



Substitute Senate Bill No. 339

Public Act No. 12-205

**AN ACT REVISING STATUTES CONCERNING THE DEPARTMENT
OF ADMINISTRATIVE SERVICES.**

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

Section 1. Subsection (b) of section 1-212 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

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

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

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

Substitute Senate Bill No. 339

requested;

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

(4) The computer time charges incurred by the agency in providing the requested computer-stored public record where another agency or contractor provides the agency with computer storage and retrieval services. Notwithstanding any other provision of this section, the fee for any copy of the names of registered voters shall not exceed three cents per name delivered or the cost thereof to the public agency, as determined pursuant to this subsection, whichever is less. The Department of Administrative Services shall [monitor] provide guidelines to agencies regarding the calculation of the fees charged for copies of computer-stored public records to ensure that such fees are reasonable and consistent among agencies.

Sec. 2. Section 4-67g of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

(a) The Office of Policy and Management shall be responsible for: (1) Long-range planning with regard to the use of all state real property; (2) determining the level of efficiency of each and every state agency's use of any and all real property under its control; [and] (3) maintaining an inventory of state real property; [to determine the appropriate use of such property] (4) maintaining an inventory of real property leased by state agencies; and (5) determining the appropriate use of state real property.

(b) In creating and maintaining such [inventory] inventories, the secretary shall make recommendations concerning the reuse or disposition of state real property and identify in such [inventory] inventories existing buildings that (1) are of historic, architectural or

Substitute Senate Bill No. 339

cultural significance, including buildings listed or eligible to be listed in the national register established under the National Historic Preservation Act of 1966, 80 Stat. 915 (1966), 16 USC 470a, and (2) would be suitable, whether or not in need of repair, alteration or addition, to meet the public building needs of the state or to meet the needs of the public in accordance with the provisions of subsection (m) of section 4b-23. At the request of the secretary, the Commissioner of Economic and Community Development shall advise the secretary as to whether such buildings are of historic, architectural or cultural significance.

(c) All state agencies shall provide the secretary, in the manner and form prescribed by the secretary, with any information requested by said secretary for purposes of maintaining the [inventory] inventories required by this section. [, and shall notify the secretary of any change in ownership regarding state property. The secretary shall update such inventory not less than annually, and shall provide the Commissioner of Administrative Services with a copy of the inventory whenever such inventory is updated. Not later than June 30, 2012, and annually thereafter, the Secretary of the Office of Policy and Management shall submit a copy of such inventory, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to government administration and appropriations and the budgets of state agencies.]

(d) The secretary shall update such inventories not less than annually and shall provide the Commissioner of Administrative Services with a copy of such inventories whenever the inventories are updated.

(e) Not later than March 15, 2013, and annually thereafter, the Secretary of the Office of Policy and Management shall submit a copy of such inventories, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having

Substitute Senate Bill No. 339

cognizance of matters relating to government administration and appropriations and the budgets of state agencies.

(f) Each state agency shall request and obtain the written approval of the secretary or his or her designee prior to any (1) change in ownership of state real property, (2) change in use of state real property, (3) use of state real property by an entity other than a state agency, or (4) use of state real property by a state agency other than the state agency with custody and control over such state real property. For purposes of this subsection, "state agency" does not include a constituent unit of the state system of higher education, a vocational-technical school or an agency in the legislative or judicial branch of state government.

[(d) For] (g) Except as otherwise provided, for the purposes of this section, "state real property" means any improved or unimproved real property owned by a state agency, and "state agency" means any office, department, board, council, commission, institution, constituent unit of the state system of higher education, vocational-technical school or other agency in the executive, legislative or judicial branch of state government.

Sec. 3. Section 4a-2 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 Administrative Services shall have the following general duties and responsibilities:

(1) The establishment of personnel policy and responsibility for the personnel administration of state employees;

(2) The purchase and provision of supplies, materials, equipment and contractual services, as defined in section 4a-50;

Substitute Senate Bill No. 339

(3) The publishing, printing or purchasing of laws, stationery, forms and reports;

(4) The collection of sums due the state for public assistance;

(5) The purchase and contracting for information systems and telecommunication system facilities, equipment and services for state agencies, in accordance with chapter 61;

(6) The purchase, sale, lease, sublease and acquisition of property and space to house state agencies;

(7) Subject to the provisions of section 4b-21, the sale or exchange of any land or interest in land belonging to the state;

[(8) The maintenance of a complete and current inventory of leased property and premises, including space-utilization data;]

[(9)] (8) The supervision of the care and control of building and grounds owned or leased by the state in Hartford, except (A) the buildings and grounds of the State Capitol and the Legislative Office Building and parking garage and related structures and facilities and grounds, as provided in section 2-71h, (B) any property of the Connecticut Marketing Authority, and (C) property under the supervision of the Office of the Chief Court Administrator as provided in section 4b-11; and

[(10)] (9) The establishing and maintaining of security standards for all facilities housing the offices and equipment of the state except (A) Department of Transportation mass transit, marine and aviation facilities, (B) the State Capitol and Legislative Office Building and related facilities, (C) facilities under the care and control of The University of Connecticut or other constituent units of the state system of higher education, (D) Judicial Department facilities, (E) Department of Emergency Services and Public Protection facilities, (F) Military

Substitute Senate Bill No. 339

Department facilities, (G) Department of Correction facilities, (H) Department of Children and Families client-occupied facilities, (I) facilities occupied by the Governor, Lieutenant Governor, Attorney General, Comptroller, Secretary of the State and Treasurer, and (J) facilities occupied by the Board of Pardons and Paroles. As used in this subdivision, "security" has the same meaning as provided in section 4b-30.

