



General Assembly

Substitute Bill No. 15

February Session, 2016

* SB00015GL 042116 *

**AN ACT ADOPTING THE REQUIREMENTS OF NORTH CAROLINA
STATE BOARD OF DENTAL EXAMINERS V. FEDERAL TRADE
COMMISSION AND REVISING CERTAIN BOARDS AND
COMMISSIONS STATUTES.**

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

1 Section 1. Section 21a-6 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2016*):

3 The following boards shall be within the Department of Consumer
4 Protection:

5 (1) The Architectural Licensing Board established under chapter
6 390;

7 (2) Repealed by P.A. 93-151, S. 3, 4;

8 (3) The examining boards for electrical work; plumbing and piping
9 work; heating, piping, cooling and sheet metal work; elevator
10 installation, repair and maintenance work; fire protection sprinkler
11 systems work and automotive glasswork and flat glass work,
12 established under chapter 393;

13 (4) [The State Board of Television and Radio Service Examiners
14 established under chapter 394] Repealed by P.A. 99-73, S. 10;

- 15 (5) The Commission of Pharmacy established under chapter 400j;
- 16 (6) The State Board of Landscape Architects established under
17 chapter 396;
- 18 (7) Deleted by P.A. 98-229;
- 19 (8) The State Board of Examiners for Professional Engineers and
20 Land Surveyors established under chapter 391;
- 21 (9) Repealed by P.A. 80-484, S. 175, 176;
- 22 (10) The Connecticut Real Estate Commission established under
23 chapter 392;
- 24 (11) The Connecticut Real Estate Appraisal Commission established
25 under chapter 400g;
- 26 (12) The State Board of Examiners of Shorthand Reporters
27 established under chapter 400l;
- 28 (13) The Liquor Control Commission established under chapter 545;
- 29 (14) Repealed by P.A. 06-187, S. 99, effective October 1, 2006;
- 30 (15) The Home Inspection Licensing Board established under
31 section 20-490a.

32 Sec. 2. Section 21a-7 of the general statutes is repealed and the
33 following is substituted in lieu thereof (*Effective July 1, 2016*):

34 (a) Each board or commission [transferred to] within the
35 Department of Consumer Protection under section 21a-6, as amended
36 by this act, shall have the following powers and duties:

37 (1) Each board or commission shall exercise its statutory functions,
38 including licensing, certification, registration, accreditation of schools
39 and the rendering of findings, orders and adjudications, [
40 independently of the Commissioner of Consumer Protection. The final

41 decision of a board or commission shall be subject to judicial review as
42 provided in section 4-183.] Any exercise of such functions by such a
43 board or commission shall be a proposed decision and subject to
44 approval, modification or rejection by the commissioner.

45 (2) Each board or commission may, in its discretion, issue (A) an
46 appropriate order to any person found to be violating an applicable
47 statute or regulation providing for the immediate discontinuance of
48 the violation, (B) an order requiring the violator to make restitution for
49 any damage caused by the violation, or (C) both. Each board or
50 commission may, through the Attorney General, petition the superior
51 court for the judicial district wherein the violation occurred, or
52 wherein the person committing the violation resides or transacts
53 business, for the enforcement of any order issued by it and for
54 appropriate temporary relief or a restraining order and shall certify
55 and file in the court a transcript of the entire record of the hearing or
56 hearings, including all testimony upon which such order was made
57 and the findings and orders made by the board or commission. The
58 court may grant such relief by injunction or otherwise, including
59 temporary relief, as it deems equitable and may make and enter a
60 decree enforcing, modifying and enforcing as so modified, or setting
61 aside, in whole or in part, any order of a board or commission.

62 (3) Each board or commission may conduct hearings on any matter
63 within its statutory jurisdiction. Such hearings shall be conducted in
64 accordance with chapter 54 and the regulations established pursuant to
65 subsection (a) of section 21a-9. In connection with any such hearing,
66 the board or commission may administer oaths, issue subpoenas,
67 compel testimony and order the production of books, records and
68 documents. If any person refuses to appear, testify or produce any
69 book, record or document when so ordered, a judge of the Superior
70 Court may make such order as may be appropriate to aid in the
71 enforcement of this section.

72 (4) Each board or commission may request the Commissioner of
73 Consumer Protection to conduct an investigation and to make findings

74 and recommendations regarding any matter within the statutory
75 jurisdiction of the board or commission.

76 (5) Each board or commission may recommend rules and
77 regulations for adoption by the Commissioner of Consumer Protection
78 and may review and comment upon proposed rules and regulations
79 prior to their adoption by said commissioner.

80 (6) Each board or commission shall meet at least once in each
81 quarter of a calendar year and at such other times as the chairperson
82 deems necessary or at the request of a majority of the board or
83 commission members. A majority of the members shall constitute a
84 quorum, except that for any examining board, forty per cent of the
85 members shall constitute a quorum. Any member who fails to attend
86 three consecutive meetings or who fails to attend fifty per cent of all
87 meetings during any calendar year shall be deemed to have resigned
88 from office. Members of boards or commissions shall not serve for
89 more than two consecutive full terms which commence on or after July
90 1, 1982, except that if no successor has been appointed or approved,
91 such member shall continue to serve until a successor is appointed or
92 approved. Members shall not be compensated for their services but
93 shall be reimbursed for necessary expenses incurred in the
94 performance of their duties.

