



General Assembly

February Session, 2018

***Raised Bill No. 5314***

LCO No. 1832



Referred to Committee on TRANSPORTATION

Introduced by:  
(TRA)

***AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF TRANSPORTATION.***

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

1 Section 1. Section 13a-175j of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 Any balance of appropriations in excess of that required to be  
4 distributed to the towns, under the formulas set forth in sections 13a-  
5 175a to 13a-175d, inclusive, as of June 30, 1977, and annually thereafter,  
6 may be made available by the Governor, upon application of the  
7 selectman or other authority having charge of highways in any town,  
8 to be used to defray, in whole or part, the cost of repairs,  
9 improvements, alteration or replacement of roads, bridges and dams in  
10 such town which, in the opinion of the Governor, with the advice of  
11 the Commissioner of Transportation, in the case of roads or bridges,  
12 and the Commissioner of Energy and Environmental Protection, in the  
13 case of dams, constitute a threat to public safety as a result of damage  
14 resulting from a natural disaster. Any such balance shall [not] lapse  
15 [but shall continue to be available] to the resources of the Special

16 Transportation Fund as of June 30, 2018, and shall not be transferred to  
17 the General Fund.

18 Sec. 2. Subsection (b) of section 13b-17 of the 2018 supplement to the  
19 general statutes is repealed and the following is substituted in lieu  
20 thereof (*Effective October 1, 2018*):

21 (b) The commissioner may adopt regulations in accordance with the  
22 provisions of chapter 54 establishing reasonable fees for any  
23 application submitted to the Department of Transportation or the  
24 Office of the State Traffic Administration for (1) a state highway right-  
25 of-way encroachment permit, or (2) a certificate of operation for an  
26 open air theater, shopping center or other development generating  
27 large volumes of traffic pursuant to section 14-311, provided the fees  
28 so established shall not exceed one hundred twenty-five per cent of the  
29 estimated administrative costs related to such applications. The  
30 commissioner may exempt municipalities from any fees imposed  
31 pursuant to this subsection.

32 Sec. 3. Subsection (a) of section 13b-34 of the general statutes is  
33 repealed and the following is substituted in lieu thereof (*Effective from*  
34 *passage*):

35 (a) The commissioner shall have power, in order to aid or promote  
36 the operation, whether temporary or permanent, of any transportation  
37 service operating to, from or in the state, to contract in the name of the  
38 state with any person, including but not limited to any common  
39 carrier, any transit district formed under chapter 103a or any special  
40 act, or any political subdivision or entity, or with the United States or  
41 any other state, or any agency, instrumentality, subdivision,  
42 department or officer thereof, for purposes of initiating, continuing,  
43 developing, providing or improving any such transportation service.  
44 Such contracts may include provision for arbitration of disputed  
45 issues. If the commissioner deems it to be in the best interest of the  
46 state, the commissioner may include in any such contract with a  
47 common carrier or any transit district formed under chapter 103a or

48 any special act, a provision for the state to indemnify and hold  
49 harmless said entity and for such purpose to provide for the state to  
50 purchase insurance with a deductible clause. The commissioner, in  
51 order to aid or promote the operation of any transportation service  
52 operating outside the state, may contract in the name of the state with  
53 any person, including, but not limited to, any common carrier, or with  
54 the United States or any other state, or any agency, instrumentality,  
55 subdivision, department or officer thereof, for purposes of providing  
56 any transportation service in the event such assistance is required in  
57 the case of an emergency or a special event. The state, acting by and  
58 through the commissioner, may, by itself or in concert with others,  
59 provide all or a portion of any such service, share in the costs of or  
60 provide funds for such service, or furnish equipment or facilities for  
61 use in such service upon such terms and conditions as the  
62 commissioner may deem necessary or advisable, and any such  
63 contracts may include, without limitation thereto, arrangements under  
64 which the state shall so provide service, share costs, provide funds or  
65 furnish equipment or facilities. To these ends, the commissioner may  
66 in the name of the state acquire or obtain the use of facilities and  
67 equipment employed in providing any such service by gift, purchase,  
68 lease or other arrangements and may own and operate any such  
69 facilities and equipment and establish, charge and collect such fares  
70 and other charges or arrange for such collection for the use or services  
71 thereof as he may deem necessary, convenient or desirable. The  
72 commissioner or any fare inspector, as defined in section 13b-2, shall  
73 have the authority to issue citations for any violation of section 13b-38i.  
74 The commissioner may also acquire title in fee simple to, or any lesser  
75 estate, interest or right in, any rights-of-way, properties or facilities,  
76 including properties used on or before October 1, 1969, for rail or other  
77 forms of transportation services. The commissioner may hold such  
78 properties for future use by the state and may enter into agreements  
79 for interim use of such properties for other purposes. Any person  
80 contracting with the state pursuant to this section for the provision of  
81 any transportation service shall not be considered an arm or agent of  
82 the state. Any damages caused by the operation of such transportation