(b) Notwithstanding any other provision of the general statutes, the commissioner may supervise the care and control of (1) any state-owned or leased office building, and related buildings and grounds, outside the city of Hartford, used as district offices, except any state-owned or leased office building, and such buildings and grounds, used by the Judicial Department or The University of Connecticut, and (2) any other state-owned or leased property, other than property of The University of Connecticut, on a temporary or permanent basis, if the commissioner, the Secretary of the Office of Policy and Management and the executive head of the department or agency supervising the care and control of such property agree, in writing, to such supervision.

[(c) All state agencies shall provide the commissioner with any information requested by the commissioner for purposes of maintaining the inventory required by this section, and shall notify the commissioner of any new or terminated leases of state property. The commissioner shall update such inventory not less than annually, and shall provide the Secretary of the Office of Policy and Management with a copy of the inventory whenever such inventory is updated. Not later than June 30, 2012, and annually thereafter, the commissioner shall submit a copy of such inventory, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to government administration and appropriations and the budgets of

Substitute Senate Bill No. 339

state agencies. For the purposes of this subsection, "state property" means any real property or building leased by a state agency, and "state agency" means any office, department, board, council, commission, institution, constituent unit of the state system of higher education, vocational-technical school or other agency in the executive, legislative or judicial branch of state government.]

[(d)] (c) Subject to the provisions of chapter 67, the Commissioner of Administrative Services may appoint such employees as are necessary for carrying out the duties prescribed to said commissioner by the general statutes.

Sec. 4. Subsection (e) of section 4a-52a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

(e) Notwithstanding the provisions of sections 4a-51 and 4a-52, the Commissioner of Administrative Services may delegate authority to any state agency to purchase supplies, materials, equipment and contractual services, consistent with section 4a-67c, if the commissioner determines, in writing, that (1) such delegation would reduce state purchasing costs or result in more efficient state purchasing, and (2) the agency has employees with experience and expertise in state purchasing statutes, regulations and procedures. In determining which agencies to delegate such purchasing authority to, the commissioner shall give preference to agencies which have exceeded the set-aside requirements of section 4a-60g. An agency to whom such authority is delegated shall comply with all such statutes, regulations and procedures and shall submit annual reports to the Commissioner of Administrative Services on its purchase orders, in a format prescribed by the commissioner. The Commissioner of Administrative Services or his or her designee shall periodically review each such delegation of purchasing authority and may revoke or modify a delegation upon determining that the agency has violated any provision of the

Substitute Senate Bill No. 339

delegation or that there is evidence of insufficient competition in the competitive bidding or competitive negotiation process. [Not later than October 1, 1996, and annually thereafter, the commissioner shall submit a report to the joint standing committee of the General Assembly having cognizance of matters relating to government administration, which shall, for the preceding fiscal year, (A) list the agencies exercising delegated purchasing authority and (B) summarize the types of contracts entered into by such agencies pursuant to such delegated authority and the purchasing efficiencies realized from the delegated authority.]

Sec. 5. Subsection (b) of section 4a-58 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

(b) Whenever an emergency exists by reason of extraordinary conditions or contingencies that could not reasonably be foreseen and guarded against, or because of unusual trade or market conditions, the Commissioner of Administrative Services, or, in the case of purchases, leases and contracts for information systems, information technology personal property and telecommunication systems, the Chief Information Officer, may, if it is in the best interests of the state, waive the competitive bid or proposal requirements set forth in section 4a-57. If any such procurement is estimated to cost fifty thousand dollars or more, such waiver shall be subject to the approval of the Standardization Committee. A statement of all purchases made under the provisions of this section shall be [set forth in the annual report of the Commissioner] posted on the Internet web site of the Department of Administrative Services.

Sec. 6. Subsection (c) of section 4a-59 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

Substitute Senate Bill No. 339

(c) All open market orders or contracts shall be awarded to (1) the lowest responsible qualified bidder, the qualities of the articles to be supplied, their conformity with the specifications, their suitability to the requirements of the state government and the delivery terms being taken into consideration and, at the discretion of the Commissioner of Administrative Services, life-cycle costs and trade-in or resale value of the articles may be considered where it appears to be in the best interest of the state, (2) the highest scoring bidder in a multiple criteria bid, in accordance with the criteria set forth in the bid solicitation for the contract, or (3) the proposer whose proposal is deemed by the awarding authority to be the most advantageous to the state, in accordance with the criteria set forth in the request for proposals, including price and evaluation factors. Notwithstanding any provision of the general statutes to the contrary, each state agency awarding a contract through competitive negotiation shall include price as an explicit factor in the criteria in the request for proposals and for the contract award. In considering past performance of a bidder for the purpose of determining the "lowest responsible qualified bidder" or the "highest scoring bidder in a multiple criteria bid", the commissioner shall evaluate the skill, ability and integrity of the bidder in terms of the bidder's fulfillment of past contract obligations and the bidder's experience or lack of experience in delivering supplies, materials, equipment or contractual services of the size or amount for which bids have been solicited. In determining the lowest responsible qualified bidder for the purposes of this section, the commissioner may give a price preference of up to ten per cent for (A) the purchase of goods made with recycled materials or the purchase of recyclable or remanufactured products if the commissioner determines that such preference would promote recycling or remanufacturing. As used in this subsection, "recyclable" means able to be collected, separated or otherwise recovered from the solid waste stream for reuse, or for use in the manufacture or assembly of another package or product, by means of a recycling program which is reasonably