95 (7) In addition to any other action permitted under the general
96 statutes, each board or commission may, upon a finding of any cause
97 specified in subsection (c) of section 21a-9: (A) Revoke or suspend a
98 license, registration or certificate; (B) issue a letter of reprimand to a
99 practitioner and send a copy of such letter to a complainant or to a
100 state or local official; (C) place a practitioner on probationary status
101 and require the practitioner to (i) report regularly to the board or
102 commission on the matter which is the basis for probation, (ii) limit the
103 practitioner's practice to areas prescribed by the board or commission,
104 or (iii) continue or renew the practitioner's education until the
105 practitioner has attained a satisfactory level of competence in any area
106 which is the basis for probation. Each board or commission may

107 discontinue, suspend or rescind any action taken under this
108 subsection.

109 (8) Each examining board within the Department of Consumer
110 Protection shall conduct any hearing or other action required for an
111 application submitted pursuant to section 20-333 and any completed
112 renewal application submitted pursuant to section 20-335 not later
113 than thirty days after the date of submission for such application or
114 completed renewal application, as applicable.

115 (b) Each board or commission within the Department of Consumer
116 Protection under section 21a-6, as amended by this act, shall transmit
117 any proposed decision described in subdivision (1) of subsection (a) of
118 this section to the Commissioner of Consumer Protection. Not later
119 than thirty calendar days after receipt of any such proposed decision,
120 the Commissioner of Consumer Protection may notify such board or
121 commission that the commissioner or a designee shall render the final
122 decision concerning such matter. The commissioner or a designee may
123 approve, modify or reject the proposed decision or remand the
124 proposed decision for further review or for the taking of additional
125 evidence. If the commissioner or a designee modifies or rejects the
126 proposed decision of the board or commission, the commissioner or a
127 designee shall inform the board or commission of such modification or
128 rejection and explain the rationale for such modification or rejection.
129 The decision of the commissioner or the commissioner's designee shall
130 be the final decision in accordance with section 4-180 for purposes of
131 reconsideration in accordance with section 4-181a or appeal to the
132 Superior Court in accordance with section 4-183. If the commissioner
133 or a designee fails to approve, modify, reject or remand the proposed
134 decision within such thirty-day period, such proposed decision shall
135 be considered approved by the commissioner and shall become the
136 final decision of the board or commission for purposes of appeal to the
137 Superior Court in accordance with section 4-183.

138 Sec. 3. Subdivisions (7) and (8) of subsection (a) of section 21a-8 of
139 the general statutes are repealed and the following is substituted in

140 lieu thereof (*Effective July 1, 2016*):

141 (7) The department shall perform any other function necessary to
142 the effective operation of the board or commission. [and not
143 specifically vested by statute in the board or commission.]

144 (8) The department shall receive complaints concerning the work
145 and practices of persons licensed, registered or certified by such boards
146 or commissions and shall receive complaints concerning unauthorized
147 work and practice by persons not licensed, registered or certified by
148 such boards or commissions. The department shall distribute monthly
149 a list of all complaints received within the previous month to the
150 chairperson of the appropriate board or commission. The department
151 shall screen all complaints and dismiss any in which the allegation, if
152 substantiated, would not constitute a violation of any statute or
153 regulation. The department shall distribute notice of all such
154 dismissals monthly to the chairperson of the appropriate board or
155 commission. The department shall investigate any complaint in which
156 the allegation, if substantiated, would constitute a violation of a statute
157 or regulation under its jurisdiction. In conducting the investigation, the
158 commissioner may seek the assistance of a member of the appropriate
159 board, an employee of any state agency with expertise in the area, or if
160 no such member or employee is available, a person from outside state
161 service licensed to perform the work involved in the complaint. Board
162 or commission members involved in an investigation shall not
163 participate in disciplinary proceedings resulting from such
164 investigation. The Commissioner of Consumer Protection may dismiss
165 a complaint following an investigation if the commissioner determines
166 that such complaint lacks probable cause. Notice of such dismissal
167 shall be given [only after approval by] to the appropriate board or
168 commission. The commissioner may authorize a settlement if the
169 settlement is approved by the complainant, the practitioner, and the
170 board or commission. The commissioner may bring a complaint before
171 the appropriate board or commission for a formal hearing if the
172 commissioner determines that there is probable cause to believe that

173 the offense alleged in the complaint has been committed and that the
174 practitioner named in the complaint was responsible. The
175 commissioner, or the commissioner's authorized agent, shall have the
176 power to issue subpoenas to require the attendance of witnesses or the
177 production of records, correspondence, documents or other evidence
178 in connection with any hearing of a board or commission. All
179 dispositions and final decisions by the Department of Consumer
180 Protection after an investigation into a complaint has begun shall be
181 forwarded to the chairperson of the appropriate board or commission
182 on a monthly basis.

183 Sec. 4. Subsection (c) of section 21a-8 of the general statutes is
184 repealed and the following is substituted in lieu thereof (*Effective July*
185 *1, 2016*):

186 (c) The Commissioner of Consumer Protection shall have the
187 following powers and duties with regard to each board or commission
188 [transferred to] within the Department of Consumer Protection under
189 section 21a-6, as amended by this act:

190 (1) The commissioner may, in the commissioner's discretion, issue
191 an appropriate order to any person found to be violating any statute or
192 regulation within the jurisdiction of such board or commission
193 providing for the immediate discontinuance of the violation or
194 requiring the violator to make restitution for any damage caused by
195 the violation, or both. The commissioner may, through the Attorney
196 General, petition the superior court for the judicial district in which the
197 violation occurred, or in which the person committing the violation
198 resides or transacts business, for the enforcement of any order issued
199 by the commissioner under this subdivision and for appropriate
200 temporary relief or a restraining order. The commissioner shall certify
201 and file in the court a transcript of the entire record of the hearing or
202 hearings, including all testimony upon which such order was made
203 and the findings and orders made by the commissioner. The court may
204 grant such relief by injunction or otherwise, including temporary
205 relief, as the court deems equitable and may make and enter a decree

206 enforcing, modifying and enforcing as so modified, or setting aside, in
207 whole or in part, any order of the commissioner issued under this
208 subdivision.

