pursuant to subsection (b) of section 22a-449e, as amended by this act.

(3) Providing it is true and accurate, a licensed environmental professional shall submit [the following] an executed certification regarding any approval provided under subdivision (1) of this subsection and section 22a-449p, as amended by this act, that reads: "I hereby agree that all of the labor, equipment, materials, services, and activities described in or covered by this certification were appropriate under the circumstances to abate an emergency or were performed as part of a plan specifically designed to ensure that the release or suspected release is or has been investigated in accordance with prevailing standards and guidelines and remediated consistent with and to achieve compliance with the remediation standards adopted under section 22a-133k of the general statutes.". The commissioner shall not order or make payment or reimbursement from the program if an application relying upon approval from a licensed environmental professional pursuant to subdivision (1) of this subsection does not include such certification of approval.

(c) The [board] commissioner shall order reimbursement or payment from the program for any cost paid or incurred, as the case may be, if, (1) such cost is or was incurred after July 5, 1989, (2) a responsible party was or would have been required to demonstrate
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financial responsibility under 40 CFR Part 280.90 et seq. as said regulation was published in the Federal Register of October 26, 1988, for the underground storage tank or underground storage tank system from which the release emanated, whether or not such party is required to comply with said requirements on the date any such cost is incurred, provided if the state is the responsible party, the [board] commissioner may order payment, within available resources, without regard to whether the state was or would have been required to demonstrate financial responsibility under said sections 40 CFR Part 280.90 et seq., (3) after the release, if any, the responsible party incurred a cost, expense or obligation for investigation, cleanup or for claims of a person other than a responsible party resulting from the release, provided any such claim shall be required to be finally adjudicated or settled with the prior written approval of the [board] commissioner before an application for reimbursement or payment is made, (4) the [board] commissioner determines that the cost, expense or other obligation is reasonable and that there are not grounds for recovery specified in subdivision (1) or (3) of subsection (g) of this section, (5) the responsible party notified the [board] commissioner, as soon as practicable, of the release and of any other claim by a person other than a responsible party, resulting from the release, in accordance with the regulations adopted pursuant to section 22a-449e, as amended by this act, (6) the responsible party, or, if a person other than a responsible party applies for payment or reimbursement from the [account] program, then such person demonstrates the remediation, including any monitoring to determine the effectiveness of the remediation, for which payment or reimbursement is sought is not more stringent than that required by the remediation standards established pursuant to section 22a-133k, except to the extent the responsible party or such person demonstrates that it has been directed otherwise, in writing, by the commissioner, (7) the responsible party, or, if a person other than a responsible party applies for payment or reimbursement, then such person demonstrates that it
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does not have insurance, or a contract or other agreement to provide payment or reimbursement for any cost, expense or other obligation incurred in response to a release or suspected release, or if there is any such insurance, contract or other agreement, that any insurance coverage has been denied or is insufficient to cover the costs, expenses or other obligations, paid or incurred or that any contract or other agreement is not able to or is insufficient to cover the costs, expenses or other obligations, paid or incurred, for which payment or reimbursement is sought, (8) the responsible party demonstrates and the [board] commissioner determines that one of the milestones noted in section 22a-449p, as amended by this act, has been completed, (9) the [board] commissioner determines what, if any, reductions to the amounts sought should be made based upon the compliance evaluations performed pursuant to subsection (d) of this section, and (10) at the time any application or request for payment or reimbursement, including any supplemental application or request, is submitted [to the board.] (A) for applications [filed with the Underground Storage Tank Petroleum Clean-up Review Board] submitted on or after October 1, 2007, there is no underground storage tank system subject to the financial responsibility demonstration required in subdivision (2) of this subsection dispensing petroleum on the property where the release or suspected release emanated or occurred, and if the application is submitted by the person who owns or operates or who owned or operated the underground storage tank system at the time of the release, such person demonstrates, in addition to all other applicable requirements, that lack of compliance with provisions of the general statutes and regulations governing underground storage tank systems was not a proximate cause of the release or suspected release and that there are not grounds for recovery specified in subdivision (2) of subsection (g) of this section, or (B) for applications [filed with the Underground Storage Tank Petroleum Clean-Up Review Board] submitted prior to October 1, 2007, there is no underground storage tank system dispensing
petroleum on the property where the release or suspected release emanated or occurred, and if the application is submitted by the person who owns or operates or who owned or operated the underground storage tank system at the time of the release, such person demonstrates, in addition to all other applicable requirements, that lack of compliance with provisions of the general statutes and regulations governing underground storage tank systems was not a proximate cause of the release or suspected release and that there are not grounds for recovery specified in subdivision (2) of subsection (g) of this section. Subdivision (10) of this subsection shall not apply to any application [filed with the underground storage tank petroleum clean-up account] concerning a release of an underground storage tank system that was reported to the [Commissioner of Energy and Environmental Protection] commissioner in September, 2003 where such system was owned or operated by a municipality or other political subdivision of the state at the time of the release and such system was removed on or before April 1, 2005. In acting on an application or a request for payment or reimbursement, the [board] commissioner, using funds from the [account] program, may contract with experts, including, but not limited to, attorneys and medical professionals, to better evaluate and defend against claims and negotiate claims by persons other than responsible parties. [The costs of the board for experts shall not be charged to the amount allocated to the Department of Energy and Environmental Protection pursuant to section 22a-449c.] If a person other than a responsible party applies to the [board] commissioner claiming to have suffered bodily injury, property damage or damage to natural resources, the [board] commissioner shall order reimbursement or payment from the program if such person demonstrates that subdivisions (1), (2), (6) and (7) of this subsection are satisfied, the [board] commissioner determines that as a result of a release or suspected release such person has suffered bodily injury, property damage or damage to natural resources, that the costs, expenses or other obligations incurred
are reasonable and the person submitting such claim demonstrates that it has attempted to or has provided written notice of its claim to the responsible party as required in subsection (a) of this section and that the responsible party has not applied to the [board] commissioner for payment or reimbursement of this claim. On or before June 30, 2005, if the [board] commissioner denied reimbursement or provided for only partial payment or reimbursement from the [account] program regarding a release, pursuant to subdivision (4) of this subsection, such denial or partial payment or reimbursement shall remain in effect and shall apply to all subsequent applications or requests for payment or reimbursement regarding such release.

(d) (1) Except as provided in this subsection, if at the time any application or request for payment or reimbursement is submitted to the [board] commissioner, including any supplemental application or request, there is an underground storage tank system dispensing petroleum on the property where the release or suspected release emanated or occurred, such application or request shall not be deemed complete and shall not be acted upon by the [board] commissioner unless such application or request includes a summary of the compliance status of all the underground storage tank systems on the subject property. Any such summary shall include an evaluation of compliance with the design, construction, installation, notification, general operating, release detecting, system upgrading, abandonment and removal date requirements of the regulations adopted pursuant to sections 22a-449 and 22a-449o and shall be prepared by an independent consultant on a form prescribed by or acceptable to the commissioner. The summary shall be based on an evaluation of said underground storage tank systems performed not more than one hundred eighty days before the [board] commissioner receives an application or a request for reimbursement or payment, except that with respect to any provision of the subject regulations regarding record keeping, periodic monitoring or testing, the summary shall be
based on an evaluation of a one-year period terminating within one hundred eighty days prior to the [board's] commissioner's receipt of an application or a request for payment or reimbursement. The summary shall also include a full description of all corrective measures that have been taken or that are being taken with regard to any noncompliance identified in the compliance evaluation performed pursuant to this subdivision.

(2) With respect to any initial application or request for payment or reimbursement regarding a release or suspected release the provisions of subdivision (1) of this subsection shall apply only to applications or requests received on or after January 1, 2006. With respect to any supplemental application or request for payment or reimbursement regarding a release or suspected release, the provisions of subdivision (1) of this subsection shall apply to each application or request submitted to the [board] commissioner on or after January 1, 2006, regardless of when the initial application or request was submitted, except that submission of a compliance summary shall not be required if at the time a supplemental application or request is submitted, less than one year has passed since the performance of a compliance evaluation submitted with any prior application or request.

(3) The cost of hiring an independent consultant to perform a compliance evaluation, as required by this subsection, shall be eligible for payment or reimbursement up to a maximum of one thousand dollars per compliance evaluation, provided the evaluation is in conformance with the requirements of this subsection and includes all underground storage tank systems on the property where a release or suspected release emanated or occurred. If the schedule adopted by the commissioner pursuant to subsection (b) of section 22a-449e, as amended by this act, includes an amount for performing a compliance evaluation, upon adoption of any such schedule, the amount eligible for payment or reimbursement for performing a compliance evaluation
shall be the amount prescribed in any such schedule.

(4) Nothing in this subsection shall affect the continued applicability of any decision of the [board] commissioner to (A) deny reimbursement or payment, or (B) provide only partial payment or reimbursement regarding all applications or requests for payment or reimbursement. Any such decision shall remain in effect and shall not be subject to reconsideration or reevaluation as a result of this subsection.

(5) Except as provided for in this subdivision, if at the time any application or request for payment or reimbursement, including any supplemental application or request, is submitted, there is no underground storage tank system dispensing petroleum on the property where the release or suspected release emanated or occurred, any such application or request shall be subject to the provisions of subdivision (10) of subsection (c) of this section, even where a prior application or request was subject to the provisions of this subsection. The provisions of this subdivision shall not apply to an application or request for payment or reimbursement for annual groundwater remedial actions, including the preparation of a groundwater remedial action progress report, performed pursuant to subdivision (6) of section 22a-449p, as amended by this act.

(e) (1) If the compliance evaluation summary performed pursuant to subsection (d) of this section indicates that any of the violations noted in this subdivision exist with respect to any underground storage tank or underground storage tank system on the property at which a release or suspected release occurred and any such violations have not been fully corrected by the time an application or request for reimbursement is submitted to the [board, the board] commissioner, the commissioner shall reduce any payment or amount to be reimbursed as follows: (A) A one hundred per cent reduction of the payment or amount to be reimbursed for failure to meet the tank or piping construction
requirements of section 22a-449o or the regulations adopted pursuant to section 22a-449 or for failure to report the release to the commissioner as required by this section, (B) a seventy-five per cent reduction of the payment or amount to be reimbursed for failure to have properly functioning cathodic protection, spill prevention, overfill prevention, or release detection as required by the regulations adopted pursuant to section 22a-449. Notwithstanding the provisions of this subsection, the [board] commissioner may reduce any amount to be paid or reimbursed based on any other violation of the provisions of the general statutes or regulations of Connecticut state agencies regarding ownership or operation of an underground storage tank system.

(2) Nothing in this subsection and no determination by the [board] commissioner of any issue of fact or law pursuant to this subsection shall affect the authority of the commissioner under any other statute or regulations, including, but not limited to, taking any enforcement action based upon the violations identified in any compliance evaluation performed pursuant to subsection (d) of this section.

(f) (1) For all work or services performed or materials provided before October 1, 2004, the [board] commissioner shall not order payment or reimbursement for any cost paid or incurred, unless when seeking payment or reimbursement, the application [or any submission regarding work, services or materials that have been pre-authorized by the board] is received by the [board] commissioner on or before April 1, 2005.

(2) For purposes of this subsection, work or services shall be deemed rendered or performed on the date such work is rendered or performed and a material shall be deemed provided on the date a material is made available for use.

(3) After June 30, 2005, the [board] commissioner shall not order
payment or reimbursement for any cost, expense or other obligation, paid or incurred, unless the application or request for payment or reimbursement is received by the [board] commissioner not later than one year after the completion of all or substantially all of the work or activities necessary to prepare the plan or report required by the milestones set forth in section 22a-449p, as amended by this act.

(g) The Attorney General, upon the request of the [board or the] commissioner, may institute an action in the superior court for the judicial district of Hartford to recover the amounts specified in this section from any person who owns or operates an underground storage tank system at the time a release emanates or occurs from such system or any person who owns the real property on which a release emanates or occurs, provided such person owned the real property at or any time after the release emanates or occurs until the time that a final remediation action report is submitted by a licensed environmental professional or approved by the commissioner pursuant to subdivision (7) of section 22a-449p, as amended by this act, if: (1) Prior to the occurrence of the release, the underground storage tank or underground storage tank system from which the release emanated was required by regulations adopted under section 22a-449 to be the subject of an Underground Storage Facility Notification Form, or EPHM-6 but the person who owns or operates or who owned or operated such tank or tank system knowingly and intentionally failed to submit such notification form to the commissioner; (2) the release results from a reckless, wilful, wanton or intentional act or omission of such person or a negligent act or omission of such person that constitutes noncompliance with the general statutes or regulations governing the installation, operation and maintenance of underground storage tanks; or (3) the release occurs from an underground storage tank or system which is not in compliance with a final order issued by the commissioner pursuant to this chapter or a final judgment issued by a court concerning noncompliance with a requirement of this
chapter; or (4) payment has been made, including payment to the commissioner pursuant to subsection (i) of this section, to a person other than a person against whom an action may be brought pursuant to this subsection. All costs to the state relating to actions to recover such payments, including, but not limited to, reasonable attorneys' fees, shall initially be paid within available resources. In any recovery [the board or] the commissioner is entitled to recover from such person (A) all payments made under the program with respect to a release or suspected release, (B) all payments made by the commissioner pursuant to subsection (i) of this section with respect to a release or suspected release, (C) interest on such payments at a rate of ten per cent per year from the date such payments were made, and (D) all costs of the state relating to actions to recover such payments, including, but not limited to, reasonable attorneys' fees. All actions brought pursuant to this section shall have precedence in the order of trial, as provided in section 52-191. If the Attorney General has filed an action against a person seeking recovery of the amounts specified in this subsection or if the commissioner sends a person a demand letter regarding costs incurred by the state pursuant to section 22a-451, any such person against whom an action has been brought or who receives a demand letter shall not submit an application or request for payment or reimbursement to the [board] commissioner seeking payment or reimbursement of any such amount sought by the Attorney General or by the commissioner. If any such application or request for payment or reimbursement is submitted, the [board] commissioner shall not take any action regarding any such application or request.

(h) The [board] commissioner shall render [its] a decision as to whether or not to order payment or reimbursement from the program not more than ninety days after receipt of an application from a person, provided, in the case of a second or subsequent application, the [board] commissioner shall render [its] a decision not more than forty-five days after receipt of such application. A copy of the decision

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shall be sent to [the commissioner and] the person seeking payment or reimbursement by certified mail, return receipt requested. [The commissioner or any] Any person aggrieved by the decision of the [board] commissioner may, [within] not later than twenty days [from] after the date of issuance of such decision, request a hearing before the [board] commissioner in accordance with the provisions of chapter 54. After such hearing, the [board] commissioner shall consider the information submitted [to it] and affirm or modify [its] the decision on the application. A copy of the affirmed or modified decision shall be sent to all parties to the hearing by certified mail, return receipt requested. [Once the board] For applications submitted before, on or after the effective date of this section, once the commissioner renders a decision regarding an application or request for payment or reimbursement and no hearing has been requested pursuant to this subsection regarding any such decision, the costs, expenses or other obligations addressed by any such decision shall not be resubmitted in any other application or request.

