



General Assembly

Amendment

January Session, 2013

LCO No. 8941

HB0670608941HDO

Offered by:

REP. SHARKEY, 88th Dist.
REP. ARESIMOWICZ, 30th Dist.
SEN. WILLIAMS, 29th Dist.
SEN. LOONEY, 11th Dist.

To: House Bill No. 6706

File No.

Cal. No.

**"AN ACT IMPLEMENTING PROVISIONS OF THE STATE BUDGET
FOR THE BIENNIUM ENDING JUNE 30, 2015 CONCERNING
GENERAL GOVERNMENT."**

1 In line 4693, strike "and may negotiate premiums with health
2 carriers offering or"

3 In line 4694, strike "seeking to offer qualified health plans through
4 the exchange"

5 After the last section, add the following and renumber sections and
6 internal references accordingly:

7 "Sec. 501. Section 9-369b of the general statutes is repealed and the
8 following is substituted in lieu thereof (*Effective July 1, 2013*):

9 (a) (1) Except as provided in [subsection (b)] subdivision (2) of this
10 [section] subsection, any municipality may, by vote of its legislative

11 body, authorize the preparation and printing of concise explanatory
12 texts of local proposals or questions approved for submission to the
13 electors of a municipality at a referendum. In a municipality that has a
14 town meeting as its legislative body, the board of selectmen shall, by
15 majority vote, determine whether to authorize an explanatory text or
16 the dissemination of other neutral printed material. Thereafter, each
17 such explanatory text shall be prepared by the municipal clerk, subject
18 to the approval of the municipal attorney, and shall specify the intent
19 and purpose of each such proposal or question. Such text shall not
20 advocate either the approval or disapproval of the proposal or
21 question. The municipal clerk shall cause such question or proposal
22 and such explanatory text to be printed in sufficient supply for public
23 distribution and shall also provide for the printing of such
24 explanations of proposals or questions on posters of a size to be
25 determined by said clerk. At least three such posters shall be posted at
26 each polling place at which electors will be voting on such proposals or
27 questions. Any posters printed in excess of the number required by
28 this section to be posted may be displayed by said clerk at the clerk's
29 discretion at locations which are frequented by the public. The
30 explanatory text shall also be furnished to each absentee ballot
31 applicant pursuant to subsection (d) of section 9-140. [Except as
32 provided in subsection (d) of this section, no expenditure of state or
33 municipal funds shall be made to influence any person to vote for
34 approval or disapproval of any such proposal or question.] Any
35 municipality may, by vote of its legislative body and subject to the
36 approval of its municipal attorney, authorize the preparation and
37 printing of materials concerning any such proposal or question in
38 addition to the explanatory text if such materials do not advocate the
39 approval or disapproval of the proposal or question. [This subsection
40 shall not apply to a written, printed or typed summary of an official's
41 views on a proposal or question, which is prepared for any news
42 medium or which is not distributed with public funds to a member of
43 the public except upon request of such member.]

44 [(b)] (2) For any referendum called for by a regional school district,

45 the regional board of education shall authorize the preparation and
46 printing of concise explanatory texts of proposals or questions
47 approved for submission to the electors of a municipality at a
48 referendum. The regional school board of education's secretary shall
49 prepare each such explanatory text, subject to the approval of the
50 regional school board of education's counsel, and shall undertake any
51 other duty of a municipal clerk, as described in [subsection (a)]
52 subdivision (1) of this [section] subsection.

53 (3) For purposes of this subdivision, "community notification
54 system" means a communication system that is available to all
55 residents of a municipality and permits any resident to opt to be
56 notified by the municipality via electronic mail, text, telephone or other
57 electronic or automated means of community events or news. At the
58 direction of the chief elected official of a municipality, a municipality
59 that maintains a community notification system may use such system
60 to send a notice informing residents of an upcoming referendum to all
61 residents enrolled in such system. Such notice shall be limited to (A)
62 the time and location of such referendum, (B) a statement of the
63 question as it is to appear on the ballot at the referendum, and (C) if
64 applicable, the explanatory text approved in accordance with
65 subdivision (1) or (2) of this subsection. Any such notice shall not
66 advocate the approval or disapproval of the proposal or question or
67 attempt to influence or aid the success or defeat of the referendum.
68 Other than a notice authorized by this subdivision, no person may use
69 or authorize the use of municipal funds to send an unsolicited
70 communication to a group of residents regarding a referendum via
71 electronic mail, text, telephone or other electronic or automated means
72 for the purpose of reminding or encouraging such residents to vote in
73 a referendum, provided such prohibition shall not apply to a regularly
74 published newsletter or similar publication.

75 (4) Except as specifically authorized in this section, no expenditure
76 of state or municipal funds shall be made to influence any person to
77 vote for approval or disapproval of any such proposal or question or to
78 otherwise influence or aid the success or defeat of the referendum. The

79 provisions of this subdivision shall not apply to a written, printed or
80 typed summary of any official's views on a proposal or question,
81 which is prepared for any news medium or which is not distributed
82 with public funds to a member of the public except upon request of
83 such member.