209 (2) The commissioner may conduct hearings on any matter within
210 the statutory jurisdiction of such board or commission. Such hearings
211 shall be conducted in accordance with chapter 54 and the regulations
212 [established] adopted pursuant to subsection (a) of section 21a-9. In
213 connection with any such hearing, the commissioner may administer
214 oaths, issue subpoenas, compel testimony and order the production of
215 books, records and documents. If any person refuses to appear, testify
216 or produce any book, record or document when so ordered, a judge of
217 the Superior Court may make such order as may be appropriate to aid
218 in the enforcement of this subdivision.

219 (3) In addition to any other action permitted under the general
220 statutes, the commissioner may, upon a finding of any cause specified
221 in subsection (c) of section 21a-9: (A) Revoke or suspend a license,
222 registration or certificate; (B) issue a letter of reprimand to a
223 practitioner and send a copy of such letter to a complainant or to a
224 state or local official; (C) place a practitioner on probationary status
225 and require the practitioner to (i) report regularly to the commissioner
226 on the matter which is the basis for probation, (ii) limit the
227 practitioner's practice to areas prescribed by the commissioner, or (iii)
228 continue or renew the practitioner's education until the practitioner
229 has attained a satisfactory level of competence in any area which is the
230 basis for probation. The commissioner may discontinue, suspend or
231 rescind any action taken under this subdivision.

232 Sec. 5. Subsection (a) of section 10-153f of the general statutes is
233 repealed and the following is substituted in lieu thereof (*Effective from*
234 *passage*):

235 (a) There shall be in the Department of Education an arbitration
236 panel of not less than twenty-four or more than twenty-nine persons to
237 serve as provided in subsection (c) of this section. The Governor shall

238 appoint the members of such panel, with the advice and consent of the
239 General Assembly, as follows: (1) Seven members [shall be] who are
240 representative of the interests of local and regional boards of education
241 and [shall be] selected from lists of names submitted by such boards;
242 (2) seven members [shall be] who are representative of the interests of
243 exclusive bargaining representatives of certified employees and [shall
244 be] selected from lists of names submitted by such bargaining
245 representatives; and (3) not less than ten or more than fifteen members
246 [shall be] who are impartial representatives of the interests of the
247 public in general, [and shall be] residents of the state of Connecticut,
248 experienced in public sector collective bargaining interest impasse
249 resolution and selected from lists of names submitted by the State
250 Board of Education. The lists of names submitted to the Governor
251 pursuant to subdivisions (1) to (3), inclusive, of this subsection shall, in
252 addition to complying with the provisions of section 4-9b, include a
253 report from the State Board of Education certifying that the process
254 conducted for soliciting applicants made adequate outreach to
255 minority communities and documenting that the number and make-up
256 of minority applicants considered reflect the state's racial and ethnic
257 diversity. Each member of the panel serving on or appointed after
258 January 1, 2016, shall serve a term of [two] four years, [provided]
259 except that each arbitrator shall hold office until a successor is
260 appointed and [, provided further,] any arbitrator not reappointed
261 shall finish to conclusion any arbitration for which such arbitrator has
262 been selected or appointed. Arbitrators may be removed for good
263 cause. If any vacancy occurs in such panel, the Governor shall act
264 within forty days to fill such vacancy in the manner provided in
265 section 4-19. Persons appointed to the arbitration panel shall serve
266 without compensation but each shall receive a per diem fee for any
267 day during which such person is engaged in the arbitration of a
268 dispute pursuant to this section. The parties to the dispute so
269 arbitrated shall pay the fee in accordance with subsection (c) of this
270 section.

271 Sec. 6. Subsection (a) of section 10a-179 of the general statutes is

272 repealed and the following is substituted in lieu thereof (*Effective from*
273 *passage*):

274 (a) There is created a body politic and corporate to be known as the
275 "State of Connecticut Health and Educational Facilities Authority".
276 Said authority is constituted a public instrumentality and political
277 subdivision of the state and the exercise by the authority of the powers
278 conferred by this chapter shall be deemed and held to be the
279 performance of an essential public and governmental function.
280 Notwithstanding the provisions of the general statutes or any public or
281 special act, the board of directors of said authority shall consist of ten
282 members, two of whom shall be the Secretary of the Office of Policy
283 and Management and the State Treasurer, *ex officio*, and eight of
284 whom shall be residents of the state appointed by the Governor, not
285 more than four of such appointed members to be members of the same
286 political party. Three of the appointed members shall be current or
287 retired trustees, directors, officers or employees of institutions for
288 higher education, two of the appointed members shall be current or
289 retired trustees, directors, officers or employees of health care
290 institutions and one of such appointed members shall be a person
291 having a favorable reputation for skill, knowledge and experience in
292 state and municipal finance, either as a [partner, officer or employee of
293 an investment banking firm which originates and purchases state and
294 municipal securities,] member of the financial business industry or as
295 an officer or employee of an insurance company or bank whose duties
296 relate to the purchase of state and municipal securities as an
297 investment and to the management and control of a state and
298 municipal securities portfolio. On or before the first day of July,
299 annually, the Governor shall appoint a member or members to succeed
300 those whose terms expire, each for a term of five years and until a
301 successor is appointed and has qualified. The Governor shall fill any
302 vacancy for the unexpired term. A member of the board shall be
303 eligible for reappointment. Any member of the board may be removed
304 by the Governor for misfeasance, malfeasance or wilful neglect of
305 duty. Each member of the board shall take and subscribe the oath or

306 affirmation required by article XI, section 1, of the State Constitution
307 prior to assuming such office. A record of each such oath shall be filed
308 in the office of the Secretary of the State. Each ex-officio member may
309 designate [his] a deputy or any member of [his] such member's staff to
310 represent him or her as a member at meetings of the board with full
311 power to act and vote in his or her behalf.