Substitute Senate Bill No. 339

available to at least seventy-five per cent of the state's population, "remanufactured" means restored to its original function and thereby diverted from the solid waste stream by retaining the bulk of components that have been used at least once and by replacing consumable components and "remanufacturing" means any process by which a product is remanufactured; (B) the purchase of motor vehicles powered by a clean alternative fuel; (C) the purchase of motor vehicles powered by fuel other than a clean alternative fuel and conversion equipment to convert such motor vehicles allowing the vehicles to be powered by either the exclusive use of clean alternative fuel or dual use of a clean alternative fuel and a fuel other than a clean alternative fuel. As used in this subsection, "clean alternative fuel" [shall mean] means natural gas or electricity when used as a motor vehicle fuel; or (D) the purchase of goods or services from micro businesses. As used in this subsection, "micro business" means a business with gross revenues not exceeding three million dollars in the most recently completed fiscal year. All other factors being equal, preference shall be given to supplies, materials and equipment produced, assembled or manufactured in the state and services originating and provided in the state. If any such bidder refuses to accept, within ten days, a contract awarded to such bidder, such contract may be awarded to the next lowest responsible qualified bidder or the next highest scoring bidder in a multiple criteria bid, whichever is applicable, and so on until such contract is awarded and accepted. If any such proposer refuses to accept, within ten days, a contract awarded to such proposer, such contract shall be awarded to the next most advantageous proposer, and so on until the contract is awarded and accepted. There shall be a written evaluation made of each bid. This evaluation shall identify the vendors and their respective costs and prices, document the reason why any vendor is deemed to be nonresponsive and recommend a vendor for award. A contract valued at one million dollars or more shall be awarded to a bidder other than the lowest responsible qualified bidder or the highest scoring bidder in a multiple criteria bid,

Substitute Senate Bill No. 339

whichever is applicable, only with written approval signed by the Commissioner of Administrative Services and by the Comptroller. The commissioner shall [submit to the joint standing committee of the General Assembly having cognizance of matters relating to government administration, the State Auditors and the Comptroller, an annual report of] post on the department's Internet web site all awards made pursuant to the provisions of this section.

Sec. 7. Section 4a-67a 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, [prepare on or before October 1, 1989, and thereafter periodically update, a plan] whenever practicable, make efforts to increase state procurement of goods that contain recycled materials and products that are recyclable or remanufactured, as defined in subsection (c) of section 4a-59, as amended by this act. [In preparing such plan, the commissioner shall assess the feasibility and efficacy of] Such efforts may include: (1) Requiring replies to state agency bid specifications to include a statement of postconsumer and secondary waste content; (2) establishing minimum goals for state purchase of white bond and other paper with specified postconsumer and secondary waste content and a schedule for the accomplishment of such goals; (3) requiring bids to be accompanied by statements assessing the ability of the materials to be recycled or products to be recycled or remanufactured and assessing the extent to which there are established recycling programs which would facilitate recycling or remanufacturing; (4) authorizing the Department of Administrative Services to substitute similar but different paper products to meet agency orders if the substitute has a higher postconsumer waste content; (5) requiring the Department of Administrative Services to revise a specification to eliminate requirements which favor virgin over recycled materials unless there is a compelling reason for the specification; (6) requiring the

Substitute Senate Bill No. 339

commissioner to investigate and report to the Municipal Solid Waste Recycling Advisory Council opportunities for purchase of materials containing postconsumer waste; and (7) requiring the state to utilize two-sided copies, whenever possible, to reduce paper waste.

[(b) Within six months of adoption of the plan, and annually thereafter, the commissioner shall submit a report on implementation of the plan to the joint standing committee of the General Assembly having cognizance of matters relating to the environment. The report shall also include any price preferences allowed pursuant to section 4a-59.]

(b) The Commissioner of Administrative Services shall post on the department's Internet web site information regarding the department's efforts to increase state procurement of goods that contain recycled materials and products that are recyclable or remanufactured.

(c) The Commissioner of Administrative Services shall revise the specifications for products and materials purchased by the state for which the United States Environmental Protection Agency has guidelines for minimum recycled content to incorporate such minimum guidelines. Such specifications shall favor recycled, recyclable or remanufactured products and materials where such products or materials are available.

Sec. 8. Subsection (b) of section 4a-67b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

(b) The Commissioner of Administrative Services shall, [develop and implement a plan to eliminate by stages,] whenever practicable, eliminate the use of disposable and single-use products in state government, [which shall include an implementation schedule and a list of products that may be affected. The plan shall be submitted to the

Substitute Senate Bill No. 339

joint standing committee of the General Assembly having cognizance of matters relating to the environment on or before February 1, 1990.]

Sec. 9. Section 4b-2 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

The Commissioner of Administrative Services shall:

[(a)] (1) Submit to the board on September first of each year a report which shall include all pertinent data on his operations concerning realty acquisitions [,] and the projected needs of the state. [and recommendations for statutory changes which may be appropriate.] On or before October first of each year, the board shall submit such report with recommendations, comments, conclusions or other pertinent information to the Governor and the members of the joint standing committees of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies and to state finance, revenue and bonding.