83 service by such person may be recovered in a civil action brought  
84 against such person in the superior court and such person may not  
85 assert the defense of sovereign immunity in such action.

86 Sec. 4. Section 13b-36 of the general statutes is repealed and the  
87 following is substituted in lieu thereof (*Effective October 1, 2018*):

88 (a) The commissioner may purchase or take and, in the name of the  
89 state, may acquire title in fee simple to, or any lesser estate, interest or  
90 right in, any land, buildings, equipment or facilities which the  
91 commissioner finds necessary for the operation or improvement of  
92 transportation services. The determination by the commissioner that  
93 such purchase or taking is necessary shall be conclusive. Such taking  
94 shall be in the manner prescribed in subsection (b) of section 13a-73 for  
95 the taking of land for state highways.

96 (b) The commissioner may sell, lease, convey or enter into any other  
97 arrangement for the use of such property for the operation of  
98 transportation services, or for such other purposes as the  
99 commissioner determines to be consistent with the best interests of the  
100 state.

101 (c) Any company or corporation which conducts or has conducted  
102 rail operations in the state shall not, except as provided for in this  
103 subsection, sell, lease, transfer or otherwise dispose of any railroad  
104 properties and related facilities within the state that are abandoned,  
105 inactive or currently being used for railroad purposes to any party,  
106 without first offering such properties and facilities for sale to the  
107 Commissioner of Transportation. This provision shall not apply to any  
108 rail related facility that is to be replaced as a result of a rehabilitation  
109 program or emergency or routine maintenance programs. Such offer  
110 shall be made in writing and shall be sent by certified mail to the  
111 Commissioner of Transportation. Such offer shall include a map and  
112 description of the subject properties or facilities, the price, if available,  
113 for such properties or facilities, a description of the present or past  
114 railroad use of the subject property or facilities, and any other terms or

115 conditions said company or corporation proposes to include as part of  
116 such sale. The commissioner, upon receipt of such offer, shall within  
117 forty-five days notify said company or corporation, in writing by  
118 certified mail, whether he is interested in acquiring the subject  
119 properties or facilities. Within one hundred thirty-five days of such  
120 written notice, the commissioner shall notify said company or  
121 corporation in writing by certified mail either that he has made an  
122 express finding [in accordance with section 13b-35] and shall acquire  
123 such properties or facilities or that he shall not accept such offer and  
124 shall not acquire such properties or facilities. In no event shall said  
125 company or corporation offer to sell any railroad properties or related  
126 facilities which were the subject of negotiations between the  
127 commissioner and said company or corporation to any other party on  
128 terms more favorable to said party than the final terms offered to the  
129 commissioner during negotiations. Nothing in this section shall be  
130 construed to prevent a railroad company from transferring rail  
131 facilities within its own system or from selling, leasing or transferring  
132 or otherwise disposing of railroad properties or related facilities  
133 currently in use to another party provided that in no event shall the  
134 sale, lease, transfer or other disposition of such properties or facilities  
135 result in the discontinuance of existing rail service in the state. For the  
136 purposes of this section, the terms railroad properties and related  
137 facilities shall mean all the land, structures, buildings, rails, ties,  
138 ballast, signals and materials that have been or are used for rail  
139 transportation purposes and that are located either within the right-of-  
140 way as defined by railroad valuation maps or other suitable maps or  
141 abutting such right-of-way.