(i) Whenever the commissioner determines that as a result of a release [, as defined in section 22a-449a,] or a suspected release, a clean-up is necessary, including, but not limited to, actions to prevent or abate pollution or a potential source of pollution and to provide potable drinking water, the commissioner may undertake such actions using not more than one million dollars, within available resources, for each release or suspected release from an underground storage tank or an underground storage tank system for which the responsible party is the state or for which a responsible party was or would have been required to demonstrate financial responsibility under 40 CFR Part 280.90 et seq., as said regulation was published in the Federal Register of October 26, 1988.

(j) (1) If through an initial application or request for payment or reimbursement received by the [board] commissioner before June 1,
2005, the [board] commissioner has determined that a person has paid or incurred costs, expenses or other obligations that are eligible for payment or reimbursement, with respect to any supplemental application or request for payment or reimbursement the following shall apply. The commissioner may identify a category of activities, costs, expenses, or other obligations that are less than one hundred thousand dollars for which, in lieu of full payment, the [board] commissioner may approve a percentage of the costs, expenses or other obligations paid or incurred. [In making any such recommendation to the board,] When implementing this subsection, the commissioner shall consider the amounts previously paid from the [account] program and any other information the commissioner deems relevant. Any such percentage shall be not more than, but may be less than, ninety per cent of the average amount, as determined by the commissioner, previously paid from the [account] program for any activity, cost, expense or obligation. [The board shall approve or disapprove, but shall not modify, payment of the percentage recommended by the commissioner pursuant to this subdivision.] The commissioner may, using the procedures specified in this subdivision, [recommend changes to] modify any percentage previously approved [by the board under] pursuant to this subdivision.

(2) [If the board approves payment of the percentage recommended by the commissioner, a] A person with a supplemental application or request for payment or reimbursement may agree to accept the percentage payment approved by the [board] commissioner. Any such acceptance shall be in writing, signed by the person seeking payment or reimbursement and shall acknowledge that the person is agreeing to accept less than the full amount sought by such person for the costs, expenses or other obligations covered by such acceptance. If the commissioner has prescribed forms, any such acceptance shall be made using the forms prescribed by the commissioner. Once a completed written acceptance is received, the [board] commissioner
shall, not later than ninety days after receiving such acceptance, determine whether to order payment or reimbursement from the program. [Any such determination by the board shall be limited to whether the costs, expenses or other obligations are within those for which the board has approved payment pursuant to subdivision (1) of this subsection.]

(3) Any amount [ordered to be paid or reimbursed by the board] paid or reimbursed under this section shall be considered full payment for any such activity, expense or other obligation and a person shall not seek any additional reimbursement for any such activity, expense or other obligation. The categories or activities for which the commissioner recommends payment of a percentage pursuant to this section may constitute all or a portion of the amounts sought in a supplemental application or supplemental request for payment or reimbursement.

(k) Notification to the commissioner pursuant to regulations adopted pursuant to section 22a-449 shall constitute compliance with any regulation adopted pursuant to section 22a-449e, as amended by this act, regarding notification to the commissioner of a release.

Sec. 256. Section 22a-449g of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

[The Commissioner of Energy and Environmental Protection or any] Any person aggrieved by a decision of the [review board established under section 22a-449d] commissioner after a hearing pursuant to subsection (h) of section 22a-449f, as amended by this act, may appeal from such decision to the superior court for the judicial district of New Britain within twenty days after the issuance of such decision. Such appeal shall be in accordance with chapter 54. All such appeals shall be heard by the court without a jury, and shall have precedence in the order of trial as provided in section 52-192. [If the review board orders
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reimbursement or payment from the account, and a party to the appeal contests any portion of the ordered reimbursement or payment, the uncontested portion of the ordered reimbursement or payment shall be made. If an appeal is taken pursuant to this section, any portion of the ordered reimbursement or payment that is approved and not the subject of such appeal, shall be paid by the commissioner, within available appropriations and subject to the provisions of section 262 of this act, notwithstanding the pendency of the appeal.

Sec. 257. Section 22a-449k of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

No person shall remove or replace or subcontract for the removal or replacement of a residential underground heating oil storage tank system if the person finds such removal or replacement will involve remediation of contaminated soil or groundwater, unless the person is a registered contractor. To become a registered contractor, a person shall provide to the [Commissioner of Energy and Environmental Protection,] commissioner on forms prescribed by said commissioner, (1) evidence of financial assurance in the form of liability insurance coverage or liquid company assets in an amount not less than one million dollars, and (2) a written statement certifying that such person has had any training required by law for such business and that such person has (A) performed no fewer than three residential underground petroleum storage tank system removals, or (B) has contracted for at least three removals of residential underground petroleum storage tank systems. Such person shall pay a registration fee of nine hundred forty dollars to the commissioner. Each contractor holding a valid registration on July first shall, not later than August first of that year, pay a renewal fee to the commissioner of four hundred seventy dollars in order to maintain such registration. Any money collected for registration pursuant to this section shall be deposited in the General Fund. The commissioner may revoke a registration for cause and, on
and after the date the [review board establishes] requirements for financial assurance, training and performance standards [under] are established pursuant to subsection [(c) (b) of section 22a-449d, as amended by this act, may reject any application for registration that does not meet such requirements.

Sec. 258. Section 22a-449l of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) As used in this section, "registered contractor" means a person registered with the [Commissioner of Energy and Environmental Protection] commissioner pursuant to section 22a-449k, as amended by this act.

(b) Prior to July 1, 2001, if, in the course of removing or replacing a residential underground heating oil storage tank system, a registered contractor finds that there has been a spill, as defined in section 22a-452c, attributable to such system and such contractor estimates that the remediation of such spill is likely to cost more than five thousand dollars, such contractor shall immediately notify the Department of Energy and Environmental Protection regarding such spill. If, after the contractor's initial estimate, the contractor subsequently determines that such cost will exceed five thousand dollars, the contractor shall upon that determination notify the Department of Energy and Environmental Protection. The department may assess the spill and confirm that the remediation proposed by the contractor is appropriate and necessary, or may authorize an environmental professional licensed under section 22a-133v to assess the spill and make such confirmation. Any such remediation shall be subject to approval by the department, except that the department may authorize an environmental professional licensed under section 22a-133v to make a recommendation regarding such approval. If a registered contractor estimates that the remediation of such spill is likely to cost more than ten thousand dollars, the commissioner or any agent of the
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commissioner or an environmental professional licensed under said section 22a-133v contracted by the department shall inspect the site and confirm that such remediation is reasonable. The costs of such an inspection shall be eligible for payment within available resources.

(c) (1) In order to receive reimbursement of eligible costs for services commenced after July 1, 1999, and prior to July 1, 2001, a registered contractor shall on or before December 1, 2001, submit to the [Underground Storage Tank Petroleum Clean-Up Review Board established under section 22a-449d] commissioner for a disbursement from available resources, all reasonable costs for work commenced prior to July 1, 2001, pursuant to a contract with the owner or the state for the remediation of a residential underground heating oil storage tank system for the purpose of providing payment for the costs of such remediation. An owner of a residential underground heating oil storage tank system shall not be responsible to the registered contractor or any subcontractor of the registered contractor for any costs that are eligible for payment from the residential underground heating oil storage tank system clean-up program over five hundred dollars. The registered contractor or any subcontractor shall not bill the owner for any costs eligible for payment from said program over five hundred dollars unless the contractor or subcontractor enters into a separate written contract with the owner, on a form prescribed by the commissioner, authorizing the contractor or subcontractor to bill the owner more than five hundred dollars and such separate contract gives the owner the right to cancel such contract up to three days after entering into it. Such owner shall provide to the [review board] commissioner a statement confirming the registered contractor has been engaged by such owner to remove or to replace such residential underground heating oil storage tank system and perform the remediation and shall execute an instrument which provides for payment to [said account] the program of any amounts realized by the owner, after any costs of litigation or attorney's fees have been paid,
from a judgment or settlement regarding any claim for the costs of such remediation made against an insurance policy or any party. In any service contract entered into between a registered contractor and an owner for the remediation of a residential underground heating oil storage tank system, the registered contractor shall clearly identify all costs, including markup costs, that are not or may not be eligible for payment under said program.

(2) The registered contractor shall submit documentation, satisfactory to the [review board] commissioner, of any costs associated with such remediation. The [review board] commissioner may deny remediation costs of the registered contractor that the [review board] commissioner determines are unreasonable based on the guidelines established pursuant to subsection [(c)] (b) of section 22a-449d, as amended by this act, on and after the date the [review board] commissioner establishes such guidelines, and may deny remediation costs (A) in excess of five thousand dollars if the Department of Energy and Environmental Protection was not notified in accordance with the provisions of subsection (b) of this section, and (B) in excess of ten thousand dollars if the site was not inspected in accordance with the provisions of subsection (b) of this section. The [review board] commissioner shall deny any such costs in excess of fifty thousand dollars unless the commissioner determines such additional costs are warranted to protect public health and the environment. If a registered contractor fails to submit to the [review board] commissioner documentation of costs associated with such remediation that may be eligible for payment from the residential underground heating oil storage tank system clean-up program or if the registered contractor submits documentation of such costs but the [board] commissioner denies payment of such costs, the registered contractor shall be liable for such costs and shall have no cause of action against the owner of the underground petroleum storage tank.
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(3) A copy of the [review board's] commissioner's decision shall be sent [to the Commissioner of Energy and Environmental Protection and] to the registered contractor by certified mail, return receipt requested. [The commissioner or any] Any contractor aggrieved by a decision of the [review board] commissioner may, not more than twenty days after the date the decision was issued, request a hearing before the [review board] commissioner in accordance with chapter 54. After such hearing, the [board] commissioner shall consider the information submitted [to it] and affirm or modify [its] the decision on the reimbursement. A copy of the affirmed or modified decision shall be sent to [the commissioner and] any contractor by certified mail, return receipt requested.

(d) [Neither the Underground Storage Tank Petroleum Clean-Up Review Board nor the Commissioner of Energy and Environmental Protection shall] The commissioner shall not accept applications pursuant to this section on or after December 1, 2001, for the reimbursement of eligible costs for services completed prior to July 1, 2001, except that, notwithstanding subsection (c) of this section, prior to July 1, 2004, the [board] commissioner may accept applications for reimbursement from and make payments to any owner who demonstrates that the owner paid for eligible costs for services provided to the owner prior to July 1, 2001, and either (1) the registered contractor filed an application for reimbursement between December 1, 2001, and January 1, 2003, or (2) the owner, prior to May 1, 2003, filed a complaint with the [board or the] commissioner regarding the failure of the registered contractor to file a timely application.

Sec. 259. Section 22a-449n of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) As used in this section, "registered contractor" means a person registered with the Commissioner of Energy and Environmental
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Protection pursuant to section 22a-449k, as amended by this act, "qualifying income" means the owner's adjusted gross income, as defined in section 12-701, as amended by this act, for the calendar year immediately preceding the year in which costs eligible for payment were incurred under this section and "costs eligible for payment" means costs that are reasonable for payment, as determined by the guidelines established pursuant to section 22a-449d, as amended by this act.

(b) If, in the course of removing or replacing a residential underground heating oil storage tank system, a registered contractor finds that there has been a spill, as defined in section 22a-452c, attributable to such a system, or if such contractor estimates that the remediation of such spill is likely to cost more than ten thousand dollars then such contractor shall immediately notify the Department of Energy and Environmental Protection. The commissioner may assess the spill and confirm that the remediation proposed by the contractor is appropriate and necessary, or may authorize an environmental professional licensed under section 22a-133v to assess the spill and make such confirmation. Any such remediation shall be subject to approval by the commissioner. The commissioner may authorize an environmental professional licensed under section 22a-133v to make a recommendation regarding such approval. The costs of an inspection pursuant to this section shall be eligible for payment under the residential underground heating oil storage tank system clean-up program established under subsection (a) of section 22a-449c, as amended by this act. The commissioner may revoke a registration pursuant to section 22a-449k, as amended by this act, for failure of a contractor to notify the department as required by this section.

(c) On or after July 1, 2001, to be eligible for payment pursuant to this section, an owner shall submit the following information to the [Commissioner of Energy and Environmental Protection]
commissioner, in such form as the commissioner may require, prior to entering into a contract with a registered contractor for remediation of a spill attributable to a residential underground heating oil storage tank system: (1) The name and Social Security number of the property owner; (2) a verification that such tank serves the owner's primary residence; (3) a verification of the owner's qualifying income; and (4) the name of the registered contractor who will perform the remediation. The commissioner shall, not later than thirty days following receipt of such information, send a written notice to the owner that specifies whether the owner is eligible for payment under this section, whether funds are available for the owner under this section and the amount of remediation costs for which the owner is responsible prior to receiving payment under this section.

(d) Subject to the provisions of subsection (e) of this section, an owner may be reimbursed for all reasonable costs for work commenced on or after July 1, 2001, in accordance with the following: (1) If an owner's qualifying income is less than or equal to fifty thousand dollars, the owner may be reimbursed for costs eligible for payment in excess of five hundred dollars; (2) if an owner's qualifying income is greater than fifty thousand dollars and less than or equal to one hundred thousand dollars, the owner may be reimbursed for costs eligible for payment in excess of two thousand dollars; (3) if an owner's qualifying income is greater than one hundred thousand dollars and less than or equal to one hundred fifty thousand dollars, the owner may be reimbursed for costs eligible for payment in excess of four thousand dollars; (4) if an owner's qualifying income is greater than one hundred fifty thousand dollars and less than or equal to two hundred thousand dollars, the owner may be reimbursed for costs eligible for payment in excess of five thousand dollars; (5) if an owner's qualifying income is greater than two hundred thousand dollars and less than or equal to two hundred fifty thousand dollars, the owner may be reimbursed for costs eligible for payment in excess of seven thousand dollars.
thousand five hundred dollars; (6) if an owner's qualifying income is greater than two hundred fifty thousand dollars and less than or equal to five hundred thousand dollars, the owner may be reimbursed for costs eligible for payment in excess of ten thousand dollars; (7) if an owner's qualifying income is greater than five hundred thousand dollars, the owner is not eligible for payment of costs. No registered contractor or any subcontractor of a registered contractor shall accept payment for any costs eligible for payment from said program until it has provided the owner with the information necessary to apply for a disbursement pursuant to subsection (e) of this section.