312 Sec. 7. Subsection (b) of section 12-802 of the general statutes is
313 repealed and the following is substituted in lieu thereof (*Effective from*
314 *passage*):

315 (b) (1) The corporation shall be governed by a board of thirteen
316 directors. The Governor, with the advice and consent of the General
317 Assembly, shall appoint [four] five directors who [shall] have skill,
318 knowledge and experience in the fields of management, finance or
319 operations in the private sector. [Three] Two directors shall be the
320 State Treasurer [,] and the Secretary of the Office of Policy and
321 Management, [and the executive director of the Division of Special
322 Revenue, all] both of whom shall serve ex officio and shall have all of
323 the powers and privileges of a member of the board of directors. Each
324 ex-officio director may designate his or her deputy or any member of
325 his or her staff to represent him or her at meetings of the corporation
326 with full power to act and vote on his or her behalf. [The executive
327 director of the Division of Special Revenue shall cease to be a director
328 one year from June 4, 1996, or earlier at the discretion of the Governor.
329 The Governor, with the advice and consent of the General Assembly,
330 shall fill the vacancy created by the removal or departure of the
331 executive director of the Division of Special Revenue with a person
332 who shall have skill, knowledge and experience in the fields of
333 management, finance or operations in the private sector. The Governor
334 shall thereafter have the power to appoint a total of five members to
335 the board.] Each director appointed by the Governor shall serve at the
336 pleasure of the Governor, but no longer than the term of office of the
337 Governor or until the director's successor is appointed and qualified,
338 whichever term is longer. The Governor shall fill any vacancy for the

339 unexpired term of a director appointed by the Governor. The
340 procedures of section 4-7 shall apply to the confirmation of the
341 Governor's appointments by both houses of the General Assembly.

342 (2) Six directors shall be appointed as follows: One by the president
343 pro tempore of the Senate, one by the majority leader of the Senate,
344 one by the minority leader of the Senate, one by the speaker of the
345 House of Representatives, one by the majority leader of the House of
346 Representatives and one by the minority leader of the House of
347 Representatives. [Each director appointed by the Governor shall serve
348 at the pleasure of the Governor but no longer than the term of office of
349 the Governor or until the director's successor is appointed and
350 qualified, whichever term is longer.] Each director appointed by a
351 member of the General Assembly shall serve in accordance with the
352 provisions of section 4-1a. [The Governor shall fill any vacancy for the
353 unexpired term of a member appointed by the Governor.] The
354 appropriate legislative appointing authority shall fill any vacancy for
355 the unexpired term of a [member] director appointed by such
356 authority.

357 (3) Any appointed director [, other than the executive director of the
358 Division of Special Revenue,] shall be eligible for reappointment. The
359 Commissioner of Consumer Protection shall not serve as a director.
360 Any director may be removed by order of the Superior Court upon
361 application of the Attorney General for misfeasance, malfeasance or
362 wilful neglect of duty. Such actions shall be tried to the court without a
363 jury and shall be privileged in assignment for hearing. If the court,
364 after hearing, finds there is clear and convincing evidence of such
365 misfeasance, malfeasance or wilful neglect of duty it shall order the
366 removal of such director. Any director so removed shall not be
367 reappointed to the board. [Each appointing authority shall make his
368 initial appointment to the board no later than six months following
369 June 4, 1996.]

370 Sec. 8. Subsections (a) and (b) of section 20-8a of the general statutes
371 are repealed and the following is substituted in lieu thereof (*Effective*

372 *from passage):*

373 (a) There shall be within the Department of Public Health a
374 Connecticut Medical Examining Board.

375 [(1) Said board shall consist of fifteen members appointed by the
376 Governor, subject to the provisions of section 4-9a, in the manner
377 prescribed for department heads in section 4-7, as follows: Five
378 physicians practicing in the state; one physician who shall be a full-
379 time member of the faculty of The University of Connecticut School of
380 Medicine; one physician who shall be a full-time chief of staff in a
381 general-care hospital in the state; one physician who shall be a
382 supervising physician for one or more physician assistants; one
383 physician who shall be a graduate of a medical education program
384 accredited by the American Osteopathic Association; one physician
385 assistant licensed pursuant to section 20-12b and practicing in this
386 state; and five public members.]