[(b)] (2) Consult and cooperate with professional bodies and groups concerning the purposes of sections 2-90, 4b-2 to 4b-5, inclusive, 4b-23, 4b-24, 4b-26, 4b-27 and 4b-32.

[(c)] (3) Keep and maintain proper financial records with respect to real estate acquisition activities for use in calculating the costs of his operation.

Sec. 10. Section 4b-15 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

[(a)] Each state agency having care, control and supervision of state property, including the Judicial Department and the Joint Committee on Legislative Management of the General Assembly, shall [prepare and periodically update, in consultation with the Commissioners of

Substitute Senate Bill No. 339

Energy and Environmental Protection and Administrative Services, a plan] implement a policy for each facility under its care, control or supervision to (1) reduce the use of disposable and single-use products, in accordance with the plan adopted by the Commissioner of Administrative Services pursuant to section 4a-67b, as amended by this act, (2) separate and collect items designated as either suitable or required for recycling pursuant to section 22a-241b. [Such plan shall establish a schedule for implementation of the policies recommended in the plan.] Each such state agency shall post such policy on its Internet web site.

[(b) Each such agency shall, on or before October 1, 1991, and annually thereafter, submit to the Commissioner of Energy and Environmental Protection and the joint standing committee of the General Assembly having cognizance of matters relating to the environment a report on implementation of the recycling plan. Such report shall be on a form prescribed by the commissioner and shall provide such information the commissioner deems necessary.

(c) The Governor, the Joint Committee on Legislative Management and the Commissioners of Energy and Environmental Protection and Administrative Services, for the central offices of the Departments of Energy and Environmental Protection and Administrative Services, shall implement a white paper recycling program to begin on or before January 1, 1989. Each other state agency, department or institution shall implement such program on or before January 1, 1991.]

Sec. 11. Section 4b-24 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

In acting as the determining authority in fulfilling the needs of the various departments and agencies of state government, except the Legislative Department, and choosing the method of acquisition which

Substitute Senate Bill No. 339

shall be pursued in the open competitive market, the Commissioner of Administrative Services shall have the following duties:

[(1) The commissioner shall (A) compile and maintain a comprehensive and complete inventory of all the improved and unimproved real estate available to the state by virtue of lease. The actual mechanical compilation of such inventory shall be handled by the Secretary of the Office of Policy and Management; provided such compilation shall be available to the Commissioner of Administrative Services at all times. Such inventory shall be used by the commissioner as the primary source for meeting state needs; (B) maintain an inventory of improved and unimproved real estate which is owned by the state and which is unused or underutilized and submit a status report on such inventory, with recommendations concerning the reuse or disposition of such real estate, to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies and government administration and elections, in accordance with the provisions of section 11-4a, not later than January first, annually; and (C) identify in the inventory required under this subdivision existing buildings that (i) are of historic, architectural or cultural significance, including buildings listed or eligible to be listed in the national register established under the National Historic Preservation Act of 1966, 80 Stat. 915 (1966), 16 USC 470a and (ii) would be suitable, whether or not in need of repair, alteration or addition, to meet the public building needs of the state or to meet the needs of the public in accordance with the provisions of subsection (m) of section 4b-23.]

[(2)] (1) Whenever realty uses designed uniquely for state use and for periods over five years are concerned, the commissioner shall, whenever practicable, attempt to purchase or lease-purchase on state-owned land. In such cases leases shall be used only when other possibilities have been eliminated as not feasible, in the opinion of the

Substitute Senate Bill No. 339

commissioner.

[(3)] (2) Whenever a bid is made to the commissioner for any purpose regarding the use of land or whenever any person proposes to sell or lease land to the state, the bidder or such person shall be the owner of the land, or the commissioner shall have the option to void any contract subsequently made with said bidder or third person.

[(4)] (3) In all dealings with the commissioner the owner of record or beneficial owner shall be disclosed to the commissioner and the bid shall be revealed to the owner of record or beneficial owner or the commissioner shall have the option to void any contract subsequently made concerning any such dealing.

[(5)] (4) After the authorization of a project under the provisions of section 4b-23, the [public auditors of the state] Auditors of Public Accounts and the auditors or accountants of the Commissioner of Administrative Services or the Commissioner of Construction Services, as applicable, shall have the right to audit the books of any contractor employed by either commissioner pursuant to such authorization, or of any party negotiating with the Commissioner of Administrative Services for the acquisition of land by lease or otherwise; provided [, however, that] any such audit shall be limited to the project authorized by the Commissioner of Administrative Services or the Commissioner of Construction Services and the Properties Review Board, and provided further that in the case of a party negotiating with the Commissioner of Administrative Services, such audit may also be conducted after the negotiations have ended, if a contract is consummated with either commissioner.

Sec. 12. Subsection (c) of section 4b-136 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

Substitute Senate Bill No. 339

(c) Each state agency and each department, board, commission, institution or other agency of the state listed in the exceptions to the term "state agency" in section 4b-130 shall report [quarterly] biannually to the council on the frequency, character and resolution of workplace violence incidents. [and all security-related expenditures.]