(e) (1) On or after July 1, 2001, an owner shall submit to the [Underground Storage Tank Petroleum Clean-Up Review Board established under section 22a-449d] commissioner an application that is postmarked no later than December 31, 2001, for a disbursement from the residential underground heating oil storage tank system clean-up program, within available resources, documentation of all costs eligible for payment for work performed pursuant to a contract with the owner for the remediation of a residential underground heating oil storage tank system for the purpose of providing payment for the costs of such remediation, provided such owner has complied with the provisions of subdivisions (1) and (2) of subsection (a) of section 22a-449j and provided such remediation was completed on or before December 1, 2001. Such payments shall be made in accordance with subsection (d) of this section. Such owner shall provide to the [review board] commissioner a statement confirming that the registered contractor has been engaged by such owner to remove or to replace such residential underground heating oil storage tank system, except that a storage tank system and any associated ancillary equipment shall not be subject to such requirement and perform the remediation and shall execute an instrument which provides for payment to [said account] the program of any amounts realized by the owner, after any costs of litigation or attorney's fees have been paid,
from a judgment or settlement regarding any claim for the costs of such remediation made against an insurance policy or any person.

(2) In any service contract entered into between a registered contractor and an owner for the remediation of a residential underground heating oil storage tank system, the registered contractor shall clearly identify all costs, including markup costs, that are not or may not be eligible for payment from said program.

(3) The owner shall submit documentation, satisfactory to the commissioner, of any costs associated with such remediation. The commissioner may deny payment of remediation costs that the commissioner determines are unreasonable based on the guidelines established pursuant to subsection [(c) (b)] of section 22a-449d, as amended by this act, on and after the date the commissioner establishes such guidelines. The commissioner shall deny any such costs if the owner fails to comply with subsection (c) of this section and any such costs in excess of fifty thousand dollars unless the commissioner determines such additional costs are warranted to protect public health and the environment.

(4) A copy of the commissioner's decision shall be sent to the [Commissioner of Energy and Environmental Protection and to the] owner by certified mail, return receipt requested. [The commissioner or] Any owner aggrieved by a decision of the commissioner may, not more than twenty days after the date the decision was issued, request a hearing before the commissioner in accordance with chapter 54. After such hearing, the commissioner shall consider the information submitted to it and affirm or modify the decision. A copy of the affirmed or modified decision shall be sent to the [commissioner and] owner by certified mail, return receipt requested.
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(5) No owner shall be entitled to reimbursement both under this section and section 22a-449l, as amended by this act.

Sec. 260. Section 22a-449p of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

Notwithstanding any provision of sections 22a-449a to 22a-449i, inclusive, as amended by this act, or any regulation adopted pursuant to said sections, except as provided for in subdivision (6) of this section, with respect to the investigation and remediation of a release, the underground storage tank petroleum clean-up program established pursuant to section 22a-449c, as amended by this act, shall be used to provide payment or reimbursement only when any of the following milestones are completed:

(1) A release response report prepared by an environmental professional, as defined in section 22a-133v, has been submitted to the Commissioner of Energy and Environmental Protection which report describes: (A) All initial response actions taken that are necessary to prevent an on-going release and to mitigate an explosion, fire or other safety hazard resulting from the release; (B) the results of an initial site investigation that determines the presence and extent of free product from the release, the potential for or existence of groundwater pollution from the release which threatens the quality of drinking water well or wells, and whether the release has resulted in soil vapors or indoor air that threatens public health; and (C) all interim actions taken and proposed to remove such free product to the extent technically practicable, to provide potable water to any person whose drinking water has been polluted by a substance from the release which is above the groundwater protection criteria or above a level determined by the Commissioner of Public Health to be an unacceptable risk of injury to the health or safety of persons using such groundwater as a public or private source of water for drinking or other personal or domestic uses, whichever is more stringent, and to
mitigate any risk to public health from polluted soil vapor or indoor air resulting from the release.

(2) An interim remedial action report approved, in writing, by a licensed environmental professional has been submitted to the [Commissioner of Energy and Environmental Protection] commissioner or an interim remedial action report has been approved, in writing, by the commissioner. Such interim remedial action report shall describe in detail all interim remedial action taken to: (A) Remove free product to the maximum extent technically practicable; (B) ensure that all persons whose drinking water was polluted by the release have been provided potable water; and (C) ensure that soil vapors which pose a risk to public health are prevented from migrating into any overlying buildings.

(3) An investigation report and remedial action plan approved, in writing, by a licensed environmental professional has been submitted to the [Commissioner of Energy and Environmental Protection] commissioner, or an investigation report and remedial action plan has been approved, in writing, by the commissioner. Such investigation report and remedial action plan shall include a detailed description of an investigation which determines the existing and potential extent and degree of soil, surface water, soil vapor and groundwater pollution, on and off-site, resulting from the release and describes all actions proposed to remediate soil, surface water, air or groundwater polluted by the release in accordance with the regulations adopted pursuant to section 22a-133k.

(4) A soil remedial action report approved, in writing, by a licensed environmental professional has been submitted to the [Commissioner of Energy and Environmental Protection] commissioner, or a soil remedial action report has been approved, in writing, by the commissioner. Such soil remedial action report shall describe in detail the extent of soil pollution resulting from the release, all remedial
actions taken to abate such soil pollution, and all documentation that
demonstrates that such soil pollution has been remediated in
accordance with the regulations adopted pursuant to section 22a-133k.

(5) A groundwater remedial action progress report approved, in
writing, by a licensed environmental professional has been submitted
to the [Commissioner of Energy and Environmental Protection]
commissioner or a groundwater remedial action progress report has
been approved, in writing, by the commissioner. Such report may only
be submitted after all construction necessary to implement the
approved groundwater remedial actions has been completed and the
groundwater remedial actions have been operated and monitored for
one year. Such report shall include a detailed description of the
remedial actions, the results of groundwater or any other monitoring
conducted, an analysis of whether the remedial actions are effective,
and a proposal for any changes in the groundwater remedial actions
and monitoring that may be necessary to achieve compliance with the
regulations adopted pursuant to section 22a-133k.

(6) An annual groundwater remedial action progress report
approved, in writing, by a licensed environmental professional has
been submitted to the [Commissioner of Energy and Environmental
Protection] commissioner or approved, in writing, by the
commissioner. Such report shall include a detailed description of the
remedial actions, the results of groundwater or any other monitoring
conducted for the year covered by the report, an analysis of whether
the remedial actions are effective, and a proposal for any changes in
the groundwater remedial actions and monitoring that may be
necessary to achieve compliance with the regulations adopted
pursuant to section 22a-133k. A responsible party pursuant to section
22a-449f, as amended by this act, may submit to the [board]
commissioner up to, but not more than, four separate applications or
requests for payment or reimbursement in a calendar year regarding
costs, expenses or obligations paid or incurred concerning annual groundwater monitoring or compliance with this subdivision.

(7) A final remedial action report approved by a licensed environmental professional has been submitted to the [Commissioner of Energy and Environmental Protection] commissioner, or a final remedial action report has been approved, in writing, by the commissioner, that documents that the release has been investigated in accordance with prevailing standards and guidelines and that the soil, surface water, groundwater and air polluted by the release has been remediated in accordance with the regulations adopted pursuant to section 22a-133k.

(8) The [Commissioner of Energy and Environmental Protection] commissioner may adopt regulations, in accordance with the provisions of chapter 54, establishing milestones for investigation and remediation of releases or suspected releases from underground storage tank systems, including milestones that differ from those set forth in this section. Upon the adoption of such regulations, the milestones for investigation and remediation for which payment or reimbursement is available from the program shall be those set forth in the regulations.

(9) This section shall apply to an application or request for reimbursement or payment received by the [board] commissioner on or after October 1, 2005, regardless of when the release or suspected release occurred, whether actions in response to the release or suspected release have already occurred or whether prior applications or requests seeking payment or reimbursement have already been submitted to the [board] commissioner.

Sec. 261. (NEW) (Effective from passage) (a) (1) Notwithstanding the provisions of sections 22a-449a to 22a-449i, inclusive, of the general statutes, as amended by this act, and any regulations adopted
pursuant to section 22a-449e of the general statutes, as amended by this act, any amount available for purposes of the underground storage tank clean-up program shall be distributed as follows: (A) One-quarter for payment or reimbursement to municipal applicants and other applicants; (B) one-quarter for payment or reimbursement to small station applicants; (C) one-quarter for payment or reimbursement to mid-size station applicants; and (D) one-quarter for payment or reimbursement to large station applicants. If at any time there is an amount remaining in one such category and if in such category there are no pending applications or applications for which payment or reimbursement has been ordered by the commissioner but has not been made, then such amount shall be redistributed for payment or reimbursement in the following order of priority: (i) First to municipal applicants and other applicants, (ii) if after redistribution pursuant to subclause (i) of this subdivision there is an amount remaining, then to small station applicants, (iii) if after redistribution pursuant to subclauses (i) and (ii) of this subdivision there is an amount remaining, then to mid-size station applicants, and (iv) if after redistribution pursuant to subclauses (i), (ii) and (iii) of this subdivision there is an amount remaining, then to large station applicants.

(2) The commissioner shall determine whether an applicant is a municipal applicant, small, mid-size or large station applicant or other applicant. Such determination shall be based on the applicant's status at the time the commissioner received the applicant's first application for payment or reimbursement. In making such determination, the commissioner shall include all affiliates of an applicant and shall consider any underground storage tank system owned, operated, leased or used by an applicant on the property of another to be an interest in a parcel of real property. The commissioner shall make one such determination per applicant. Such determination shall apply to all applications submitted by such applicant before, on or after the effective date of this section, including, but not limited to, applications
for which payment or reimbursement has been ordered by the commissioner but has not been made. In the case of assignees under subdivision (2) of subsection (a) of section 22a-449c of the general statutes, as amended by this act, the assignee shall assume the status of the assignor. Each applicant shall submit information regarding whether it is a municipal applicant, small, mid-size or large station applicant or other applicant to the commissioner, on a form prescribed by the commissioner, and shall provide any additional information the commissioner deems necessary to make such determination. The commissioner shall not order payment or reimbursement to an applicant until the commissioner makes the determination required under this subdivision for such applicant.

(b) Notwithstanding the provisions of sections 22a-449a to 22a-449i, inclusive, of the general statutes, as amended by this act, payment or reimbursement to municipal applicants, small station applicants and other applicants shall be in accordance with this subsection and shall follow the order of priority set forth in this subsection. The provisions of this subsection shall apply to all applications submitted by such applicants before, on or after the effective date of this section, including, but not limited to, applications for which payment or reimbursement has been ordered by the commissioner but has not been made. Priority shall be given to those applications for which the commissioner has ordered payment or reimbursement beginning from the earliest date payment or reimbursement was ordered. If payment or reimbursement was ordered on the same day, priority shall be given to those applications that were received by the commissioner earliest. If there are insufficient funds to satisfy payment and reimbursement of municipal applicants, small station applicants and other applicants, the prioritization established pursuant to this subsection shall carry over to the subsequent fiscal quarter, and if necessary, from year to year.

(c) (1) Notwithstanding the provisions of sections 22a-449a to 22a-
449i, inclusive, of the general statutes, as amended by this act, and any regulations adopted pursuant to section 22a-449e of the general statutes, as amended by this act, payment or reimbursement to mid-size station applicants and large station applicants under the program shall be in accordance with this subsection and shall follow the order of priority set forth in this subsection.

(2) The provisions of this subsection shall create a reverse auction system, and shall apply to all applications submitted by mid-size or large station applicants before, on or after the effective date of this section, including, but not limited to, applications for which payment or reimbursement has been ordered by the commissioner but has not been made. For purposes of this section, a payment election at or below the amount specified in subparagraph (A) or (B) of this subdivision shall be called the "reduced payment election".

(A) In the fiscal year beginning July 1, 2012, no payment shall be made to mid-size station applicants in excess of thirty-five cents on each dollar the commissioner orders to be paid or reimbursed under the program. In the fiscal year beginning July 1, 2013, and each fiscal year thereafter, such amount shall increase by ten cents on each dollar per fiscal year and in such years no payment or reimbursement shall be made in excess of the amount in effect for such fiscal year. After such amount reaches one dollar, it shall no longer increase. In addition, if a mid-size station applicant agrees, in writing, not to submit any applications seeking payment or reimbursement under the program on or after October 1, 2012, such applicant shall receive an additional ten cents on each dollar that would be paid to such applicant pursuant to this subdivision, provided such additional ten cents shall not be counted when determining such mid-sized station applicant's priority for payment pursuant to subdivision (4) of this subsection and shall not result in an applicant receiving more than one dollar on each dollar the commissioner orders to be paid or reimbursed under the program.
(B) In the fiscal year beginning July 1, 2012, no payment shall be made to large station applicants in excess of twenty cents on each dollar the commissioner orders to be paid or reimbursed under the program. In the fiscal year beginning July 1, 2013, and each fiscal year thereafter, such amount shall increase by five cents per fiscal year and in such years no payment or reimbursement shall be made in excess of the amount in effect for such fiscal year. After such amount reaches one dollar, it shall no longer increase.

(3) (A) Each mid-size station applicant and large station applicant shall submit a payment election to the commissioner. Such payment election shall indicate what, if any, reduced payment election the applicant accepts. Such payment election shall be submitted, on a form prescribed by the commissioner, between July first and August first, or such additional time periods prescribed by the commissioner, annually, unless:

(i) Such applicant is submitting an application for the first time, in which case such applicant shall submit a payment election with such application; or

(ii) Such applicant has submitted a reduced payment election, in which case, a subsequent payment election shall not be required, but may be submitted if an applicant agrees to accept a lower reduced payment election than was made in the previously submitted payment election.

(B) An applicant's payment election, including a reduced payment election, shall apply to, and shall be the same for, all applications submitted by such applicant before, on or after the effective date of this section, including, but not limited to, applications for which payment or reimbursement has been ordered by the commissioner but has not been made. An applicant's payment election shall remain in effect regardless of when the commissioner orders payment or reimbursement.
reimbursement for an application or when payment for an application is made. An applicant's payment election shall be final and shall not be modified unless an applicant subsequently agrees to a lower reduced payment election pursuant to subparagraph (A)(ii) of this subdivision.

(C) An applicant's acceptance of payment or reimbursement in the amounts specified in such applicant's reduced payment election shall be considered final and full payment of all applications covered by such election and with the acceptance of such payment or reimbursement, an applicant agrees that it shall not seek any additional payment or reimbursement of any kind in any administrative or judicial proceeding for any cost, expense or other obligation associated with any such applications.

(4) Among mid-size station applicants or among large station applicants, priority for payment or reimbursement shall be given to those applicants who, through the payment election process set forth in subdivision (3) of this subsection, agree to accept the greatest reduction in the amount ordered for payment or reimbursement by the commissioner under the program, provided such payment shall not exceed the amount set forth in subparagraph (A) or (B) of subdivision (2) of this subsection, as applicable. In the case where the reduced payment election is equal among two or more mid-size station applicants or among two or more large station applicants, priority shall be given to those applications for which the commissioner ordered payment or reimbursement, beginning from the earliest date payment or reimbursement was ordered. In the case where such reduced payment election is equal among applicants and the commissioner ordered payment or reimbursement on the same day, priority shall be given to those applications that were received by the commissioner earliest. Any mid-size or large station applicant that chooses not to make the reduced payment election shall receive payment when the amount specified in subparagraph (A) or (B) of
subdivision (2) of this subsection, as applicable, reaches one dollar and
there are no mid-size and large station applicants with applications for
which the commissioner has ordered payment or reimbursement, and
who made the reduced payment election, remaining to be paid. Among
mid-size station applicants who choose not to make the
reduced payment election or among large station applicants who
choose not to make the reduced payment election, priority with respect
to the issuance of payment or reimbursement shall be given to those
applications for which the commissioner has ordered payment or
reimbursement, beginning from the earliest date payment or
reimbursement was ordered. If there are insufficient funds to satisfy
payment and reimbursement of mid-size and large station applicants,
the prioritization established pursuant to this subsection shall carry
over to the subsequent fiscal quarter, and if necessary, from year to
year, provided such prioritization may change based upon a
subsequent reduced payment election submitted pursuant to
subparagraph (A)(ii) of subdivision (3) of this subsection.