84 [(c)] (b) The State Elections Enforcement Commission, after
85 providing an opportunity for a hearing in accordance with chapter 54,
86 may impose a civil penalty on any person who violates [subsection (a)
87 or (b) of] this section by authorizing an expenditure of state or
88 municipal funds for a purpose which is prohibited by [subsection (a)
89 of] this section. The amount of any such civil penalty shall not exceed
90 twice the amount of the improper expenditure or one thousand
91 dollars, whichever is greater. In the case of failure to pay any such
92 penalty imposed under this subsection within thirty days of written
93 notice sent by certified or registered mail to such person, the superior
94 court for the judicial district of Hartford, on application of the
95 commission, may issue an order requiring such person to pay the
96 penalty imposed. Notwithstanding the provisions of sections 5-141d,
97 7-101a and 7-465, any other provision of the general statutes, and any
98 provision of any special act or charter, no state or municipal officer or
99 employee shall be indemnified or reimbursed by the state or a
100 municipality for a civil penalty imposed under this subsection.

101 [(d)] (c) Any municipality may provide, by ordinance, for the
102 preparation and printing of concise summaries of arguments in favor
103 of, and arguments opposed to, local proposals or questions approved
104 for submission to the electors of a municipality at a referendum for
105 which explanatory texts are prepared under subsection (a) [or (b)] of
106 this section. Any such ordinance shall provide for the establishment or
107 designation of a committee to prepare such summaries, in accordance
108 with procedures set forth in said ordinance. The members of said
109 committee shall be representatives of various viewpoints concerning
110 such local proposals or questions. The committee shall provide an
111 opportunity for public comment on such summaries to the extent
112 practicable. Such summaries shall be approved by vote of the

113 legislative body of the municipality, or any other municipal body
114 designated by the ordinance, and shall be posted and distributed in the
115 same manner as explanatory texts under subsection (a) of this section.
116 Each summary shall contain language clearly stating that the printing
117 of the summary does not constitute an endorsement by or represent
118 the official position of the municipality.

119 Sec. 502. Section 5-228 of the general statutes, as amended by section
120 5 of substitute house bill 6671 of the current session, is repealed and
121 the following is substituted in lieu thereof (*Effective from passage*):

122 (a) When a vacancy in any permanent position in the classified
123 service is to be filled, the appointing authority shall notify the
124 Commissioner of Administrative Services of such fact, stating the title
125 of the position to be filled. Vacancies in such positions shall be filled,
126 so far as [possible] practicable and for the best interest of the state, by
127 reemployment, as provided in subsection (b) of section 5-241,
128 promotional appointments from within the agency and service-wide
129 promotional appointments or transfers in accordance with regulations
130 issued by the commissioner. The appointing authority, with the
131 approval of the commissioner, shall decide whether a vacancy shall be
132 filled by promotion from within the agency, from a state-wide
133 employment list, transfer or, if such is not [possible] practicable, by
134 original appointment.

135 (b) If a vacancy is to be filled by a promotional appointment from
136 within the agency, the commissioner shall certify to the appointing
137 authority the names of all candidates from the agency in accordance
138 with the provisions of section 5-215a.

139 (c) If a vacancy is to be filled by promotion from a service-wide
140 candidate list, the commissioner shall certify to the appointing
141 authority the names of all candidates on that candidate list in
142 accordance with the provisions of section 5-215a.

143 (d) If a vacancy is to be filled by an original appointment, the
144 commissioner shall certify to the appointing authority the names of all

145 candidates on that candidate list in accordance with the provisions of
 146 section 5-215a.

147 (e) Appointees to any position in the classified service shall be
 148 required to serve the working test period provided for in this chapter.
 149 Any promotional appointee from within the agency who is dismissed
 150 from the position to which such appointee was promoted during such
 151 working test period, or at the conclusion thereof, shall be restored to a
 152 position in the same class in which the appointee had been employed
 153 prior to his or her promotion. Any other appointee who was employed
 154 in the classified service prior to his or her appointment and who is
 155 dismissed from the position to which he or she was appointed during
 156 such working test period or at the conclusion thereof, shall be restored
 157 to a vacancy in the same class, or a vacancy in a comparable class or a
 158 vacancy in any other position the employee is qualified to fill, in the
 159 agency in which he or she had been employed prior to his or her
 160 appointment, or shall have his or her name placed on a reemployment
 161 list. No appointing authority who has removed such an employee as
 162 provided in this section may exercise such right of removal again with
 163 respect to any other employee in the same position within three
 164 calendar months after such original removal, except with the consent
 165 of the commissioner. No provision of this section shall be construed to
 166 prevent any employee in the unclassified service from competing for
 167 positions in the classified service if such employee possesses the
 168 minimum qualifications established by the commissioner, except that
 169 no such employee shall be eligible to compete in a promotional
 170 examination unless he has previous permanent status in classified
 171 service. In the certification of names of persons eligible for
 172 appointment, sex shall be disregarded except when otherwise
 173 provided by statute or upon request of the appointing authority
 174 subject to the approval of the commissioner."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	July 1, 2013	9-369b

Sec. 502	<i>from passage</i>	5-228
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