142 Sec. 5. Section 13b-80 of the general statutes is repealed and the  
143 following is substituted in lieu thereof (*Effective July 1, 2018*):

144 No person, association, limited liability company or corporation  
145 shall operate a motor bus without having obtained a certificate from  
146 the Department of Transportation or from the Federal Highway  
147 Administration pursuant to the Bus Regulatory Reform Act of 1982,  
148 P.L. 97-261, specifying the route and certifying that public convenience

149 and necessity require the operation of a motor bus or motor buses over  
150 such route. Such certificate shall be issued only after written  
151 application for the same has been made. Upon receipt of such  
152 application, said department shall promptly give written notice of the  
153 pendency of such application to the mayor of each city, the warden of  
154 each borough or the first selectman of each town in or through which  
155 the applicant desires to operate, and to any common carrier operating  
156 over any portion of such route or over a route substantially parallel  
157 thereto. Any town, city or borough within which, or between which  
158 and any other town, city or borough in this state, any such common  
159 carrier is furnishing service may bring a written petition to the  
160 department in respect to routes, fares, speed, schedules, continuity of  
161 service and the convenience and safety of passengers and the public.  
162 Thereupon the department may fix a time and place for a hearing  
163 upon such petition and mail notice thereof to the parties in interest at  
164 least one week prior to such hearing. No such certificate shall be sold  
165 or transferred until the department, upon written application to it,  
166 setting forth the purpose, terms and conditions thereof and after  
167 investigation, approves the same. The application shall be  
168 accompanied by a fee of one hundred seventy-six dollars. The  
169 department may amend or, for sufficient cause shown, may suspend  
170 or revoke any such certificate. Sufficient cause shall include, but need  
171 not be limited to, the circumstance where a route set forth in a  
172 certificate of public convenience and necessity overlaps, in whole or in  
173 part, with a route set forth in a contract issued to the holder of such  
174 certificate pursuant to section 13b-34, as amended by this act. The  
175 department may impose a civil penalty on any person or any officer of  
176 any association, limited liability company or corporation who violates  
177 any provision of any regulation adopted under section 13b-86 with  
178 respect to routes, fares, speed, schedules, continuity of service or the  
179 convenience and safety of passengers and the public, in an amount not  
180 to exceed one hundred dollars per day for each violation. The owner or  
181 operator of every motor bus shall display in a conspicuous place  
182 therein a memorandum of such certificate. Notwithstanding any  
183 provision of chapter 285, such certificate shall include authority to

184 transport baggage, express, mail and newspapers for hire in the same  
185 vehicle with passengers under such regulations as the department may  
186 prescribe. Any certificate issued pursuant to this section by the  
187 Division of Public Utility Control within the Department of Business  
188 Regulation prior to October 1, 1979, shall remain valid unless  
189 suspended or revoked by the Department of Transportation.

190 Sec. 6. Subsection (b) of section 13b-102 of the general statutes is  
191 repealed and the following is substituted in lieu thereof (*Effective from*  
192 *passage*):

193 (b) Each person, association, limited liability company or  
194 corporation operating a motor vehicle by virtue of authorization issued  
195 by the [Federal Highway Administration] Federal Motor Carrier Safety  
196 Administration for charter and special operation shall register such  
197 authorization for interstate operation with the Department of  
198 Transportation if such person, association, limited liability company or  
199 corporation maintains a domicile or principal office in the state. Each  
200 person operating a motor vehicle by virtue of authorization issued by  
201 the [Federal Highway Administration] Federal Motor Carrier Safety  
202 Administration for charter and special operation shall, prior to such  
203 registration, submit to a state and national criminal history records  
204 check, conducted in accordance with section 29-17a, and provide the  
205 results of such records check to the Department of Transportation.

206 Sec. 7. Section 13b-109 of the general statutes is repealed and the  
207 following is substituted in lieu thereof (*Effective from passage*):

208 A printed advertisement concerning a motor vehicle in livery  
209 service shall conspicuously state the number of the permit issued to  
210 the operator of such vehicle by the Department of Transportation  
211 pursuant to section 13b-103 and shall conspicuously state the number  
212 of any permit or registration issued to such operator by the [Federal  
213 Highway Administration] Federal Motor Carrier Safety  
214 Administration.