Sec. 262. (NEW) (Effective from passage) (a) Notwithstanding the
provisions of section 22a-449(d)-109(p) of the regulations of
Connecticut state agencies, this section shall constitute notice of the
cancellation of the underground storage tank petroleum clean-up
program, established pursuant to section 22a-449c of the general
statutes, as amended by this act, as a financial assurance mechanism.

(b) On and after October 1, 2013, any municipality or person who
owns or operates one or more underground storage tank systems on
five or fewer separate parcels of real property and is subject to the
financial responsibility requirements of section 22a-449(d)-109 of the
regulations of Connecticut state agencies shall not use the program to
demonstrate such financial responsibility.

(c) On and after October 1, 2012, any person who owns or operates
one or more underground storage tank systems on more than five
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separate parcels of real property and is subject to the financial responsibility requirements of section 22a-449(d)-109 of the regulations of Connecticut state agencies shall not use the program to demonstrate such financial responsibility.

(d) The owner or operator of an underground storage tank system shall, not later than thirty days after a written request from the commissioner, provide the commissioner with any information the commissioner deems necessary to determine whether an owner or operator is subject to subsection (b) or (c) of this section. All underground storage tank systems located within or outside this state, owned or operated by such person, shall be included in such determination.

Sec. 263. (NEW) (Effective from passage) (a) Notwithstanding the provisions of the general statutes or regulations of Connecticut state agencies, on or after October 1, 2014, no person, regardless of whether such person has submitted an application to the underground storage tank petroleum clean-up program, established pursuant to section 22a-449c of the general statutes, as amended by this act, but who otherwise constitutes a municipal applicant, small station applicant or other applicant, shall submit an application to the commissioner for reimbursement or payment from the program, pursuant to sections 22a-449a to 22a-449i, inclusive, of the general statutes, as amended by this act, section 22a-449p of the general statutes, as amended by this act, and section 261 of this act. Such person may submit an application for payment or reimbursement to the program on or before September 30, 2014, for a release reported to the commissioner before October 1, 2013, but shall not submit any application to the program for a release reported to the commissioner on or after October 1, 2013.

(b) Notwithstanding the provisions of the general statutes or regulations of Connecticut state agencies, on or after October 1, 2013, no person, regardless of whether such person has submitted an
application to the program, but who otherwise constitutes a mid-size station applicant, shall submit to the commissioner an application for reimbursement or payment from the program, pursuant to sections 22a-449a to 22a-449i, inclusive, of the general statutes, as amended by this act, section 22a-449p of the general statutes, as amended by this act, and section 261 of this act. Such person may submit an application for payment or reimbursement to the program on or before September 30, 2013, for a release reported to the commissioner before October 1, 2012, but shall not submit any application to the program for a release reported to the commissioner on or after October 1, 2012.

(c) Notwithstanding the provisions of the general statutes or regulations of Connecticut state agencies, on or after October 1, 2012, no person, regardless of whether such person has submitted an application to the program, but who otherwise constitutes a large station applicant, shall submit an application for payment or reimbursement pursuant to sections 22a-449a to 22a-449i, inclusive, of the general statutes, as amended by this act, section 22a-449p of the general statutes, as amended by this act, and section 261 of this act.

Sec. 264. Section 23-10e of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

(a) The Commissioner of Energy and Environmental Protection shall preserve the following trails for equine use: (1) Larkin State Park trails (Southbury-Oxford-Middlebury); (2) Airline State Park trails - south and north (Colchester-Hebron-Lebanon-Windham-Hampton-Pomfret-Putnam); (3) Hop River State Park trails (Bolton-Coventry-Andover-Columbia); (4) Moosup Valley State Park trails (Sterling-Plainfield); (5) Huntington State Park trails; (6) Natchaug State Forest trails; and (7) Cockaponset State Forest trails] permit equestrian use on multi-use trails on state park and forest lands, unless specifically prohibited by said commissioner. Prior to a decision to prohibit equine use of any multi-use trail on state park and forest lands that have
historically been utilized by equestrians, said commissioner shall consult with the Equine Advisory Council established pursuant to section 23-10d.

(b) Nothing in this section shall prohibit nonequine uses by the public of the trails specified in subsection (a) of this section nor prohibit the Commissioner of Energy and Environmental Protection from temporarily closing any multi-use trail for safety reasons or the protection of natural resources.

(c) The [preservation of a trail] permitting of equestrian use on a multi-use trail by the Commissioner of Energy and Environmental Protection pursuant to subsection (a) of this section shall not be deemed an expansion of such trail.

Sec. 265. Section 17b-239 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) The rate to be paid by the state to hospitals receiving appropriations granted by the General Assembly and to freestanding chronic disease hospitals, providing services to persons aided or cared for by the state for routine services furnished to state patients, shall be based upon reasonable cost to such hospital, or the charge to the general public for ward services or the lowest charge for semiprivate services if the hospital has no ward facilities, imposed by such hospital, whichever is lowest, except to the extent, if any, that the commissioner determines that a greater amount is appropriate in the case of hospitals serving a disproportionate share of indigent patients. Such rate shall be promulgated annually by the Commissioner of Social Services. Nothing contained in this section shall authorize a payment by the state for such services to any such hospital in excess of the charges made by such hospital for comparable services to the general public. Notwithstanding the provisions of this section, for the
rate period beginning July 1, 2000, rates paid to freestanding chronic disease hospitals and freestanding psychiatric hospitals shall be increased by three per cent. For the rate period beginning July 1, 2001, a freestanding chronic disease hospital or freestanding psychiatric hospital shall receive a rate that is two and one-half per cent more than the rate it received in the prior fiscal year and such rate shall remain effective until December 31, 2002. Effective January 1, 2003, a freestanding chronic disease hospital or freestanding psychiatric hospital shall receive a rate that is two per cent more than the rate it received in the prior fiscal year. Notwithstanding the provisions of this subsection, for the period commencing July 1, 2001, and ending June 30, 2003, the commissioner may pay an additional total of no more than three hundred thousand dollars annually for services provided to long-term ventilator patients. For purposes of this subsection, "long-term ventilator patient" means any patient at a freestanding chronic disease hospital on a ventilator for a total of sixty days or more in any consecutive twelve-month period. Effective July 1, 2007, each freestanding chronic disease hospital shall receive a rate that is four per cent more than the rate it received in the prior fiscal year.

(b) Effective October 1, 1991, the rate to be paid by the state for the cost of special services rendered by such hospitals shall be established annually by the commissioner for each such hospital based on the reasonable cost to each hospital of such services furnished to state patients. Nothing contained [herein] in this subsection shall authorize a payment by the state for such services to any such hospital in excess of the charges made by such hospital for comparable services to the general public.

(c) The term "reasonable cost" as used in this section means the cost of care furnished such patients by an efficient and economically operated facility, computed in accordance with accepted principles of hospital cost reimbursement. The commissioner may adjust the rate of
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payment established under the provisions of this section for the year during which services are furnished to reflect fluctuations in hospital costs. Such adjustment may be made prospectively to cover anticipated fluctuations or may be made retroactive to any date subsequent to the date of the initial rate determination for such year or in such other manner as may be determined by the commissioner. In determining "reasonable cost" the commissioner may give due consideration to allowances for fully or partially unpaid bills, reasonable costs mandated by collective bargaining agreements with certified collective bargaining agents or other agreements between the employer and employees, provided "employees" shall not include persons employed as managers or chief administrators, requirements for working capital and cost of development of new services, including additions to and replacement of facilities and equipment. The commissioner shall not give consideration to amounts paid by the facilities to employees as salary, or to attorneys or consultants as fees, where the responsibility of the employees, attorneys or consultants is to persuade or seek to persuade the other employees of the facility to support or oppose unionization. Nothing in this subsection shall prohibit the commissioner from considering amounts paid for legal counsel related to the negotiation of collective bargaining agreements, the settlement of grievances or normal administration of labor relations.

(d) The state shall also pay to such hospitals for each outpatient clinic and emergency room visit a reasonable rate to be established annually by the commissioner for each hospital, such rate to be determined by the reasonable cost of such services. The emergency room visit rates in effect June 30, 1991, shall remain in effect through June 30, 1993, except those which would have been decreased effective July 1, 1991, or July 1, 1992, shall be decreased. Nothing contained [herein] in this subsection shall authorize a payment by the state for such services to any hospital in excess of the charges made by such hospital for comparable services to the general public. For those
outpatient hospital services paid on the basis of a ratio of cost to charges, the ratios in effect June 30, 1991, shall be reduced effective July 1, 1991, by the most recent annual increase in the consumer price index for medical care. For those outpatient hospital services paid on the basis of a ratio of cost to charges, the ratios computed to be effective July 1, 1994, shall be reduced by the most recent annual increase in the consumer price index for medical care. The emergency room visit rates in effect June 30, 1994, shall remain in effect through December 31, 1994. The Commissioner of Social Services shall establish a fee schedule for outpatient hospital services to be effective on and after January 1, 1995, and may annually modify such fee schedule if such modification is needed to ensure that the conversion to an administrative services organization is cost neutral to hospitals in the aggregate and ensures patient access. Utilization shall not be a factor in determining cost neutrality. Except with respect to the rate periods beginning July 1, 1999, and July 1, 2000, such fee schedule shall be adjusted annually beginning July 1, 1996, to reflect necessary increases in the cost of services. Notwithstanding the provisions of this subsection, the fee schedule for the rate period beginning July 1, 2000, shall be increased by ten and one-half per cent, effective June 1, 2001. Notwithstanding the provisions of this subsection, outpatient rates in effect as of June 30, 2003, shall remain in effect through June 30, 2005. Effective July 1, 2006, subject to available appropriations, the commissioner shall increase outpatient service fees for services that may include clinic, emergency room, magnetic resonance imaging, and computerized axial tomography.

(e) The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, establishing criteria for defining emergency and nonemergency visits to hospital emergency rooms. All nonemergency visits to hospital emergency rooms shall be paid at the hospital's outpatient clinic services rate. Nothing contained in this subsection or the regulations adopted hereunder shall authorize a
payment by the state for such services to any hospital in excess of the charges made by such hospital for comparable services to the general public.

(f) On and after October 1, 1984, the state shall pay to an acute care general hospital for the inpatient care of a patient who no longer requires acute care a rate determined by the following schedule: For the first seven days following certification that the patient no longer requires acute care the state shall pay the hospital at a rate of fifty per cent of the hospital's actual cost; for the second seven-day period following certification that the patient no longer requires acute care the state shall pay seventy-five per cent of the hospital's actual cost; for the third seven-day period following certification that the patient no longer requires acute care and for any period of time thereafter, the state shall pay the hospital at a rate of one hundred per cent of the hospital's actual cost. On and after July 1, 1995, no payment shall be made by the state to an acute care general hospital for the inpatient care of a patient who no longer requires acute care and is eligible for Medicare unless the hospital does not obtain reimbursement from Medicare for that stay.

[(g) Effective June 1, 2001, the commissioner shall establish inpatient hospital rates in accordance with the method specified in regulations adopted pursuant to this section and applied for the rate period beginning October 1, 2000, except that the commissioner shall update each hospital's target amount per discharge to the actual allowable cost per discharge based upon the 1999 cost report filing multiplied by sixty-two and one-half per cent if such amount is higher than the target amount per discharge for the rate period beginning October 1, 2000, as adjusted for the ten per cent incentive identified in Section 4005 of Public Law 101-508. If a hospital's rate is increased pursuant to this subsection, the hospital shall not receive the ten per cent incentive identified in Section 4005 of Public Law 101-508. For rate periods]
beginning October 1, 2001, through September 30, 2006, the commissioner shall not apply an annual adjustment factor to the target amount per discharge. Effective April 1, 2005, the revised target amount per discharge for each hospital with a target amount per discharge less than three thousand seven hundred fifty dollars shall be three thousand seven hundred fifty dollars. Effective October 1, 2007, the commissioner, in consultation with the Secretary of the Office of Policy and Management, shall establish, within available appropriations, an increased target amount per discharge of not less than four thousand two hundred fifty dollars for each hospital with a target amount per discharge less than four thousand two hundred fifty dollars for the rate period ending September 30, 2007, and the commissioner may apply an annual adjustment factor to the target amount per discharge for hospitals that are not increased as a result of this adjustment. Not later than October 1, 2008, the commissioner shall submit a report to the joint standing committees of the General Assembly having cognizance of matters relating to public health, human services and appropriations and the budgets of state agencies identifying any increased target amount per discharge established or annual adjustment factor applied on or after October 1, 2006, and the associated cost increase estimates related to such actions.

Sec. 266. Subdivision (1) of section 46b-120 of the 2012 supplement to the general statutes, as amended by section 82 of public act 09-7 of the September special session, sections 9 and 10 of public act 11-71, section 12 of public act 11-157 and section 3 of public act 11-240, is repealed and the following is substituted in lieu thereof (Effective October 1, 2012):

(1) "Child" means any person under eighteen years of age who has not been legally emancipated, except that (A) for purposes of delinquency matters and proceedings, "child" means any person [(i)] who [(i)] is at least seven years of age at the time of the alleged
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commission of a delinquent act and who is (I) under eighteen years of age [who] and has not been legally emancipated, or [(ii)] (II) eighteen years of age or older [who,] and committed a delinquent act prior to attaining eighteen years of age, [has committed a delinquent act or,] or (ii) is subsequent to attaining eighteen years of age, (I) violates any order of the Superior Court or any condition of probation ordered by the Superior Court with respect to a delinquency proceeding, or (II) willfully fails to appear in response to a summons under section 46b-133 or at any other court hearing in a delinquency proceeding of which the child had notice, and (B) for purposes of family with service needs matters and proceedings, child means a person who is at least seven years of age and is under eighteen years of age;

Sec. 267. Subdivision (5) of section 46b-120 of the 2012 supplement to the general statutes, as amended by section 82 of public act 09-7 of the September special session, sections 9 and 10 of public act 11-71, section 12 of public act 11-157 and section 3 of public act 11-240, is repealed and the following is substituted in lieu thereof (Effective October 1, 2012):

(5) "Family with service needs" means a family that includes a child who is at least seven years of age and is under eighteen years of age who (A) has without just cause run away from the parental home or other properly authorized and lawful place of abode, (B) is beyond the control of the child's or youth's parent, parents, guardian or other custodian, (C) has engaged in indecent or immoral conduct, (D) is a truant or habitual truant or who, while in school, has been continuously and overtly defiant of school rules and regulations, or (E) is thirteen years of age or older and has engaged in sexual intercourse with another person and such other person is thirteen years of age or older and not more than two years older or younger than such child or youth;

Sec. 268. (NEW) (Effective October 1, 2012) (a) In any juvenile matter,
as defined in section 46b-121 of the general statutes, in which a child or youth is alleged to have committed a delinquent act or an act or omission for which a petition may be filed under section 46b-149 of the general statutes, the child or youth shall not be tried, convicted, adjudicated or subject to any disposition pursuant to section 46b-140 of the general statutes, as amended by this act, or 46b-149 of the general statutes while the child or youth is not competent. For the purposes of this section, a transfer to the regular criminal docket of the Superior Court pursuant to section 46b-127 of the general statutes, as amended by this act, shall not be considered a disposition. A child or youth is not competent if the child or youth is unable to understand the proceedings against him or her or to assist in his or her own defense.