Sec. 13. Subsection (b) of section 4d-2 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 Administrative Services shall: (1) Identify and implement (A) optimal information and telecommunication systems to efficiently service the needs of state agencies, and (B) opportunities for reducing costs for such systems; (2) approve or disapprove, in accordance with guidelines established by the commissioner, each proposed state agency acquisition of hardware or software for an information or telecommunication system, except for (A) hardware or software having a cost of less than twenty thousand dollars, or (B) hardware or software having a cost of twenty thousand dollars or more, but less than one hundred thousand dollars, which is for a project that complies with the agency's business systems plan; (3) approve or disapprove, in accordance with guidelines established by the commissioner, all state agency requests or proposed contracts for consultants for information and telecommunication systems; (4) be responsible for purchasing, leasing and contracting for all information system and telecommunication system facilities, equipment and services for state agencies, in accordance with the provisions of subsection (a) of section 4d-8, except for the offices of the Governor, Lieutenant Governor, Treasurer, Attorney General, Secretary of the State and Comptroller; (5) review existing and new information and telecommunication system technologies to ensure consistency with the strategic plan established under section 4d-7 and approved state agency architecture and make recommendations to the

Substitute Senate Bill No. 339

Standardization Committee established under section 4a-58, as amended by this act, for review and appropriate action; (6) cooperate with the General Assembly, the Judicial Department and the constituent units of the state system of higher education in assessing opportunities for cost savings and greater sharing of information resources which could result if such entities acquire information and telecommunication systems similar to those of state agencies; and (7) ensure state-wide implementation of the 9-1-1 and E 9-1-1 systems. [; and (8) report annually, on or before February fifteenth, in accordance with section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies and government administration and elections on all technology projects on which the department is working or that the department plans to undertake.]

Sec. 14. Section 4d-11 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

The commissioner shall establish a procedure for the preparation by state agencies of plans and estimates of expenditure requirements for information and telecommunication systems, for consideration for inclusion in the Governor's budget document. [On August 1, 2009, and annually thereafter, the commissioner shall submit to the Secretary of the Office of Policy and Management a report which sets forth the actual expenditures of each state agency for the last completed fiscal year for information and telecommunication systems.]

Sec. 15. Subsection (b) of section 4d-14 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

(b) Not later than October first, annually, the commissioner shall submit a report to the Secretary of the Office of Policy and Management, the Governor and the General Assembly (1) specifying

Substitute Senate Bill No. 339

the actual expenditures of each state agency for the last completed fiscal year for information and telecommunication systems, (2) identifying all technology projects on which the Division of Information Technology is working or that the division plans to undertake, (3) specifying potential opportunities for increasing the efficiency or reducing the costs of the state's information and telecommunication systems, and [(2)] (4) including a plan to realize such opportunities.

Sec. 16. Section 5-196 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

As used in this chapter, unless the context otherwise requires:

(1) "Agency" means a department, board, institution or commission established by statute, not a part of any other department, board, institution or commission.

(2) "Allocation" means the official assignment of a position in the classified service to the appropriate standard class of the classification plan.

(3) "Appointing authority" means a board, commission, officer, commissioner, person or group of persons having the power to make appointments by virtue of a statute or by lawfully delegated authority.

(4) "Candidate list" means a list of the names of persons based on merit as determined under the provisions of this chapter, which persons have been found qualified through suitable examinations for employment in positions allocated to a specified class, occupational group or career progression level.

(5) "Class", "class of positions" or "position classification" means a position or group of positions in the state classified service established under this chapter that share general characteristics and are

Substitute Senate Bill No. 339

categorized under a single title for administrative purposes.

(6) "Classified service" means every office or position in the state service, whether full-time or part-time, for which compensation is paid, except those offices and positions specified in section 5-198, as amended by this act, or otherwise expressly provided by statute.

(7) "Compensation" means the salary, wages, benefits and other forms of valuable consideration earned by and provided to an employee in remuneration for services rendered.

(8) "Compensation schedule" or "compensation plan" means a list or lists specifying a series of compensation steps and ranges.

(9) "Eligible" or "eligible person" means a person whose name is on a candidate list.

(10) "Employee" or "state employee" means any person holding a position in state service subject to appointment by an appointing authority.

(11) "Examination" means an assessment device or technique yielding scores or ratings designed to determine the fitness of candidates for positions allocated to a specified class, occupational group or career progression level.

(12) "Full-time employee" means an employee holding a position normally requiring thirty-five hours or more of service in each week.

(13) "Generic job class" means a job classification comprised of positions covering a diversity of assignments which are either occupationally or functionally related.

(14) "Good standing" means the status of an employee whose employment in the state service has been terminated other than as a result of disciplinary action or during a period when disciplinary

Substitute Senate Bill No. 339

action was pending.

(15) "Grade" or "pay grade" means a relative level, numerically expressed, to which one or more classes may be assigned according to the degree of their complexity, importance and value, and which refers to a single pay range in the compensation schedule.

(16) "Minimum earned rating" means the lowest score or rating that entitles a candidate to pass the examination.

(17) "Officer" or "state officer" means any person appointed to a state office established by statute, including appointing authorities.

(18) "Part-time employee" means an employee holding a position normally requiring less than thirty-five hours of service in each week.

(19) "Permanent appointment" means appointment to a position in the classified service following successful completion of the required working test.

(20) "Permanent employee" means an employee holding a position in the classified service under a permanent appointment or an employee holding a position in unclassified service who has served in such a position for a period of more than six months, except employees in positions funded in whole or in part by the federal government as part of any public service employment program, on-the-job training program or work experience program.