387 [(2) On and after October 1, 2012, said] (1) Said board shall consist of
388 twenty-one members, thirteen of whom are physicians, one of whom is
389 a physician assistant and seven of whom are public members, all of
390 whom are appointed by the Governor, subject to the provisions of
391 section [4-9a, in the manner prescribed for department heads in section
392 4-7] 4-1a, as follows: Three physicians of any specialty; three
393 physicians who [shall be] are specialists in internal medicine; one
394 physician who [shall be] is a psychiatrist; one physician who [shall be]
395 is a surgeon; one physician who [shall be] is an obstetrician-
396 gynecologist; one physician who [shall be] is a pediatrician; one
397 physician who [shall be] is an emergency medical physician; one
398 physician who [shall be] is a supervising physician for one or more
399 physician assistants; one physician who [shall be] is a graduate of a
400 medical education program accredited by the American Osteopathic
401 Association; one physician assistant licensed pursuant to section 20-
402 12b; and seven public members.

403 [(3)] (2) No professional member of said board shall be an elected or

404 appointed officer of a professional society or association relating to
405 such member's profession at the time of appointment to the board or
406 have been such an officer during the year immediately preceding
407 appointment or serve for more than two consecutive terms.
408 Professional members shall be practitioners in good professional
409 standing and residents of this state.

410 (b) All vacancies shall be filled by the Governor in the same manner
411 [prescribed for department heads in section 4-7] as the original
412 appointment. On and after October 1, 2012, successors and
413 appointments to fill a vacancy shall fulfill the same qualifications as
414 the member succeeded or replaced. In addition to the requirements in
415 [sections 4-9a and] section 19a-8, no person whose spouse, parent,
416 brother, sister, child or spouse of a child is a physician, as defined in
417 section 20-13a, or a physician assistant, as defined in section 20-12a,
418 shall be appointed as a public member.

419 Sec. 9. Subsection (b) of section 31-102 of the general statutes is
420 repealed and the following is substituted in lieu thereof (*Effective from*
421 *passage*):

422 (b) Whenever conditions warrant, the Labor Commissioner or the
423 chairman of the board shall request the Governor to appoint, and the
424 Governor shall have authority to appoint, alternate members of said
425 board in such numbers and for such periods of time as [he] the
426 Governor may determine to be necessary, [but not longer than one
427 year.] in order that said board may render efficient service in
428 performing the duties committed to it by statute. Any such alternate
429 member shall serve in accordance with the provisions of section 4-1a.
430 Any such alternate member shall meet the same qualifications and
431 receive the same compensation as regular members of the board. An
432 alternate member shall serve in place of an absent member of the
433 board at any time when so directed by the board and while so serving
434 shall have all the powers of members of the board. Alternate members
435 so appointed [shall have power to] may complete any matter pending
436 at the expiration of the term for which they were appointed.

437 Sec. 10. Subsection (b) of section 19a-178a of the general statutes is
438 repealed and the following is substituted in lieu thereof (*Effective from*
439 *passage*):

440 (b) The advisory board shall consist of members appointed in
441 accordance with the provisions of this subsection and shall include the
442 Commissioner of Public Health, [and] the department's emergency
443 medical services medical director and the president of each of the
444 regional emergency medical services councils, or their designees. The
445 Governor shall appoint the following members: (1) One person from
446 [each of the regional emergency medical services councils; one person
447 from] the Connecticut Association of Directors of Health; (2) three
448 persons from the Connecticut College of Emergency Physicians; (3)
449 one person from the Connecticut Committee on Trauma of the
450 American College of Surgeons; (4) one person from the Connecticut
451 Medical Advisory Committee; (5) one person from the Emergency
452 [Department] Nurses Association; (6) one person from the Connecticut
453 Association of Emergency Medical Services Instructors; (7) one person
454 from the Connecticut Hospital Association; (8) two persons
455 representing commercial ambulance providers; (9) one person from the
456 Connecticut State Firefighters Association; (10) one person from the
457 Connecticut Fire Chiefs Association; (11) one person from the
458 Connecticut Police Chiefs [of Police] Association; (12) one person from
459 the Connecticut State Police; and (13) one person from the Connecticut
460 Commission on Fire Prevention and Control. An additional eighteen
461 members shall be appointed as follows: (A) Three by the president pro
462 tempore of the Senate; (B) three by the majority leader of the Senate;
463 (C) four by the minority leader of the Senate; (D) three by the speaker
464 of the House of Representatives; (E) two by the majority leader of the
465 House of Representatives; and (F) three by the minority leader of the
466 House of Representatives. The appointees shall include a person with
467 experience in municipal ambulance services; a person with experience
468 in for-profit ambulance services; three persons with experience in
469 volunteer ambulance services; a paramedic; an emergency medical
470 technician; an advanced emergency medical technician; three

471 consumers and four persons from state-wide organizations with
472 interests in emergency medical services as well as any other areas of
473 expertise that may be deemed necessary for the proper functioning of
474 the advisory board.

475 Sec. 11. Subsection (a) of section 19a-182 of the general statutes is
476 repealed and the following is substituted in lieu thereof (*Effective from*
477 *passage*):

478 (a) The emergency medical services councils shall advise the
479 commissioner on area-wide planning and coordination of agencies for
480 emergency medical services for each region and shall provide
481 continuous evaluation of emergency medical services for their
482 respective geographic areas. A regional emergency medical services
483 coordinator, in consultation with the commissioner, shall assist the
484 emergency medical services council for the respective region in
485 carrying out the duties prescribed in subsection (b) of this section. As
486 directed by the commissioner, the regional emergency medical services
487 coordinator for each region shall facilitate the work of each respective
488 emergency medical services council including, but not limited to,
489 representing the Department of Public Health at any Council of
490 Regional [Chairpersons] Presidents meetings.