(b) If, at any time during a proceeding on a juvenile matter, it appears that the child or youth is not competent, counsel for the child or youth, the prosecutorial official, or the court, on its own motion, may request an examination to determine the child’s or youth's competency. Whenever a request for a competency examination is under consideration by the court, the child or youth shall be represented by counsel in accordance with the provisions of sections 46b-135 and 46b-136 of the general statutes.

(c) A child or youth alleged to have committed an offense is presumed to be competent. The age of the child or youth is not a per se determinant of incompetency. The burden of going forward with the evidence and proving that the child or youth is not competent by a preponderance of the evidence shall be on the party raising the issue of competency, except that if the court raises the issue of competency, the burden of going forward with the evidence shall be on the state. The court may call its own witnesses and conduct its own inquiry.

(d) If the court finds that the request for a competency examination is justified and that there is probable cause to believe that the child or youth has committed the alleged offense, the court shall order a
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competency examination of the child or youth. Competency examinations shall be conducted, within available appropriations, by (1) a clinical team constituted under policies and procedures established by the Chief Court Administrator, or (2) if agreed to by all parties, a physician specializing in psychiatry who has experience in conducting forensic interviews and in child and adult psychiatry. Any clinical team constituted under this section shall consist of three persons: A clinical psychologist with experience in child and adolescent psychology, and two of the following three types of professionals: (A) A clinical social worker licensed pursuant to chapter 383b of the general statutes, (B) a child and adolescent psychiatric nurse clinical specialist holding a master's degree in nursing, or (C) a physician specializing in psychiatry. At least one member of the clinical team shall have experience in conducting forensic interviews and at least one member of the clinical team shall have experience in child and adolescent psychology. The court may authorize a physician, a clinical psychologist, a child and adolescent psychiatric nurse specialist or a clinical social worker licensed pursuant to chapter 383b of the general statutes, selected by the child or youth, to observe the examination, at the expense of the child or youth or, if the child or youth is represented by counsel appointed through the Public Defender Services Commission, the Office of the Chief Public Defender. In addition, counsel for the child or youth, his or her designated representative and, if the child or youth is represented by a public defender, a social worker from the Division of Public Defender Services, may observe the examination.

(e) The examination shall be completed not later than fifteen business days after the date it was ordered, unless the time for completion is extended by the court for good cause shown. The members of the clinical team or the examining physician shall prepare and sign, without notarization, a written report and file such report with the court not later than twenty-one business days after the date of
the order. The report shall address the child's or youth's ability to understand the proceedings against such child or youth and such child's or youth's ability to assist in his or her own defense. If the opinion of the clinical team or the examining physician set forth in such report is that the child cannot understand the proceedings against such child or youth or is not able to assist in his or her own defense, the members of the team or the examining physician must determine and address in their report: (1) Whether there is a substantial probability that the child or youth will attain or regain competency within ninety days of an intervention being ordered by the court; and (2) the nature and type of intervention, in the least restrictive setting possible, recommended to attain or regain competency. On receipt of the written report, the clerk of the court shall cause copies of such written report to be delivered to counsel for the state and counsel for the child or youth at least forty-eight hours prior to the hearing held under subsection (f) of this section.

(f) The court shall hold a hearing as to the competency of the child or youth not later than ten business days after the court receives the written report of the clinical team or the examining physician pursuant to subsection (e) of this section. A child or youth may waive such evidentiary hearing only if the clinical team or examining physician has determined without qualification that the child or youth is competent. Any evidence regarding the child's or youth's competency, including, but not limited to, the written report, may be introduced in evidence at the hearing by either the child or youth or the state. If the written report is introduced as evidence, at least one member of the clinical team or the examining physician shall be present to testify as to the determinations in the report, unless the clinical team's or the examining physician's presence is waived by the child or youth and the state. Any member of the clinical team shall be considered competent to testify as to the clinical team's determinations.
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(g) (1) If the court, after the competency hearing, finds by a preponderance of the evidence that the child or youth is competent, the court shall continue with the prosecution of the juvenile matter.

(2) If the court, after the competency hearing, finds that the child or youth is not competent, the court shall determine: (A) Whether there is a substantial probability that the child or youth will attain or regain competency within ninety days of an intervention being ordered by the court; and (B) whether the recommended intervention to attain or regain competency is appropriate. In making its determination on an appropriate intervention, the court may consider: (i) The nature and circumstances of the alleged offense; (ii) the length of time the clinical team or examining physician estimates it will take for the child or youth to attain or regain competency; (iii) whether the child or youth poses a substantial risk to reoffend; and (iv) whether the child or youth is able to receive community-based services or treatment that would prevent the child or youth from reoffending.

(h) If the court finds that there is not a substantial probability that the child or youth will attain or regain competency within ninety days or that the recommended intervention to attain or regain competency is not appropriate, the court may issue an order in accordance with subsection (k) of this section.

(i) (1) If the court finds that there is a substantial probability that the child or youth will attain or regain competency within ninety days if provided an appropriate intervention, the court shall schedule a hearing on the implementation of such intervention within five business days.

(2) An intervention implemented for the purpose of restoring competency shall comply with the following conditions: (A) The period of intervention shall not exceed ninety days, unless extended for an additional ninety days in accordance with the criteria set forth in
subsection (j) of this section; and (B) the intervention services shall be provided by the Department of Children and Families or, if the child's or youth's parent or guardian agrees to pay for such services, by any appropriate person, agency, mental health facility or treatment program that agrees to provide appropriate intervention services in the least restrictive setting available to the child or youth and comply with the requirements of this section.

(3) Prior to the hearing, the court shall notify the Commissioner of Children and Families, the commissioner's designee or the appropriate person, agency, mental health facility or treatment program that has agreed to provide appropriate intervention services to the child or youth that an intervention to attain or regain competency will be ordered. The commissioner, the commissioner's designee or the appropriate person, agency, mental health facility or treatment program shall be provided with a copy of the report of the clinical team or examining physician and shall report to the court on a proposed implementation of the intervention prior to the hearing.

(4) At the hearing, the court shall review the written report and order an appropriate intervention for a period not to exceed ninety days in the least restrictive setting available to restore competency. In making its determination, the court shall use the criteria set forth in subdivision (2) of subsection (g) of this section. Upon ordering an intervention, the court shall set a date for a hearing, to be held at least ten business days after the completion of the intervention period, for the purpose of reassessing the child's or youth's competency.

(j) (1) At least ten business days prior to the date of any scheduled hearing on the issue of the reassessment of the child's or youth's competency, the Commissioner of Children and Families, the commissioner's designee or other person, agency, mental health facility or treatment program providing intervention services to restore a child or youth to competency shall report on the progress of such...
(2) Upon receipt of the report on the progress of such intervention, the child or youth shall be reassessed by the original clinical team or examining physician, except that if the original team or examining physician is unavailable, the court may appoint a new clinical team that, where possible, shall include at least one member of the original team, or a new examining physician. The new clinical team or examining physician shall have the same qualifications as the original team or examining physician, as provided in subsection (d) of this section, and shall have access to clinical information available from the provider of the intervention services. Not less than two business days prior to the date of any scheduled hearing on the reassessment of the child's or youth's competency, the clinical team or examining physician shall submit a report to the court that includes: (A) The clinical findings of the provider of the intervention services and the facts upon which the findings are made; (B) the clinical team's or the examining physician's opinion on whether the child or youth has attained or regained competency or is making progress toward attaining or regaining competency within the period covered by the intervention order; and (C) any other information concerning the child or youth requested by the court, including, but not limited to, the method of intervention or the type, dosage and effect of any medication the child or youth is receiving.

(3) Within two business days of the filing of a reassessment report, the court shall hold a hearing to determine if the child or youth has attained or regained competency within the period covered by the intervention order. If the court finds that the child or youth has attained or regained competency, the court shall continue with the prosecution of the juvenile matter. If the court finds that the child or youth has not attained or regained competency within the period covered by the intervention order, the court shall determine whether
further efforts to attain or regain competency are appropriate. The court shall make its determination of whether further efforts to attain or regain competency are appropriate in accordance with the criteria set forth in subdivision (2) of subsection (g) of this section. If the court finds that further intervention to attain or regain competency is appropriate, the court shall order a new period for restoration of competency not to exceed ninety days. If the court finds that further intervention to attain or regain competency is not appropriate or the child or youth has not attained or regained competency after an additional intervention of ninety days, the court shall issue an order in accordance with subsection (k) of this section.

(k) (1) If the court determines after the period covered by the intervention order that the child or youth has not attained or regained competency and that there is not a substantial probability that the child or youth will attain or regain competency, or that further intervention to attain or regain competency is not appropriate based on the criteria set forth in subdivision (2) of subsection (g) of this section, the court shall: (A) Dismiss the petition if it is a delinquency or family with service needs petition; (B) vest temporary custody of the child or youth in the Commissioner of Children and Families and notify the Office of the Chief Public Defender, which shall assign an attorney to serve as guardian ad litem for the child or youth and investigate whether a petition should be filed under section 46b-129 of the general statutes, as amended by this act; or (C) order that the Department of Children and Families or some other person, agency, mental health facility or treatment program, or such child's or youth's probation officer, conduct or obtain an appropriate assessment and, where appropriate, propose a plan for services that can appropriately address the child's or youth's needs in the least restrictive setting available and appropriate. Any plan for services may include a plan for interagency collaboration for the provision of appropriate services after the child or youth attains the age of eighteen.
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(2) Not later than ten business days after the issuance of an order pursuant to subparagraph (B) or (C) of subdivision (1) of this subsection, the court shall hold a hearing to review the order of temporary custody or any recommendations of the Department of Children and Families, such probation officer or such attorney or guardian ad litem for the child or youth.

(3) If the child or youth is adjudicated neglected, uncared-for or abused subsequent to such a petition being filed, or if a plan for services pursuant to subparagraph (C) of subdivision (1) of this subsection has been approved by the court and implemented, the court may dismiss the delinquency or family with service needs petition, or, in the discretion of the court, order that the prosecution of the case be suspended for a period not to exceed eighteen months. During the period of suspension, the court may order the Department of Children and Families to provide periodic reports to the court to ensure that appropriate services are being provided to the child or youth. If during the period of suspension, the child or youth or the parent or guardian of the child or youth does not comply with the requirements set forth in the plan for services, the court may hold a hearing to determine whether the court should follow the procedure under subparagraph (B) of subdivision (1) of this subsection for instituting a petition alleging that a child is neglected, uncared for or abused. Whenever the court finds that the need for the suspension of prosecution is no longer necessary, but not later than the expiration of such period of suspension, the delinquency or family with service needs petition shall be dismissed.

Sec. 269. Subsection (c) of section 46b-129 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2012):

(c) The preliminary hearing on the order of temporary custody or order to appear or the first hearing on a petition filed pursuant to
subsection (a) of this section shall be held in order for the court to:

(1) Advise the parent or guardian of the allegations contained in all petitions and applications that are the subject of the hearing and the parent's or guardian's right to counsel pursuant to subsection (b) of section 46b-135;

(2) [assure] Ensure that an attorney, and where appropriate, a separate guardian ad litem has been appointed to represent the child or youth in accordance with subsection (b) of section 51-296a and sections 46b-129a, as amended by this act, and 46b-136;

(3) [upon] Upon request, appoint an attorney to represent the respondent when the respondent is unable to afford representation, in accordance with subsection (b) of section 51-296a;

(4) [advise] Advise the parent or guardian of the right to a hearing on the petitions and applications, to be held not later than ten days after the date of the preliminary hearing if the hearing is pursuant to an order of temporary custody or an order to show cause;

(5) [accept] Accept a plea regarding the truth of [such] the allegations;

(6) [make] Make any interim orders, including visitation orders, that the court determines are in the best interests of the child or youth. The court, after a hearing pursuant to this subsection, shall order specific steps the commissioner and the parent or guardian shall take for the parent or guardian to regain or to retain custody of the child or youth;

(7) [take] Take steps to determine the identity of the father of the child or youth, including, if necessary, inquiring of the mother of the child or youth, under oath, as to the identity and address of any person who might be the father of the child or youth and ordering genetic testing, and order service of the petition and notice of the hearing date,
(8) If the person named as the father appears and admits that he is the father, provide him and the mother with the notices that comply with section 17b-27 and provide them with the opportunity to sign a paternity acknowledgment and affirmation on forms that comply with section 17b-27. Such documents shall be executed and filed in accordance with chapter 815y and a copy delivered to the clerk of the superior court for juvenile matters. The clerk of the superior court for juvenile matters shall send a certified copy of the paternity acknowledgment and affirmation to the Department of Public Health for filing in the paternity registry maintained under section 19a-42a, and shall maintain a certified copy of the paternity acknowledgment and affirmation in the court file;

(9) [in the event that] If the person named as a father appears and denies that he is the father of the child or youth, advise him that he may have no further standing in any proceeding concerning the child, and either order genetic testing to determine paternity or direct him to execute a written denial of paternity on a form promulgated by the Office of the Chief Court Administrator. Upon execution of such a form by the putative father, in accordance with section 46b-168. If the results of the genetic tests indicate a ninety-nine per cent or greater probability that the person named as father is the father of the child or youth, such results shall constitute a rebuttable presumption that the person named as father is the father of the child or youth, provided the court finds evidence that sexual intercourse occurred between the mother and the person named as father during the period of time in which the child was conceived. If the court finds such rebuttable presumption, the court may issue judgment adjudicating paternity after providing the father an opportunity for a hearing. The clerk of the court shall send a certified copy of any judgment adjudicating paternity to the Department of Public Health for filing in the paternity
registry maintained under section 19a-42a. If the results of the genetic tests indicate that the person named as father is not the biological father of the child or youth, the court shall enter a judgment that he is not the father and the court [may] shall remove him from the case and afford him no further standing in the case or in any subsequent proceeding regarding the child or youth; [until such time as paternity is established by formal acknowledgment or adjudication in a court of competent jurisdiction;]

(10) [identify] Identify any person or persons related to the child or youth by blood or marriage residing in this state who might serve as licensed foster parents or temporary custodians and order the Commissioner of Children and Families to investigate and report to the court, not later than thirty days after the preliminary hearing, the appropriateness of [placement of] placing the child or youth with such relative or relatives; and

(11) [in] In accordance with the provisions of the Interstate Compact on the Placement of Children pursuant to section 17a-175, identify any person or persons related to the child or youth by blood or marriage residing out of state who might serve as licensed foster parents or temporary custodians, and order the Commissioner of Children and Families to investigate and determine, within a reasonable time, the appropriateness of [placement of] placing the child or youth with such relative or relatives.