(21) "Permanent position" means any position in the classified service which requires or which is expected to require the services of an incumbent without interruption for a period of more than six months, except positions funded in whole or in part by the federal government as part of any public service employment program, on-the-job training program or work experience program.

Substitute Senate Bill No. 339

(22) "Position" means a group of duties and responsibilities currently assigned or designated by competent authority to require the services of one employee.

(23) "Public member" means a member of a board or commission who does not hold any office or position in the state service.

(24) "Reemployment list" means a list of names of persons arranged in the order prescribed by the provisions of this chapter and by regulations issued in accordance with this chapter, which persons have occupied positions allocated to any class in the classified service, and are no longer in such class and are entitled to have their names certified to appointing authorities when vacancies in such class are to be filled, in preference to those whose names are on the candidate list for such class.

(25) "State service" means occupancy of any office or position or employment in the service of the state, but not of local governmental subdivisions thereof, for which compensation is paid.

(26) "Temporary position" means a position in the state service which is expected to require the services of an incumbent for a period not in excess of six months.

(27) "Unclassified service" means any office or position in the state service which is not in the classified service.

(28) "Working test" means a trial working period made a part of the selective process under the provisions of this chapter and by regulations issued in accordance with this chapter, during which the work and conduct of the employee shall be noted by the appointing authority or his authorized agent and reported upon to determine whether such employee merits permanent appointment.

(29) "Veteran", when used in this chapter and in section 5-180,

Substitute Senate Bill No. 339

means any person who has been honorably discharged from or released under honorable conditions from active service in the armed forces of the United States and who has performed such service in time of war, as such terms are defined in section 27-103, except that the final date for service in time of war during World War II shall be December 31, 1947.

(30) "Managerial employee" means any person presently covered by the existing managerial compensation plan pursuant to subsection (g) of section 5-270.

[(31) "Senior executive service" means upper level career professional management positions in the executive branch to which state employees with at least five years of classified service may be appointed through objective assessment procedures. The provisions of subsections (a) and (b) of section 5-236 shall not apply to such employees.]

[(32)] (31) "Career progression level" means the following career levels in which each class of positions shall be categorized as determined by the Commissioner of Administrative Services based on general job characteristics and minimum requirements for knowledge, skill and ability, including, but not limited to, education, employment history and special skills: (A) Entry, (B) working, (C) lead, (D) supervisor, and (E) manager.

[(33)] (32) "Occupational group" means broad occupational areas in which each class of positions shall be categorized as determined by the Commissioner of Administrative Services.

Sec. 17. Section 5-198 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

The offices and positions filled by the following-described

Substitute Senate Bill No. 339

incumbents shall be exempt from the classified service:

[(a)] (1) All officers and employees of the Judicial Department;

[(b)] (2) All officers and employees of the Legislative Department;

[(c)] (3) All officers elected by popular vote;

[(d)] (4) All agency heads, members of boards and commissions and other officers appointed by the Governor;

[(e)] (5) All persons designated by name in any special act to hold any state office;

[(f)] (6) All officers, noncommissioned officers and enlisted men in the military or naval service of the state and under military or naval discipline and control;

[(g) (1)] (7) (A) All correctional wardens, as provided in section 18-82, and [(2)] (B) all superintendents of state institutions, the State Librarian, the president of The University of Connecticut and any other commissioner or administrative head of a state department or institution who is appointed by a board or commission responsible by statute for the administration of such department or institution;

[(h)] (8) The State Historian appointed by the State Library Board;

[(i)] (9) Deputies to the administrative head of each department or institution designated by statute to act for and perform all of the duties of such administrative head during such administrative head's absence or incapacity;

[(j)] (10) Executive assistants to each state elective officer and each department head, as defined in section 4-5, provided each position of executive assistant shall have been created in accordance with section 5-214;

Substitute Senate Bill No. 339

[(k)] (11) One personal secretary to the administrative head and to each undersecretary or deputy to such head of each department or institution provided any classified employee whose position is affected by this subsection shall retain classified status in such position;

[(l)] (12) All members of the professional and technical staffs of the constituent units of the state system of higher education, as defined in section 10a-1, of all other state institutions of learning, of the Board of Regents for Higher Education, and of the agricultural experiment station at New Haven, professional and managerial employees of the Department of Education and teachers certified by the State Board of Education and employed in teaching positions at state institutions;

[(m)] (13) Physicians, dentists, student nurses in institutions and other professional specialists who are employed on a part-time basis;

[(n)] (14) Persons employed to make or conduct a special inquiry, investigation, examination or installation;

[(o)] (15) Students in educational institutions who are employed on a part-time basis;

[(p)] (16) Forest fire wardens provided for by section 23-36;

[(q)] (17) Patients or inmates of state institutions who receive compensation for services rendered therein;

[(r)] (18) Employees of the Governor including employees working at the executive office, official executive residence at 990 Prospect Avenue, Hartford and the Washington D.C. office;

[(s)] (19) Persons filling positions expressly exempted by statute from the classified service;

[(t)] (20) Librarians employed by the State Board of Education or any constituent unit of the state system of higher education;

Substitute Senate Bill No. 339

[(u)] Employees in the senior executive service;

[(v)] (21) All officers and employees of the Division of Criminal Justice;

[(w)] (22) Professional employees in the education professions bargaining unit of the Bureau of Rehabilitative Services;

[(x)] (23) Lieutenant colonels in the Division of State Police within the Department of Emergency Services and Public Protection appointed on or after June 6, 1990;

[(y)] (24) The Deputy State Fire Marshal within the Department of Construction Services;

[(z)] (25) The chief administrative officer of the Workers' Compensation Commission;

[(aa)] (26) Employees in the education professions bargaining unit;

[(bb)] (27) Disability policy specialists employed by the Council on Developmental Disabilities; and

[(cc)] (28) The director for digital media and motion picture activities in the Department of Economic and Community Development.