491 Sec. 12. Section 19a-183 of the general statutes is repealed and the
492 following is substituted in lieu thereof (*Effective from passage*):

493 There shall be established an emergency medical services council in
494 each region. A region shall be composed of the towns so designated by
495 the commissioner. Opportunity for membership shall be available to
496 all appropriate representatives of emergency medical services
497 including, but not limited to, one representative from each of the
498 following: (1) Local governments; (2) fire and law enforcement
499 officials; (3) medical and nursing professions, including mental health,
500 paraprofessional and other allied health professionals; (4) providers of
501 ambulance services, at least one of which shall be a member of a
502 volunteer ambulance association; (5) institutions of higher education;

503 (6) federal agencies involved in the delivery of health care; and (7)
504 consumers. All emergency medical services councils, including those
505 in existence on July 1, 1974, shall submit to the commissioner
506 information concerning the organizational structure and council
507 bylaws for the commissioner's approval. Such bylaws shall include the
508 process by which each council shall elect a president. The
509 commissioner shall foster the development of emergency medical
510 services councils in each region.

511 Sec. 13. Subsection (b) of section 19a-184 of the general statutes is
512 repealed and the following is substituted in lieu thereof (*Effective from*
513 *passage*):

514 (b) The [chairpersons] presidents, or their designees, of said councils
515 shall meet as a group, at least bimonthly, with the Office of Emergency
516 Medical Services to discuss the planning, coordination and
517 implementation of the state-wide emergency medical care service
518 system.

519 Sec. 14. Section 22a-261 of the general statutes is repealed and the
520 following is substituted in lieu thereof (*Effective July 1, 2016*):

521 (a) There is hereby established and created a body politic and
522 corporate, constituting a public instrumentality and political
523 subdivision of the state of Connecticut established and created for the
524 performance of an essential public and governmental function, to be
525 known as the Materials Innovation and Recycling Authority. The
526 authority shall not be construed to be a department, institution or
527 agency of the state.

528 [(b) On and before May 31, 2002, the powers of the authority shall
529 be vested in and exercised by a board of directors, which shall consist
530 of twelve directors: Four appointed by the Governor and two ex-officio
531 members, who shall have a vote including the Commissioner of
532 Transportation and the Commissioner of Economic and Community
533 Development; two appointed by the president pro tempore of the

534 Senate, two by the speaker of the House, one by the minority leader of
535 the Senate and one by the minority leader of the House of
536 Representatives. Any such legislative appointee may be a member of
537 the General Assembly. The directors appointed by the Governor under
538 this subsection shall serve for terms of four years each, from January
539 first next succeeding their appointment, provided, of the directors first
540 appointed, two shall serve for terms of two years, and two for terms of
541 four years, from January first next succeeding their appointment. Any
542 vacancy occurring under this subsection other than by expiration of
543 term shall be filled in the same manner as the original appointment for
544 the balance of the unexpired term. Of the four members appointed by
545 the Governor under this subsection, two shall be first selectmen,
546 mayors or managers of Connecticut municipalities; one from a
547 municipality with a population of less than fifty thousand, one from a
548 municipality of over fifty thousand population; two shall be public
549 members without official governmental office or status with extensive
550 high-level experience in municipal or corporate finance or business or
551 industry, provided not more than two of such appointees shall be
552 members of the same political party. The chairman of the board under
553 this subsection shall be appointed by the Governor, with the advice
554 and consent of both houses of the General Assembly and shall serve at
555 the pleasure of the Governor. Notwithstanding the provisions of this
556 subsection, the terms of all members of the board of directors who are
557 serving on May 31, 2002, shall expire on said date.]

558 [(c)] (b) On and after June 1, 2002, the powers of the authority shall
559 be vested in and exercised by a board of directors, which shall consist
560 of eleven directors as follows: Three appointed by the Governor, one of
561 whom [shall be] is a municipal official of a municipality having a
562 population of fifty thousand or less and one of whom [shall have] has
563 extensive, high-level experience in the energy field; two appointed by
564 the president pro tempore of the Senate, one of whom [shall be] is a
565 municipal official of a municipality having a population of more than
566 fifty thousand and one of whom [shall have] has extensive high-level
567 experience in public or corporate finance or business or industry; two

568 appointed by the speaker of the House of Representatives, one of
569 whom [shall be] is a municipal official of a municipality having a
570 population of more than fifty thousand and one of whom [shall have]
571 has extensive high-level experience in public or corporate finance or
572 business or industry; two appointed by the minority leader of the
573 Senate, one of whom [shall be] is a municipal official of a municipality
574 having a population of fifty thousand or less and one of whom [shall
575 have] has extensive high-level experience in public or corporate
576 finance or business or industry; two appointed by the minority leader
577 of the House of Representatives, one of whom [shall be] is a municipal
578 official of a municipality having a population of fifty thousand or less
579 and one of whom [shall have] has extensive, high-level experience in
580 the environmental field. No director may be a member of the General
581 Assembly. [Not more than two of the directors appointed by the
582 Governor shall be members of the same political party.] The appointed
583 directors shall serve for terms of four years each, provided, of the
584 directors first appointed for terms beginning on June 1, 2002, (1) two of
585 the directors appointed by the Governor, one of the directors
586 appointed by the president pro tempore of the Senate, one of the
587 directors appointed by the speaker of the House of Representatives,
588 one of the directors appointed by the minority leader of the Senate and
589 one of the directors appointed by the minority leader of the House of
590 Representatives shall serve an initial term of two years and one month,
591 and (2) the other appointed directors shall serve an initial term of four
592 years and one month. The appointment of each director for a term
593 beginning on or after June 1, 2004, shall be made with the advice and
594 consent of both houses of the General Assembly. The Governor shall
595 designate one of the directors to serve as chairperson of the board,
596 with the advice and consent of both houses of the General Assembly.
597 The chairperson of the board shall serve at the pleasure of the
598 Governor. Any appointed director who fails to attend three
599 consecutive meetings of the board or who fails to attend fifty per cent
600 of all meetings of the board held during any calendar year shall be
601 deemed to have resigned from the board. Any vacancy occurring other
602 than by expiration of term shall be filled in the same manner as the