Sec. 270. Subparagraph (C) of subdivision (2) of section 46b-129a of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

(C) The primary role of any counsel for the child shall be to advocate for the child in accordance with the Rules of Professional Conduct, except that if the child is incapable of expressing the child's wishes to the child's counsel because of age or other incapacity, the
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counsel for the child shall advocate for the best interests of the child.

Sec. 271. Subsection (b) of section 46b-140 of the 2012 supplement to
the general statutes is repealed and the following is substituted in lieu
thereof (Effective July 1, 2012):

(b) Upon conviction of a child as delinquent, the court: (1) May (A)
[place the child in the care of any institution or agency which is
permited by law to care for children; (B)] order the child to participate
in an alternative incarceration program; [(C)] (B) order the child to
participate in a program at a wilderness school [program] facility
operated by the Department of Children and Families; [(D)] (C) order
the child to participate in a youth service bureau program; [(E)] (D)
place the child on probation; [(F)] (E) order the child or the parents or
guardian of the child, or both, to make restitution to the victim of the
offense in accordance with subsection (d) of this section; [(G)] (F) order
the child to participate in a program of community service in
accordance with subsection (e) of this section; or [(H)] (G) withhold or
suspend execution of any judgment; and (2) shall impose the penalty
established in subsection (b) of section 30-89 [.] for any violation of said
subsection (b).

Sec. 272. Subdivision (4) of subsection (d) of section 46b-129 of the
2012 supplement to the general statutes is repealed and the following
is substituted in lieu thereof (Effective October 1, 2012):

(4) Any person related to a child or youth may file a motion to
intervene for purposes of seeking [permanent] guardianship of a child
or youth more than ninety days after the date of the preliminary
hearing. The granting of such motion to intervene shall be solely in the
court's discretion, except that such motion shall be granted absent
good cause shown whenever the child's or youth's most recent
placement has been disrupted or is about to be disrupted. The court
may, in the court's discretion, order the Commissioner of Children and
Families to conduct an assessment of such relative granted intervenor status pursuant to this subdivision.

Sec. 273. Subsections (j) to (r), inclusive, of section 46b-129 of the 2012 supplement to the general statutes are repealed and the following is substituted in lieu thereof (Effective October 1, 2012):

(j) (1) For the purposes of this subsection and subsection (k) of this section, "permanent legal guardianship" means a permanent guardianship, as defined in section 45a-604, as amended by this act.

[(j)  (2) Upon finding and adjudging that any child or youth is uncared-for, neglected or abused the court may (A) commit such child or youth to the Commissioner of Children and Families, [. Such] and such commitment shall remain in effect until further order of the court, except that such commitment may be revoked or parental rights terminated at any time by the court; [ or the court may] (B) vest such child's or youth's legal guardianship in any private or public agency that is permitted by law to care for neglected, uncared-for or abused children or youths or with any other person or persons found to be suitable and worthy of such responsibility by the court, including, but not limited to, any relative of such child or youth by blood or marriage; (C) vest such child's or youth's permanent legal guardianship in any person or persons found to be suitable and worthy of such responsibility by the court, including, but not limited to, any relative of such child or youth by blood or marriage in accordance with the requirements set forth in subdivision (5) of this subsection; or (D) place the child or youth in the custody of the parent or guardian with protective supervision by the Commissioner of Children and Families subject to conditions established by the court.

(3) If the court determines that the commitment should be revoked and the child's or youth's legal guardianship or permanent legal guardianship should vest in someone other than the respondent
parent, parents or former guardian, or if parental rights are terminated
at any time, there shall be a rebuttable presumption that an award of
legal guardianship or permanent legal guardianship upon revocation
to, or adoption upon termination of parental rights by, any relative
who is licensed as a foster parent for such child or youth, or who is,
pursuant to an order of the court, the temporary custodian of the child
or youth at the time of the revocation or termination, shall be in the
best interests of the child or youth and that such relative is a suitable
and worthy person to assume legal guardianship or permanent legal
guardianship upon revocation or to adopt such child or youth upon
termination of parental rights. The presumption may be rebutted by a
preponderance of the evidence that an award of legal guardianship or
permanent legal guardianship to, or an adoption by, such relative
would not be in the child's or youth's best interests and such relative is
not a suitable and worthy person. The court shall order specific steps
that the parent must take to facilitate the return of the child or youth to
the custody of such parent.

(4) The commissioner shall be the guardian of such child or youth
for the duration of the commitment, provided the child or youth has
not reached the age of eighteen years or, in the case of a child or youth
in full-time attendance in a secondary school, a technical school, a
college or a state-accredited job training program, provided such child
or youth has not reached the age of twenty-one years, by consent of
such child or youth, or until another guardian has been legally
appointed, and in like manner, upon such vesting of the care of such
child or youth, such other public or private agency or individual shall
be the guardian of such child or youth until such child or youth has
reached the age of eighteen years or, in the case of a child or youth in
full-time attendance in a secondary school, a technical school, a college
or a state-accredited job training program, until such child or youth
has reached the age of twenty-one years or until another guardian has
been legally appointed. The commissioner may place any child or
youth so committed to the commissioner in a suitable foster home or in the home of a person related by blood or marriage to such child or youth or in a licensed child-caring institution or in the care and custody of any accredited, licensed or approved child-caring agency, within or without the state, provided a child shall not be placed outside the state except for good cause and unless the parents or guardian of such child are notified in advance of such placement and given an opportunity to be heard, or in a receiving home maintained and operated by the Commissioner of Children and Families. In placing such child or youth, the commissioner shall, if possible, select a home, agency, institution or person of like religious faith to that of a parent of such child or youth, if such faith is known or may be ascertained by reasonable inquiry, provided such home conforms to the standards of said commissioner and the commissioner shall, when placing siblings, if possible, place such children together. [As an alternative to commitment, the court may place the child or youth in the custody of the parent or guardian with protective supervision by the Commissioner of Children and Families subject to conditions established by the court.] Upon the issuance of an order committing the child or youth to the Commissioner of Children and Families, or not later than sixty days after the issuance of such order, the court shall determine whether the Department of Children and Families made reasonable efforts to keep the child or youth with his or her parents or guardian prior to the issuance of such order and, if such efforts were not made, whether such reasonable efforts were not possible, taking into consideration the child's or youth's best interests, including the child's or youth's health and safety.

(5) Prior to issuing an order for permanent legal guardianship, the court shall provide notice to each parent that the parent may not file a motion to terminate the permanent legal guardianship, or the court shall indicate on the record why such notice could not be provided, and the court shall find by clear and convincing evidence that the
permanent legal guardianship is in the best interests of the child or youth and that the following have been proven by clear and convincing evidence:

(A) One of the statutory grounds for termination of parental rights exists, as set forth in subsection (j) of section 17a-112, or the parents have voluntarily consented to the establishment of the permanent legal guardianship;

(B) Adoption of the child or youth is not possible or appropriate;

(C) (i) If the child or youth is at least twelve years of age, such child or youth consents to the proposed permanent legal guardianship, or (ii) if the child is under twelve years of age, the proposed permanent legal guardian is: (I) A relative, or (II) already serving as the permanent legal guardian of at least one of the child's siblings, if any;

(D) The child or youth has resided with the proposed permanent legal guardian for at least a year; and

(E) The proposed permanent legal guardian is (i) a suitable and worthy person, and (ii) committed to remaining the permanent legal guardian and assuming the right and responsibilities for the child or youth until the child or youth attains the age of majority.

(6) An order of permanent legal guardianship may be reopened and modified and the permanent legal guardian removed upon the filing of a motion with the court, provided it is proven by a fair preponderance of the evidence that the permanent legal guardian is no longer suitable and worthy. A parent may not file a motion to terminate a permanent legal guardianship. If, after a hearing, the court terminates a permanent legal guardianship, the court, in appointing a successor legal guardian or permanent legal guardian for the child or youth shall do so in accordance with this subsection.
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(k) (1) Nine months after placement of the child or youth in the care and custody of the commissioner pursuant to a voluntary placement agreement, or removal of a child or youth pursuant to section 17a-101g or an order issued by a court of competent jurisdiction, whichever is earlier, the commissioner shall file a motion for review of a permanency plan. Nine months after a permanency plan has been approved by the court pursuant to this subsection, the commissioner shall file a motion for review of the permanency plan. Any party seeking to oppose the commissioner's permanency plan, including a relative of a child or youth by blood or marriage who has intervened pursuant to subsection (d) of this section and is licensed as a foster parent for such child or youth or is vested with such child's or youth's temporary custody by order of the court, shall file a motion in opposition not later than thirty days after the filing of the commissioner's motion for review of the permanency plan, which motion shall include the reason therefor. A permanency hearing on any motion for review of the permanency plan shall be held not later than ninety days after the filing of such motion. The court shall hold evidentiary hearings in connection with any contested motion for review of the permanency plan and credible hearsay evidence regarding any party's compliance with specific steps ordered by the court shall be admissible at such evidentiary hearings. The commissioner shall have the burden of proving that the proposed permanency plan is in the best interests of the child or youth. After the initial permanency hearing, subsequent permanency hearings shall be held not less frequently than every twelve months while the child or youth remains in the custody of the Commissioner of Children and Families. The court shall provide notice to the child or youth, the parent or guardian of such child or youth, and any intervenor of the time and place of the court hearing on any such motion not less than fourteen days prior to such hearing.

(2) At a permanency hearing held in accordance with the provisions
of subdivision (1) of this subsection, the court shall approve a permanency plan that is in the best interests of the child or youth and takes into consideration the child's or youth's need for permanency. The child's or youth's health and safety shall be of paramount concern in formulating such plan. Such permanency plan may include the goal of (A) revocation of commitment and reunification of the child or youth with the parent or guardian, with or without protective supervision; (B) transfer of guardianship or permanent legal guardianship; (C) long-term foster care with a relative licensed as a foster parent; (D) filing of termination of parental rights and adoption; or (E) another planned permanent living arrangement ordered by the court, provided the Commissioner of Children and Families has documented a compelling reason why it would not be in the best interests of the child or youth for the permanency plan to include the goals in subparagraphs (A) to (D), inclusive, of this subdivision. Such other planned permanent living arrangement may include, but not be limited to, placement of a child or youth in an independent living program or long term foster care with an identified foster parent.

(3) At a permanency hearing held in accordance with the provisions of subdivision (1) of this subsection, the court shall review the status of the child, the progress being made to implement the permanency plan, determine a timetable for attaining the permanency plan, determine the services to be provided to the parent if the court approves a permanency plan of reunification and the timetable for such services, and determine whether the commissioner has made reasonable efforts to achieve the permanency plan. The court may revoke commitment if a cause for commitment no longer exists and it is in the best interests of the child or youth.

(4) If the court approves the permanency plan of adoption: (A) The Commissioner of Children and Families shall file a petition for
termination of parental rights not later than sixty days after such approval if such petition has not previously been filed; (B) the commissioner may conduct a thorough adoption assessment and child-specific recruitment; and (C) the court may order that the child be photo-listed within thirty days if the court determines that such photo-listing is in the best [interest] interests of the child. As used in this subdivision, "thorough adoption assessment" means conducting and documenting face-to-face interviews with the child, foster care providers and other significant parties and "child specific recruitment" means recruiting an adoptive placement targeted to meet the individual needs of the specific child, including, but not limited to, use of the media, use of photo-listing services and any other in-state or out-of-state resources that may be used to meet the specific needs of the child, unless there are extenuating circumstances that indicate that such efforts are not in the best [interest] interests of the child.

(I) The Commissioner of Children and Families shall pay directly to the person or persons furnishing goods or services determined by said commissioner to be necessary for the care and maintenance of such child or youth the reasonable expense thereof, payment to be made at intervals determined by said commissioner; and the Comptroller shall draw his or her order on the Treasurer, from time to time, for such part of the appropriation for care of committed children or youths as may be needed in order to enable the commissioner to make such payments. The commissioner shall include in the department's annual budget a sum estimated to be sufficient to carry out the provisions of this section. Notwithstanding that any such child or youth has income or estate, the commissioner may pay the cost of care and maintenance of such child or youth. The commissioner may bill to and collect from the person in charge of the estate of any child or youth aided under this chapter, or the payee of such child's or youth's income, the total amount expended for care of such child or youth or such portion thereof as any such estate or payee is able to reimburse, provided the
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commissioner shall not collect from such estate or payee any reimbursement for the cost of care or other expenditures made on behalf of such child or youth from (1) the proceeds of any cause of action received by such child or youth; (2) any lottery proceeds due to such child or youth; (3) any inheritance due to such child or youth; (4) any payment due to such child or youth from a trust other than a trust created pursuant to 42 USC 1396p, as amended from time to time; or (5) the decedent estate of such child or youth.

(m) The commissioner, a parent or the child's attorney may file a motion to revoke a commitment, and, upon finding that cause for commitment no longer exists, and that such revocation is in the best interests of such child or youth, the court may revoke the commitment of such child or youth. No such motion shall be filed more often than once every six months.

(n) If the court has ordered legal guardianship of a child or youth to be vested in a suitable and worthy person pursuant to subsection (j) of this section, the child's or youth's parent or former legal guardian may file a petition to reinstate guardianship of the child or youth in such parent or former legal guardian. Upon the filing of such a petition, the court may order the Commissioner of Children and Families to investigate the home conditions and needs of the child or youth and the home conditions of the person seeking reinstatement of guardianship, and to make a recommendation to the court. A party to a petition for reinstatement of guardianship shall not be entitled to court-appointed counsel or representation by Division of Public Defender Services assigned counsel, except as provided in section 46b-136. Upon finding that the cause for the removal of guardianship no longer exists, and that reinstatement is in the best interests of the child or youth, the court may reinstate the guardianship of the parent or the former legal guardian. No such petition may be filed more often than once every six months.
Upon service on the parent, guardian or other person having control of the child or youth of any order issued by the court pursuant to the provisions of subsections (b) and (j) of this section, the child or youth concerned shall be surrendered to the person serving the order who shall forthwith deliver the child or youth to the person, agency, department or institution awarded custody in the order. Upon refusal of the parent, guardian or other person having control of the child or youth to surrender the child or youth as provided in the order, the court may cause a warrant to be issued charging the parent, guardian or other person having control of the child or youth with contempt of court. If the person arrested is found in contempt of court, the court may order such person confined until the person complies with the order, but for not more than six months, or may fine such person not more than five hundred dollars, or both.