Sec. 18. Section 2-55 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

The legislative commissioners, with the approval of the Joint Committee on Legislative Management, may employ and fix the compensation of such assistants as are required to carry out the duties of their office; and the Legislative Commissioners' Office shall be considered a branch of the Legislative Department of the state government within the meaning of [subsection (b)] subdivision (2) of

Substitute Senate Bill No. 339

section 5-198, as amended by this act. No such employee shall be demoted or dismissed by reason of economy, change in departmental administration or organization or abolition of position if any other employee with less service in the office is to be retained, or another employee engaged, to perform comparable duties. When the General Assembly is not in session, said committee may, with the approval of the commissioners, designate one or more employees of the Legislative Commissioners' Office to assist in the performance of the duties of said committee, legislative commissions and legislative interim committees. This section shall not apply to temporary employees engaged by the General Assembly to assist the legislative commissioners in connection with any session of the General Assembly.

Sec. 19. Subsection (a) of section 31-237c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

(a) The board shall consist of three members appointed by the Governor, one of whom shall be designated by the Governor as chairman of the board of review. Notwithstanding the provisions of [subsection (d)] subdivision (4) of section 5-198, as amended by this act, such chairman shall be in the classified service and shall devote full time to the duties of his office. Such chairman shall be chosen by the Governor from a list of names submitted to him by the Commissioner of Administrative Services pursuant to the provisions of subsection (d) of section 5-228. The other two members appointed to serve during the appointing Governor's term of office shall be a representative of employers and a representative of employees and shall devote full time to the duties of their offices. The members of the board representing employers and employees shall be selected as such representatives based upon previous vocation, employment or affiliation. A member of the board may be removed by the Governor for cause.

Substitute Senate Bill No. 339

Sec. 20. Section 5-236 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

(a) An appointing authority, in his discretion, may request from the Commissioner of Administrative Services a list of eligible candidates for a position exempt from the classified service and may appoint an employee from such a list.

(b) Any employee in the classified service who has taken or takes a position in the unclassified service and who thereafter is ready to report for duty for a position in the classified service shall be placed on a reemployment list for the appropriate class in which he has attained permanent status for future reemployment when vacancies in the class occur. The order in which names shall be placed on the reemployment list for any class shall be by seniority in state service.

[(c) There shall be a senior executive service to provide an upper level of career professional management. An appointing authority may request from the Commissioner of Administrative Services names of candidates eligible for a position within the senior executive service and may appoint an employee from such a list. Such names shall be furnished to said commissioner by the Senior Executive Service Board. Any employee in the classified service who qualifies for and accepts a position in the senior executive service shall not attain tenure in the position, shall serve at the pleasure of the appointing authority with the concurrence of the Senior Executive Service Board and shall have the right to return to a classified position at his former level in any state agency provided if no such position is available in another agency, the employee shall have the right to return to such a position in his former agency. No employee holding a position in the senior executive service shall be removed except upon one hundred twenty days' written notice to such employee and the Senior Executive Service Board.

Substitute Senate Bill No. 339

(d) There shall be a Senior Executive Service Board consisting of six members appointed by the Governor. Such members shall serve without compensation, but shall be reimbursed for their actual and necessary expenses. The terms of appointment shall be four years. Three members shall be employed by the state, one of whom may be an employee in the senior executive service and one of whom shall be a managerial employee; two of whom shall be from management positions in private enterprise, and one of whom shall be from a major independent Connecticut college or university. The Commissioner of Administrative Services or his designee shall serve as a nonvoting member and secretariat. The board shall: (1) Evaluate candidates' managerial qualifications for appointment to senior executive service positions on the basis of management experience, education and professional training and performance capabilities using appropriate assessment procedures; (2) identify positions at upper management levels that may be filled with senior executive service candidates by evaluating position requirements and the skills, abilities and experience essential for satisfactory performance. Departments, as defined in section 4-38c, and the offices of the Treasurer, Secretary of the State, Comptroller and Attorney General shall be eligible to establish no less than one senior executive service position. Except as provided in subdivision (5) of this subsection, any additional positions shall be established based upon the number of their established full-time positions as follows: Five hundred or more positions but less than one thousand five hundred, one senior executive service position; one thousand five hundred or more positions but less than two thousand five hundred, two senior executive service positions; two thousand five hundred or more positions but less than three thousand five hundred, three senior executive service positions; three thousand five hundred or more positions but less than four thousand five hundred, four senior executive service positions; four thousand five hundred or more positions, five senior executive service positions; (3) approve transfers, promotions and demotions within the service; (4) issue

Substitute Senate Bill No. 339

guidelines for the nomination and selection of candidates, identification and review of positions, and assignment to grade levels; (5) approve reassignment of unfilled senior executive service positions from departments, as defined in section 4-38c, which are entitled to three or more senior executive service positions, to departments demonstrating a need for more positions than authorized pursuant to subdivision (2) of this subsection; and (6) report biennially in odd-numbered years to the Governor and the legislature on the status, effectiveness and composition of the senior executive service. The appointment of an employee to the senior executive service shall not increase the total number of General Fund positions in the appointing agency.]