603 original appointment for the balance of the unexpired term. As used in
604 this subsection, "municipal official" means the first selectman, mayor,
605 city or town manager or chief financial officer of a municipality, or a
606 municipal employee with extensive public works or waste
607 management and recycling experience that has entered into a solid
608 waste disposal services contract with the authority and pledged the
609 municipality's full faith and credit for the payment of obligations
610 under such contract.

611 [(d)] (c) The chairperson shall, with the approval of the directors,
612 appoint a president of the authority who shall be an employee of the
613 authority and paid a salary prescribed by the directors. The president
614 shall supervise the administrative affairs and technical activities of the
615 authority in accordance with the directives of the board.

616 [(e)] (d) Each director shall be entitled to reimbursement for [said]
617 such director's actual and necessary expenses incurred during the
618 performance of [said] such director's official duties.

619 [(f)] (e) Directors may engage in private employment, or in a
620 profession or business, subject to any applicable laws, rules and
621 regulations of the state or federal government regarding official ethics
622 or conflict of interest.

623 [(g)] (f) Six directors of the authority shall constitute a quorum for
624 the transaction of any business or the exercise of any power of the
625 authority, provided, two directors from municipal government shall be
626 present in order for a quorum to be in attendance. For the transaction
627 of any business or the exercise of any power of the authority, and
628 except as otherwise provided in this chapter, the authority [shall have
629 power to] may act by a majority of the directors present at any meeting
630 at which a quorum is in attendance. If the legislative body of a
631 municipality that is the site of a facility passes a resolution requesting
632 the Governor to appoint a resident of such municipality to be an ad
633 hoc member, the Governor shall make such appointment upon the
634 next vacancy for the ad hoc members representing such facility. The

635 Governor shall appoint, with the advice and consent of the General
636 Assembly, ad hoc members to represent each facility operated by the
637 authority provided at least one-half of such members shall be chief
638 elected officials of municipalities, or their designees. Each such facility
639 shall be represented by two such members. The ad hoc members shall
640 be electors from a municipality or municipalities in the area to be
641 served by the facility and shall vote only on matters concerning such
642 facility. The terms of the ad hoc members shall be four years.

643 [(h)] (g) The board may delegate to three or more directors such
644 board powers and duties as it may deem necessary and proper in
645 conformity with the provisions of this chapter and its bylaws. At least
646 one of such directors shall be a municipal official, as defined in
647 subsection [(c)] (b) of this section, and at least one of such directors
648 shall not be a state employee.

649 [(i)] (h) Appointed directors may not designate a representative to
650 perform in their absence their respective duties under this chapter.

651 [(j) The term] (i) As used in this section, "director" [, as used in this
652 section, shall include] includes such persons so designated, as
653 provided in this section, and [this] such designation shall be deemed
654 temporary only and shall not affect any applicable civil service or
655 retirement rights of any person so designated.

656 [(k)] (j) The appointing authority for any director may remove such
657 director for inefficiency, neglect of duty or misconduct in office after
658 giving the director a copy of the charges against the director and an
659 opportunity to be heard, in person or by counsel, in the director's
660 defense, upon not less than ten days' notice. If any director shall be so
661 removed, the appointing authority for such director shall file in the
662 office of the Secretary of the State a complete statement of charges
663 made against such director and the appointing authority's findings on
664 such statement of charges, together with a complete record of the
665 proceedings.

666 [(l)] (k) The authority shall continue as long as it has bonds or other
667 obligations outstanding and until its existence is terminated by law.
668 Upon the termination of the existence of the authority, all its rights and
669 properties shall pass to and be vested in the state of Connecticut.

670 [(m)] (l) The directors, members and officers of the authority and
671 any person executing the bonds or notes of the authority shall not be
672 liable personally on such bonds or notes or be subject to any personal
673 liability or accountability by reason of the issuance thereof, nor shall
674 any director, member or officer of the authority be personally liable for
675 damage or injury, not wanton or wilful, caused in the performance of
676 such person's duties and within the scope of such person's
677 employment or appointment as such director, member or officer.

678 [(n)] (m) Notwithstanding [the provisions of] any other [law to the
679 contrary] provision of the general statutes, it shall not constitute a
680 conflict of interest for a trustee, director, partner or officer of any
681 person, firm or corporation, or any individual having a financial
682 interest in a person, firm or corporation, to serve as a director of the
683 authority, provided such trustee, director, partner, officer or individual
684 shall abstain from deliberation, action or vote by the authority in
685 specific respect to such person, firm or corporation.