A foster parent, prospective adoptive parent or relative caregiver shall receive notice and have the right to be heard for the purposes of this section in Superior Court in any proceeding concerning a foster child living with such foster parent, prospective adoptive parent or relative caregiver. A foster parent, prospective adoptive parent or relative caregiver who has cared for a child or youth shall have the right to be heard and comment on the best interests of such child or youth in any proceeding under this section which is brought not more than one year after the last day the foster parent, prospective adoptive parent or relative caregiver provided such care.

Upon motion of any sibling of any child committed to the Department of Children and Families pursuant to this section, such sibling shall have the right to be heard concerning visitation with, and placement of, any such child. In awarding any visitation or modifying any placement, the court shall be guided by the best interests of all siblings affected by such determination.
The provisions of section 17a-152, regarding placement of a child from another state, and section 17a-175, regarding the Interstate Compact on the Placement of Children, shall apply to placements pursuant to this section. In any proceeding under this section involving the placement of a child or youth in another state where the provisions of section 17a-175 are applicable, the court shall, before ordering or approving such placement, state for the record the court's finding concerning compliance with the provisions of section 17a-175. The court's statement shall include, but not be limited to: (1) A finding that the state has received notice in writing from the receiving state, in accordance with subsection (d) of Article III of section 17a-175, indicating that the proposed placement does not appear contrary to the interests of the child, (2) the court has reviewed such notice, (3) whether or not an interstate compact study or other home study has been completed by the receiving state, and (4) if such a study has been completed, whether the conclusions reached by the receiving state as a result of such study support the placement.

[(r)] (s) In any proceeding under this section, the Department of Children and Families shall provide notice to every attorney of record for each party involved in the proceeding when the department seeks to transfer a child or youth in its care, custody or control to an out-of-state placement.

Sec. 274. Section 45a-604 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2012):

As used in sections 45a-603 to 45a-622, inclusive, and section 275 of this act:

(1) "Mother" means a woman who can show proof by means of a birth certificate or other sufficient evidence of having given birth to a child and an adoptive mother as shown by a decree of a court of competent jurisdiction or otherwise;
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(2) "Father" means a man who is a father under the law of this state including a man who, in accordance with section 46b-172, executes a binding acknowledgment of paternity and a man determined to be a father under chapter 815y;

(3) "Parent" means a mother as defined in subdivision (1) of this section or a "father" as defined in subdivision (2) of this section;

(4) "Minor" or "minor child" means a person under the age of eighteen;

(5) "Guardianship" means guardianship of the person of a minor, and includes: (A) The obligation of care and control; (B) the authority to make major decisions affecting the minor's education and welfare, including, but not limited to, consent determinations regarding marriage, enlistment in the armed forces and major medical, psychiatric or surgical treatment; and (C) upon the death of the minor, the authority to make decisions concerning funeral arrangements and the disposition of the body of the minor;

(6) "Guardian" means [one] a person who has the authority and obligations of "guardianship", as defined in subdivision (5) of this section;

(7) "Termination of parental rights" means the complete severance by court order of the legal relationship, with all its rights and responsibilities, between the child and the child's parent or parents so that the child is free for adoption, except that it shall not affect the right of inheritance of the child or the religious affiliation of the child;

(8) "Permanent guardianship" means a guardianship, as defined in subdivision (5) of this section, that is intended to endure until the minor reaches the age of majority without termination of the parental rights of the minor's parents; and
(9) "Permanent guardian" means a person who has the authority and obligations of a permanent guardianship, as defined in subdivision (8) of this section.

Sec. 275. (NEW) (Effective October 1, 2012) (a) In appointing a guardian of the person of a minor pursuant to section 45a-616 of the general statutes, or at any time following such appointment, the court of probate may establish a permanent guardianship if the court provides notice to each parent that the parent may not petition for reinstatement as guardian or petition to terminate the permanent guardianship, except as provided in subsection (b) of this section, or the court indicates on the record why such notice could not be provided, and the court finds by clear and convincing evidence that the establishment of a permanent guardianship is in the best interests of the minor and that the following have been proven by clear and convincing evidence:

(1) One of the grounds for termination of parental rights, as set forth in subparagraphs (A) to (G), inclusive, of subdivision (2) of subsection (g) of section 45a-717 of the general statutes exists, or the parents have voluntarily consented to the appointment of a permanent guardian;

(2) Adoption of the minor is not possible or appropriate;

(3) (A) If the minor is at least twelve years of age, such minor consents to the proposed appointment of a permanent guardian, or (B) if the minor is under twelve years of age, the proposed permanent guardian is a relative or already serving as the permanent guardian of at least one of the minor's siblings;

(4) The minor has resided with the proposed permanent guardian for at least one year; and

(5) The proposed permanent guardian is suitable and worthy and committed to remaining the permanent guardian and assuming the
rights and responsibilities for the minor until the minor reaches the age of majority.

(b) If a permanent guardian appointed under this section becomes unable or unwilling to serve as permanent guardian, the court may appoint a successor guardian or permanent guardian in accordance with this section and sections 45a-616 and 45a-617 of the general statutes, as amended by this act, or may reinstate a parent of the minor who was previously removed as guardian of the person of the minor if the court finds that the factors that resulted in the removal of the parent as guardian have been resolved satisfactorily, and that it is in the best interests of the child to reinstate the parent as guardian.

Sec. 276. Section 45a-611 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2012):

(a) [Any] Except as provided in subsection (d) of this section, any parent who has been removed as the guardian of the person of a minor may apply to the court of probate which removed him or her for reinstatement as the guardian of the person of the minor, if in his or her opinion the factors which resulted in removal have been resolved satisfactorily.

(b) In the case of a parent who seeks reinstatement, the court shall hold a hearing following notice to the guardian, to the parent or parents and to the minor, if over twelve years of age, as provided in section 45a-609. If the court determines that the factors which resulted in the removal of the parent have been resolved satisfactorily, the court may remove the guardian and reinstate the parent as guardian of the person of the minor, if it determines that it is in the best interests of the minor to do so. At the request of a parent, guardian, counsel or guardian ad litem representing one of the parties, filed within thirty days of the decree, the court shall make findings of fact to support its conclusions.
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(c) The provisions of this section shall also apply to the reinstatement of any guardian of the person of a minor other than a parent.

(d) Notwithstanding the provisions of this section, and subject to the provisions of subsection (b) of section 275 of this act, a parent who has been removed as guardian of the person of a minor may not petition for reinstatement as guardian if a court has established a permanent guardianship for the person of the minor pursuant to section 275 of this act.

Sec. 277. Section 45a-613 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2012):

(a) Any guardian, coguardians or permanent guardian of the person of a minor appointed under section 45a-616 or section 275 of this act, or appointed by a court of comparable jurisdiction in another state, may be removed by the court of probate which made the appointment, and another guardian, coguardian or permanent guardian appointed, in the same manner as that provided in sections 45a-603 to 45a-622, inclusive, for removal of a parent as guardian.

(b) Any removal of a guardian, coguardian or permanent guardian under subsection (a) of this section shall be preceded by notice to the guardian, coguardians or permanent guardian, the parent or parents and the minor if over twelve years of age, as provided by section 45a-609.

(c) If a new guardian, coguardian or permanent guardian is appointed, the court shall send a copy of that order to the parent or parents of the minor.

Sec. 278. Section 45a-614 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2012):
(a) [The] Except as provided in subsection (b) of this section, the following persons may apply to the court of probate for the district in which the minor resides for the removal as guardian of one or both parents of the minor: (1) Any adult relative of the minor, including those by blood or marriage; (2) the court on its own motion; or (3) counsel for the minor.

(b) A parent may not petition for the removal of a permanent guardian appointed pursuant to section 275 of this act.

Sec. 279. Section 45a-617 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2012):

When appointing a guardian, coguardians or permanent guardian of the person of a minor, the court shall take into consideration the following factors: (1) The ability of the prospective guardian, coguardians or permanent guardian to meet, on a continuing day to day basis, the physical, emotional, moral and educational needs of the minor; (2) the minor's wishes, if he or she is over the age of twelve or is of sufficient maturity and capable of forming an intelligent preference; (3) the existence or nonexistence of an established relationship between the minor and the prospective guardian, coguardians or permanent guardian; and (4) the best interests of the child. There shall be a rebuttable presumption that appointment of a grandparent or other relative related by blood or marriage as a guardian, coguardian or permanent guardian is in the best interests of the minor child.

Sec. 280. Section 46b-127 of the 2012 supplement to the general statutes, as amended by section 84 of public act 09-7 of the September special session, section 18 of public act 11-157 and section 10 of public act 12-5, is repealed and the following is substituted in lieu thereof (Effective October 1, 2012):
(a) (1) The court shall automatically transfer from the docket for juvenile matters to the regular criminal docket of the Superior Court the case of any child charged with the commission of a capital felony under the provisions of section 53a-54b in effect prior to the effective date of [this] section 10 of public act 12-5, a class A or B felony or a violation of section 53a-54d, provided such offense was committed after such child attained the age of fourteen years and counsel has been appointed for such child if such child is indigent. Such counsel may appear with the child but shall not be permitted to make any argument or file any motion in opposition to the transfer. The child shall be arraigned in the regular criminal docket of the Superior Court at the next court date following such transfer, provided any proceedings held prior to the finalization of such transfer shall be private and shall be conducted in such parts of the courthouse or the building [wherein] in which the court is located [as shall be] that are separate and apart from the other parts of the court which are then being [held] used for proceedings pertaining to adults charged with crimes. [The file of any case so transferred shall remain sealed until the end of the tenth working day following such arraignment unless the state's attorney has filed a motion pursuant to this subsection, in which case such file shall remain sealed until the court makes a decision on the motion.]

(2) A state's attorney may, [not later than ten working days] at any time after such arraignment, file a motion to transfer the case of any child charged with the commission of a class B felony or a violation of subdivision (2) of subsection (a) of section 53a-70 to the docket for juvenile matters for proceedings in accordance with the provisions of this chapter. [The court sitting for the regular criminal docket shall, after hearing and not later than ten working days after the filing of such motion, decide such motion.]

(b) (1) Upon motion of a prosecutorial official, [and order of the court,] the superior court for juvenile matters shall conduct a hearing
to determine whether the case of any child charged with the commission of a class C or D felony or an unclassified felony shall be transferred from the docket for juvenile matters to the regular criminal docket of the Superior Court. [provided] The court shall not order that the case be transferred under this subdivision unless the court finds that (A) such offense was committed after such child attained the age of fourteen years, [and the court finds ex parte that] (B) there is probable cause to believe the child has committed the act for which [he] the child is charged, and (C) the best interests of the child and the public will not be served by maintaining the case in the superior court for juvenile matters. In making such findings, the court shall consider (i) any prior criminal or juvenile offenses committed by the child, (ii) the seriousness of such offenses, (iii) any evidence that the child has intellectual disability or mental illness, and (iv) the availability of services in the docket for juvenile matters that can serve the child's needs. Any motion under this subdivision shall be made, and any hearing under this subdivision shall be held, not later than thirty days after the child is arraigned in the superior court for juvenile matters. [The file of any case so transferred shall remain sealed until such time as the court sitting for the regular criminal docket accepts such transfer.]

(2) [The] If a case is transferred to the regular criminal docket pursuant to subdivision (1) of this subsection, the court sitting for the regular criminal docket may return [any such] the case to the docket for juvenile matters [not later than ten working days after the date of the transfer] at any time prior to a jury rendering a verdict or the entry of a guilty plea for good cause shown for proceedings in accordance with the provisions of this chapter. [The child shall be arraigned in the regular criminal docket of the Superior Court by the next court date following such transfer, provided any proceedings held prior to the finalization of such transfer shall be private and shall be conducted in such parts of the courthouse or the building wherein court is located as
shall be separate and apart from the other parts of the court which are
then being held for proceedings pertaining to adults charged with
crimes.]

(c) Upon the effectuation of the transfer, such child shall stand trial
and be sentenced, if convicted, as if such child were eighteen years of
age. Such child shall receive credit against any sentence imposed for
time served in a juvenile facility prior to the effectuation of the
transfer. A child who has been transferred may enter a guilty plea to a
lesser offense if the court finds that such plea is made knowingly and
voluntarily. Any child transferred to the regular criminal docket who
pleads guilty to a lesser offense shall not resume such child's status as
a juvenile regarding such offense. If the action is dismissed or nolled or
if such child is found not guilty of the charge for which such child was
transferred or of any lesser included offenses, the child shall resume
such child's status as a juvenile until such child attains the age of
eighteen years.

(d) Any child whose case is transferred to the regular criminal
docket of the Superior Court who is detained pursuant to such case
shall be in the custody of the Commissioner of Correction upon the
finalization of such transfer. A transfer shall be final (1) upon [the
expiration of ten working days after] the arraignment [if no] on the
regular criminal docket until a motion [has been] filed by the state's
attorney pursuant to subsection (a) of this section [or, if such motion
has been filed, upon the decision of] is granted by the court, [to deny
such motion,] or (2) upon the [court accepting the transfer pursuant to
subsection (b) of this section] arraignment on the regular criminal
docket of a transfer ordered pursuant to subsection (b) of this section
until the court sitting for the regular criminal docket orders the case
returned to the docket for juvenile matters for good cause shown. Any
child whose case is returned to the docket for juvenile matters who is
detained pursuant to such case shall be in the custody of the Judicial
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Department.

(e) The transfer of a child to a Department of Correction facility shall be limited [to the provisions of] as provided in subsection (d) of this section and said subsection shall not be construed to permit the transfer of or otherwise reduce or eliminate any other population of juveniles in detention or confinement within the Judicial Department or the Department of Children and Families.

(f) Upon the motion of any party or upon the court's own motion, the case of any youth age sixteen or seventeen, except a case that has been transferred to the regular criminal docket of the Superior Court pursuant to subsection (a) or (b) of this section, which is pending on the youthful offender docket, regular criminal docket of the Superior Court or any docket for the presentment of defendants in motor vehicle matters, where the youth is charged with committing any offense or violation for which a term of imprisonment may be imposed, other than a violation of section 14-227a or 14-227g, may, before trial or before the entry of a guilty plea, be transferred to the docket for juvenile matters if (1) the youth is alleged to have committed such offense or violation on or after January 1, 2010, while sixteen years of age, or is alleged to have committed such offense or violation on or after July 1, 2012, while seventeen years of age, and (2) after a hearing considering the facts and circumstances of the case and the prior history of the youth, the court determines that the programs and services available pursuant to a proceeding in the superior court for juvenile matters would more appropriately address the needs of the youth and that the youth and the community would be better served by treating the youth as a delinquent. Upon ordering such transfer, the court shall vacate any pleas entered in the matter and advise the youth of the youth's rights, and the youth shall (A) enter pleas on the docket for juvenile matters in the jurisdiction where the youth resides, and (B) be subject to prosecution as a delinquent child.