Sec. 21. Section 5-248i 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, within available appropriations, develop and implement guidelines, in cooperation with interested employee organizations, as defined in subsection (d) of section 5-270, authorizing telecommuting and work-at-home programs for state employees. Such guidelines shall be designed to achieve the following goals: (1) Increase worker efficiency and productivity; (2) benefit the environment; and (3) reduce traffic congestion. The guidelines of the telecommuting or work-at-home program and determination of whether an employment position is appropriate for such program shall not be subject to collective bargaining under the provisions of chapter 68.

(b) Any employee of a state agency may be authorized either by the head of such state agency or, for any employee of the legislative branch, by the executive director of the Joint Committee on Legislative Management, or his or her designated representative, to participate in a telecommuting or work-at-home assignment. Approval of such assignment may be granted only where it is determined to be in

Substitute Senate Bill No. 339

compliance with the guidelines developed pursuant to subsection (a) of this section. Any assignment shall be on a temporary basis only, and may be terminated as required by agency operating needs. Each state agency shall provide the Department of Administrative Services with a copy of any telecommuting or work-at-home program arrangement that it authorizes for any employee of such agency.

(c) The Commissioner of Administrative Services shall [report annually to the joint standing committees of the General Assembly having cognizance of matters relating to labor and public employees and government administration as to] include in the annual report required under section 5-204 the extent of use by employees [as] of the programs provided pursuant to subsections (a) and (b) of this section.

Sec. 22. Section 5-263a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

(a) On or before September 1, 1993, the Secretary of the Office of Policy and Management shall establish guidelines under which each state agency shall administer a program for soliciting suggestions from its employees and receiving suggestions from retired state employees. Such guidelines shall specify permissible sources of funds for awards to such employees and retired state employees and the method of determining such awards.

(b) The executive head of each state agency may make awards to its employees and retired state employees, pursuant to the guidelines established in accordance with subsection (a) of this section, for suggestions which the agency implements.

[(c) Each executive head shall file quarterly reports with the Office of Policy and Management stating the number and types of suggestions received and implemented and the amount awarded to each employee or retired state employee.]

Substitute Senate Bill No. 339

[[d]] (c) Any legislator may request and have access to all suggestions made to state agencies [or reported to the secretary] pursuant to this section.

Sec. 23. Section 31-284a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

(a) Notwithstanding the provisions of sections 4a-19 and 4a-20 to the contrary, the Commissioner of Administrative Services shall solicit proposals from any management firm engaged in the business of administering workers' compensation claims, or from any authorized mutual insurance company or stock company or subsidiary thereof writing workers' compensation or employer's liability insurance in this state, for the purposes of administering the workers' compensation claims filed against the state, or of insuring the state's full liability under workers' compensation and administering such claims. The commissioner may, at said commissioner's discretion, reject any or all of such proposals if they are deemed to be inadequate to effectively serve the needs of the state concerning workers' compensation.

[[b]] (b) The Commissioner of Administrative Services shall adopt regulations, in accordance with the provisions of chapter 54, which establish the fees payable by this state for its employees under the provisions of this chapter, based on the medical procedure, combination of procedures or diagnosis of the patient, provided the fee schedule shall not apply to services rendered to a claimant who is participating in the state's managed care plan. The regulations shall limit annual growth in total medical fees payable by the state to no more than the annual percentage increase in the consumer price index for all urban workers. Said commissioner]

(b) The Commissioner of Administrative Services may exclude from participation in the state workers' compensation managed care program any medical provider found, through a systematic program

Substitute Senate Bill No. 339

of utilization review, to exceed generally accepted standards of the scope, duration or intensity of services rendered to patients with similar diagnostic characteristics. The state shall not make any payment to a facility owned in whole or in part by the referring practitioner.

(c) The Commissioner of Administrative Services shall have sole responsibility for establishing procedures for all executive branch agencies participating in the state of Connecticut workers' compensation program, except that all mandatory subjects of collective bargaining pertaining to modified or alternative duty shall continue to be governed by the provisions of chapter 68.

Sec. 24. Subsection (a) of section 4d-1a of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

(a) (1) Wherever the term "Chief Information Officer of the Department of Information Technology" is used in the following general statutes, the term "Commissioner of Administrative Services" shall be substituted in lieu thereof; (2) wherever the term "Chief Information Officer" is used in the following general statutes, the term "commissioner" shall be substituted in lieu thereof; and (3) wherever the term "Department of Information Technology" is used in the following general statutes, the term "Department of Administrative Services" shall be substituted in lieu thereof: 1-205, 1-211, 1-212, as amended by this act, 1-283, 3-117, 4d-3, 4d-5, 4d-10, 4d-11, as amended by this act, [4d-13,] 4d-14, as amended by this act, 4d-38, 4d-41, 4d-42, 4d-43, 4d-81a, 4d-82a, 4d-83, 4d-84, 10-5b, 10-10a, 18-81x, 19a-110, 19a-750, 32-6i, 54-105a, 54-142q, 54-142r and 54-142s.

Sec. 25. Sections 4b-101a, 4d-13 and 5-237b of the general statutes are repealed. (*Effective July 1, 2012*)

Substitute Senate Bill No. 339

Approved June 15, 2012