686 Sec. 15. Section 9-167a of the general statutes is repealed and the
687 following is substituted in lieu thereof (*Effective from passage*):

688 (a) (1) Except as provided in subdivision (2) of this subsection, the
689 maximum number of members of any board, commission, legislative
690 body, committee or similar body of the state or any political
691 subdivision thereof, whether elective or appointive, who may be
692 members of the same political party, shall be as specified in the
693 following table:

T1	COLUMN I	COLUMN II
T2	Total Membership	Maximum from One Party

T3	3	.....	2
T4	4	.....	3
T5	5	.....	4
T6	6	.....	4
T7	7	.....	5
T8	8	.....	5
T9	9	.....	6
T10	More than 9	.....	Two-thirds of
T11			total membership

694 (2) (A) The provisions of this section shall not apply ~~[(A)] (i)~~ to any
695 such board, commission, committee or body whose members are
696 elected wholly or partially on the basis of a geographical division of
697 the state or political subdivision, ~~[(B)] (ii)~~ to a legislative body of a
698 municipality ~~[(i)] (I)~~ having a town meeting as its legislative body, or
699 ~~[(ii)] (II)~~ for which the charter or a special act, on January 1, 1987,
700 provided otherwise, ~~[or (C)] (iii)~~ to the city council of an
701 unconsolidated city within a town and the town council of such town
702 if the town has a town council and a representative town meeting, the
703 town charter provides for some form of minority representation in the
704 election of members of the representative town meeting, and the city
705 has a city council and a body having the attributes of a town meeting,
706 or ~~[(D)] (iv)~~ to the board of directors and other officers of any district,
707 as defined in section 7-324, having annual receipts from all sources not
708 in excess of two hundred fifty thousand dollars.

709 (B) For the purposes of this section, members of an appointive board
710 or commission who serve on such board or commission by virtue of
711 holding a particular and distinct office shall not be included in the
712 calculation, as provided in subsection (b) of this section, to determine
713 the maximum number of members of any political party who may be
714 appointed to such board or commission.

715 (b) Prior to any election for or appointment to any [such body]
716 board, commission, legislative body, committee or similar body of the

717 state or any political subdivision thereof, the municipal clerk, in cases
718 of elections, and the appointing authority, in cases of appointments,
719 shall determine the maximum number of members of any political
720 party who may be elected or appointed to such body at such election
721 or appointment. Such maximum number shall be determined for each
722 political party in the following manner: From the number of members
723 of one political party who are members of such body at the time of the
724 election or appointment, subtract the number of members of such
725 political party whose terms expire prior to the commencement of the
726 terms for which such election or appointment is being held or made
727 and subtract the balance thus arrived at from the appropriate number
728 specified in column II of subsection (a) of this section.

729 (c) In the case of any election to any such body, the winner or
730 winners shall be determined as under existing law with the following
731 exception: The municipal clerk shall prepare a list of the candidates
732 ranked from top to bottom according to the number of votes each
733 receives; when the number of members of any one political party who
734 would be elected without regard to this section exceeds the maximum
735 number as determined under subsection (b) of this section, only the
736 candidates of such political party with the highest number of votes up
737 to the limit of such maximum shall be elected, and the names of the
738 remaining candidates of such political party shall be stricken from the
739 list. The next highest ranking candidates shall be elected up to the
740 number of places to be filled at such election.

741 (d) If an unexpired portion of a term is to be filled at the same time
742 as a full term, the unexpired term shall be deemed to be filled before
743 the full term for purposes of applying this section. At such time as the
744 minority representation provisions of this section become applicable to
745 any board, commission, committee or body, any vacancy thereafter
746 occurring which is to be filled by appointment shall be filled by the
747 appointment of a member of the same political party as that of the
748 vacating member.

749 (e) Nothing in this section shall be construed to repeal, modify or

750 prohibit enactment of any general or special act or charter which
 751 provides for a greater degree of minority representation than is
 752 provided by this section.

753 (f) Nothing in this section shall deprive any person who is a
 754 member of any such body on July 1, 1960, of the right to remain as a
 755 member until the expiration of his term.

756 (g) For the purposes of this section, a person shall be deemed to be a
 757 member of the political party on whose enrollment list his name
 758 appears on the date of his appointment to, or of his nomination as a
 759 candidate for election to, any office specified in subsection (a) of this
 760 section, provided any person who has applied for erasure or transfer of
 761 his name from an enrollment list shall be considered a member of the
 762 party from whose list he has so applied for erasure or transfer for a
 763 period of three months from the date of the filing of such application
 764 and provided further any person whose candidacy for election to an
 765 office is solely as the candidate of a party other than the party with
 766 which he is enrolled shall be deemed to be a member of the party of
 767 which he is such candidate.

768 (h) For the purposes of this section, the appointing authority for any
 769 member of any board or commission shall notify all other appointing
 770 authorities for members of such board or commission of each
 771 appointment made, including the name, town of residence and
 772 political affiliation of the person appointed, not later than five calendar
 773 days after such appointment. Such notification may be transmitted by
 774 electronic means.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2016</i>	21a-6
Sec. 2	<i>July 1, 2016</i>	21a-7
Sec. 3	<i>July 1, 2016</i>	21a-8(a)(7) and (8)
Sec. 4	<i>July 1, 2016</i>	21a-8(c)
Sec. 5	<i>from passage</i>	10-153f(a)

Sec. 6	<i>from passage</i>	10a-179(a)
Sec. 7	<i>from passage</i>	12-802(b)
Sec. 8	<i>from passage</i>	20-8a(a) and (b)
Sec. 9	<i>from passage</i>	31-102(b)
Sec. 10	<i>from passage</i>	19a-178a(b)
Sec. 11	<i>from passage</i>	19a-182(a)
Sec. 12	<i>from passage</i>	19a-183
Sec. 13	<i>from passage</i>	19a-184(b)
Sec. 14	<i>July 1, 2016</i>	22a-261
Sec. 15	<i>from passage</i>	9-167a

GAE *Joint Favorable Subst.*

GL *Joint Favorable*