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The decision of the court concerning the transfer of a youth's case from the youthful offender docket, regular criminal docket of the Superior Court or any docket for the presentment of defendants in motor vehicle matters shall not be a final judgment for purposes of appeal.

Sec. 281. Subsection (d) of section 46b-122 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2012):

(d) Nothing in this section shall be construed to affect the confidentiality of records of cases of juvenile matters as set forth in section 46b-124 or the right of foster parents to be heard pursuant to subsection [(o)] (p) of section 46b-129, as amended by this act.

Sec. 282. Subdivision (4) of subsection (a) of section 10-264i of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

(4) For the fiscal years ending June 30, 2009, and June 30, 2010, in addition to the grants otherwise provided pursuant to this section, the Commissioner of Education may provide supplemental transportation grants to regional educational service centers for the purposes of transportation to interdistrict magnet schools. Any such grant shall be provided within available appropriations and after the commissioner has reviewed and approved the total interdistrict magnet school transportation budget for a regional educational service center, including all revenue and expenditure estimates. For the fiscal year ending June 30, 2010, in addition to the grants otherwise provided pursuant to this section, the Commissioner of Education, with the approval of the Secretary of the Office of Policy and Management, may provide supplemental transportation grants to the Hartford school district and the Capitol Region Education Council for the purposes of transportation of students who are not residents of Hartford to interdistrict magnet schools operated by the Capitol Region Education
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Council or the Hartford school district. For the fiscal year ending June 30, [2011] 2012, in addition to the grants otherwise provided pursuant to this section, the Commissioner of Education may provide supplemental transportation grants to regional educational service centers for the purposes of transportation to interdistrict magnet schools that assist the state in meeting the goals of the 2008 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al. Any such grant shall be provided within available appropriations and upon a comprehensive financial review of all transportation activities as prescribed by the commissioner. The commissioner may require the regional educational service center to provide an independent financial review, by an auditor selected by the Commissioner of Education, the costs of which may be paid from funds that are part of the supplemental transportation grant. Any such grant shall be paid as follows: Up to [seventy-five] fifty per cent of the grant on or before June 30, [2011] 2012, and the balance on or before September 1, [2011] 2012, upon completion of the comprehensive financial review.

Sec. 283. (Effective from passage) The unexpended balance of funds appropriated in section 67 of public act 11-61 to the Department of Education, for Magnet Schools, shall not lapse on June 30, 2012, and such funds shall be available for the purpose of Sheff programming, including the payment of supplemental magnet transportation costs, pursuant to subdivision (4) of subsection (a) of section 10-264i of the general statutes, as amended by this act, during the fiscal year ending June 30, 2013.

Sec. 284. (Effective July 1, 2012) Up to $700,000 available to the Department of Education, for Magnet Schools Administration, for the fiscal year ending June 30, 2012, shall not lapse on June 30, 2012, and such funds shall be transferred to Other Expenses, and shall be available for the litigation costs associated with the Connecticut Coalition for Justice in Education Funding v. Rell lawsuit and school
reform activities during the fiscal year ending June 30, 2013.

Sec. 285. (Effective July 1, 2012) Up to $200,000 appropriated in section 67 of public act 11-61 to the Department of Education, for Interdistrict Cooperation, for the fiscal year ending June 30, 2012, shall not lapse on June 30, 2012, and such funds shall be transferred to Other Expenses, and shall be available for technology initiatives with local and regional school districts during the fiscal year ending June 30, 2013.

Sec. 286. Subparagraph (B) of subdivision (2) of subsection (e) of section 10-16p of the 2012 supplement to the general statutes, as amended by section 1 of public act 12-50, is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

(B) For the fiscal year ending June 30, 2012, and each fiscal year thereafter, if funds appropriated for the purposes of subsection (c) of this section are not expended, an amount up to five hundred thousand dollars of such unexpended funds may be available for the provision of professional development for early childhood education program providers offered by a professional development and program improvement system within the Connecticut State University System and available for use in accordance with the provisions of this subparagraph for the subsequent fiscal year. The Commissioner of Education may use such unexpended funds on and after July 1, 2012, in consultation with the president of the Board of Regents for Higher Education, to support early childhood education programs accepting state funds in satisfying the staff qualifications requirements of subparagraphs (B) and (C) of subdivision (2) of subsection (b) of this section. The Department of Education shall use any such funds to provide assistance to individual staff members, giving priority to those staff members attending an institution of higher education (1) accredited by the Board of Regents for Higher Education or State Board of Education, and (2) regionally accredited, at a maximum of
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five thousand dollars per staff member per year for the cost of higher education courses leading to a bachelor's degree or, not later than December 31, 2013, an associate's degree, as such degrees are described in said subparagraphs (B) and (C) at an in-state public institution of higher education or a Connecticut-based for-profit or nonprofit institution of higher education, provided such staff members have applied for all available federal and state scholarships and grants, and such assistance does not exceed such staff members' financial need. Individual staff members shall apply for such unexpended funds in a manner determined by the Department of Education. The Commissioner of Education shall determine, in consultation with the president of the Board of Regents for Higher Education, how such unexpended funds shall be distributed.

Sec. 287. Section 10-262f of the 2012 supplement to the general statutes is amended by adding subdivisions (38) and (39) as follows (Effective July 1, 2012):

(NEW) (38) "Local funding percentage" means that for the fiscal year two years prior to the fiscal year in which the grant is to be paid pursuant to section 10-262i, as amended by this act, the number obtained by dividing (A) total current educational expenditures less (i) expenditures for (I) land and capital building expenditures, and equipment otherwise supported by a state grant pursuant to chapter 173, including debt service, (II) health services for nonpublic school children, and (III) adult education, (ii) expenditures directly attributable to (I) state grants received by or on behalf of school districts, except those grants for the categories of expenditures described in subparagraphs (A)(i)(I) to (A)(i)(III), inclusive, of this subdivision, and except grants received pursuant to chapter 173, (II) federal grants received by or on behalf of local or regional boards of education, except those grants for adult education and federal impact aid, and (III) receipts from the operation of child nutrition services and
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student activities services, (iii) expenditures of funds from private and other sources, and (iv) tuition received by the district for the education of nonresident students, by (B) total current educational expenditures less expenditures for (i) land and capital building expenditures, and equipment otherwise supported by a state grant pursuant to chapter 173, including debt service, (ii) health services for nonpublic school children, and (iii) adult education.

(NEW) (39) "Minimum local funding percentage" means (A) for the fiscal year ending June 30, 2013, twenty per cent, (B) for the fiscal year ending June 30, 2014, twenty-one per cent, (C) for the fiscal year ending June 30, 2015, twenty-two per cent, (D) for the fiscal year ending June 30, 2016, twenty-three per cent, and (E) for the fiscal year ending June 30, 2017, twenty-four per cent.

Sec. 288. Subsection (f) of section 10-262i of the 2012 supplement to the general statutes, as amended by section 62 of public act 12-116, is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

(f) (1) Except as otherwise provided under the provisions of subdivisions (3) and (4) of this subsection, for the fiscal year ending June 30, 2012, the budgeted appropriation for education shall be not less than the budgeted appropriation for education for the fiscal year ending June 30, 2011, plus any reductions made pursuant to section 19 of public act 09-1 of the June 19 special session, except that (A) for the fiscal year ending June 30, 2012, any district with a number of resident students for the school year commencing July 1, 2011, that is lower than such district's number of resident students for the school year commencing July 1, 2010, may reduce such district's budgeted appropriation for education by the difference in number of resident students for such school years multiplied by three thousand, provided such reduction shall not exceed one-half of one per cent of the district's budgeted appropriation for education for the fiscal year ending June
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30, 2011, and (B) for the fiscal year ending June 30, 2012, any district that (i) does not maintain a high school and pays tuition to another school district pursuant to section 10-33 for resident students to attend high school in another district, and (ii) the number of resident students attending high school for such district for the school year commencing July 1, 2011, is lower than such district's number of resident students attending high school for the school year commencing July 1, 2010, may reduce such district's budgeted appropriation for education by the difference in number of resident students attending high school for such school years multiplied by the tuition paid per student pursuant to section 10-33.

(2) Except as otherwise provided under the provisions of subdivisions (3) [and (4)] to (5), inclusive, of this subsection, for the fiscal year ending June 30, 2013, the budgeted appropriation for education shall be not less than the budgeted appropriation for education for the fiscal year ending June 30, 2012, except that a town may reduce its budgeted appropriation for education for the fiscal year ending June 30, 2013, by one of the following: (A) Any district with a number of resident students for the school year commencing July 1, 2012, that is lower than such district's number of resident students for the school year commencing July 1, 2011, may reduce such district's budgeted appropriation for education by the difference in number of resident students for such school years multiplied by three thousand, provided such reduction shall not exceed one-half of one per cent of the district's budgeted appropriation for education for the fiscal year ending June 30, 2012, (B) any district that (i) does not maintain a high school and pays tuition to another school district pursuant to section 10-33 for resident students to attend high school in another district, and (ii) the number of resident students attending high school for such district for the school year commencing July 1, 2012, is lower than such district's number of resident students attending high school for the school year commencing July 1, 2011, may reduce such district's
budgeted appropriation for education by the difference in number of resident students attending high school for such school years multiplied by the tuition paid per student pursuant to section 10-33, or (C) any district that realizes new and documentable savings through increased intradistrict efficiencies approved by the Commissioner of Education or through regional collaboration or cooperative arrangements pursuant to section 10-158a may reduce such district's budgeted appropriation for education in an amount equal to half of the savings experienced as a result of such intradistrict efficiencies, regional collaboration or cooperative arrangement, provided such reduction shall not exceed one-half of one per cent of the district's budgeted appropriation for education for the fiscal year ending June 30, 2012.

(3) The Commissioner of Education may permit a district to reduce its budgeted appropriation for education for the fiscal year ending June 30, 2012, or June 30, 2013, in an amount determined by the commissioner if such district has permanently ceased operations and closed one or more schools in the district due to declining enrollment at such closed school or schools in the fiscal year ending June 30, 2011, June 30, 2012, or June 30, 2013.

(4) [No] Except as otherwise provided in subdivision (5) of this subsection, no town shall be eligible to reduce its budgeted appropriation for education for the fiscal years ending June 30, 2012, and June 30, 2013, pursuant to this subsection if (A) the school district for the town is in its third year or more of being identified as in need of improvement pursuant to section 10-223e, as amended by [this act] public act 12-116, and (i) has failed to make adequate yearly progress in mathematics or reading at the whole district level, or (ii) has satisfied the requirements for adequate yearly progress in mathematics or reading pursuant to Section 1111(b)(2)(I) of Subpart 1 of Part A of Title I of the No Child Left Behind Act, P.L. 107-110, as amended from

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time to time, or (B) the school district for the town (i) has been identified as in need of improvement pursuant to section 10-223e, as amended by [this act] public act 12-116, and (ii) has a poverty rate greater than ten per cent. For purposes of this subparagraph, "poverty rate" means the quotient of the number of related children ages five to seventeen, inclusive, in families in poverty in a school district, divided by the total school age population of such school district based on the 2009 population estimate produced by the Bureau of Census of the United States Department of Commerce.

(5) For the fiscal year ending June 30, 2013, the budgeted appropriation for a town designated as an alliance district, as defined in section 34 of public act 12-116, shall be not less than the sum of (A) the budgeted appropriation for the fiscal year ending June 30, 2012, and (B) the amount necessary to meet the minimum local funding percentage, as defined in subdivision (39) of section 10-262f, as amended by this act, except the commissioner may permit a town designated as an alliance district to reduce its budgeted appropriation for education if such town can demonstrate that its local contribution for the fiscal year ending June 30, 2013, has increased when compared to the local contribution used in determining its local funding percentage, as defined in subdivision (38) of section 10-262f, as amended by this act.

Sec. 289. (Effective July 1, 2012) (a) The sum of $2,300,000 appropriated in section 67 of public act 11-61 to the Department of Education, for Personal Services, for the fiscal year ending June 30, 2012, shall not lapse on June 30, 2012, and such funds shall continue to be available for the purpose of funding a loan to the city of Bridgeport to be included in the budgeted appropriation for education for the fiscal year ending June 30, 2012, for the city of Bridgeport during the fiscal year ending June 30, 2013.

(b) The sum of $700,000 appropriated in section 67 of public act 11-
61 to the Department of Education, for Sheff Settlement, for the fiscal year ending June 30, 2012, shall not lapse on June 30, 2012, and such funds shall continue to be available for the purpose of funding a loan to the city of Bridgeport to be included in the budgeted appropriation for education for the fiscal year ending June 30, 2012, for the city of Bridgeport during the fiscal year ending June 30, 2013.

(c) The sum of $500,000 appropriated in section 67 of public act 11-61 to the Department of Education, for OPEN Choice Program, for the fiscal year ending June 30, 2012, shall not lapse on June 30, 2012, and such funds shall continue to be available for the purpose of funding a loan to the city of Bridgeport to be included in the budgeted appropriation for education for the fiscal year ending June 30, 2012, for the city of Bridgeport during the fiscal year ending June 30, 2013.

(d) The Commissioner of Education may, upon approval by the Secretary of the Office of Policy and Management, provide a loan of up to three million five hundred thousand dollars to the city of Bridgeport for the purposes of inclusion in the budgeted appropriation of education for the fiscal year ending June 30, 2012, to cover education expenditures incurred during such fiscal year. As a condition of making such loan under this section, the commissioner (1) shall require the selection of a superintendent of schools or chief financial officer of the Bridgeport school district from a pool of up to three candidates approved by the commissioner, and (2) may require additional process or outcome targets and objectives to be included in the alliance district plan submitted by the board of education pursuant to section 34 of public act 12-116. The city of Bridgeport shall repay such loan not later than June 30, 2015. The commissioner may permit the city of Bridgeport to repay such loan by reducing the equalization aid grant received pursuant to section 10-262h of the general statutes, as amended by this act, in each fiscal year of such repayment. The commissioner may, upon approval from the secretary, forgive all or a
portion of such loan if the city of Bridgeport has complied with the conditions of such loan and the commissioner has approved the alliance district plan submitted by the board of education pursuant to section 34 of public act 12-116.

Sec. 290. Section 45 of public act 12-133 is repealed. (*Effective from passage*)

Sec. 291. Section 29-3b of the general statutes is repealed. (*Effective from passage*)

Sec. 292. Subsections (c) to (j), inclusive, and subsection (l) of section 32-11a of the 2012 supplement to the general statutes and sections 32-23c and 32-23g of the general statutes are repealed. (*Effective July 1, 2012*)

Sec. 293. Section 23-10c of the general statutes is repealed. (*Effective July 1, 2012*)

Sec. 294. Sections 17b-650b to 17b-650d, inclusive, of the 2012 supplement to the general statutes and sections 17b-688j and 19a-617c of the general statutes are repealed. (*Effective July 1, 2012*)