215 Sec. 8. Section 14-250 of the general statutes is repealed and the

216 following is substituted in lieu thereof (*Effective October 1, 2018*):

217 (a) [The] Except as provided in subdivision (3) of subparagraph (b)  
218 of 49 CFR 39.10, the operator of each commercial motor vehicle  
219 transporting passengers, service bus or motor vehicle used for the  
220 transportation of school children and the operator of each commercial  
221 motor vehicle with a cargo tank or carrying hazardous materials, as  
222 defined in section 14-1, whether loaded or empty, before crossing at  
223 grade any track or tracks of a railroad, shall stop such vehicle not less  
224 than fifteen feet or more than fifty feet from the nearest rail of such  
225 track, and, while so stopped, shall listen and look in each direction  
226 along such track or tracks for approaching locomotives or trains before  
227 crossing such track or tracks; and such operator shall not, in any event,  
228 cross such track or tracks when warned by automatic signal, crossing  
229 gates, flagman, law enforcement officer or otherwise of the approach  
230 of a railroad locomotive or train.

231 (b) The operator of any commercial motor vehicle shall not attempt  
232 to cross a railroad grade crossing if such vehicle cannot be driven  
233 completely through such crossing, without shifting gears, on account  
234 of insufficient undercarriage clearance.

235 (c) The operator of any commercial motor vehicle shall not attempt  
236 to cross a railroad grade crossing if such vehicle does not have  
237 sufficient space to drive completely through such crossing and to clear  
238 the tracks without stopping.

239 [(d) The commissioner may adopt regulations, in accordance with  
240 the provisions of chapter 54, to implement the provisions of this  
241 section, including exemptions for certain crossings and vehicles that  
242 are allowed by the provisions of 49 CFR 392.10.]

243 [(e)] (d) Any person who violates any provision of subsection (a) of  
244 this section shall be fined not less than one hundred fifty dollars or  
245 more than two hundred fifty dollars. Violation of any provision of  
246 subsection (b) or (c) of this section shall be an infraction.



247       Sec. 9. Section 14-251 of the 2018 supplement to the general statutes  
248 is repealed and the following is substituted in lieu thereof (*Effective*  
249 *from passage*):

250       No vehicle shall be permitted to remain stationary within ten feet of  
251 any fire hydrant, or upon the traveled portion of any highway except  
252 upon the right-hand side of such highway in the direction in which  
253 such vehicle is headed; and, if such highway is curbed, such vehicle  
254 shall be so placed that its right-hand wheels, when stationary, shall,  
255 when safety will permit, be within a distance of twelve inches from the  
256 curb, except if a bikeway, as defined in section 13a-153f, or such  
257 bikeway's buffer area, as described in the federal Manual on Uniform  
258 Traffic Control Devices, is in place between the parking lane and the  
259 curb, such vehicle shall be so placed that its right-hand wheels, when  
260 stationary, shall, when safety will permit, be within a distance of  
261 twelve inches from the edge of such bikeway or buffer area. No vehicle  
262 shall be permitted to remain parked within twenty-five feet of an  
263 intersection or a marked crosswalk at such intersection, except within  
264 ten feet of such intersection if such intersection has a curb extension  
265 treatment with a width equal to or greater than the width of the  
266 parking lane and such intersection is located in and comprised entirely  
267 of highways under the jurisdiction of the city of New Haven, or within  
268 twenty-five feet of a stop sign caused to be erected by the traffic  
269 authority in accordance with the provisions of section 14-301, except  
270 where permitted by the traffic authority of the city of New Haven at  
271 the intersection of one-way streets located in and comprised entirely of  
272 highways under the jurisdiction of the city of New Haven. No vehicle  
273 shall be permitted to remain stationary upon the traveled portion of  
274 any highway at any curve or turn or at the top of any grade where a  
275 clear view of such vehicle may not be had from a distance of at least  
276 one hundred fifty feet in either direction. The Commissioner of  
277 Transportation may post signs upon any highway at any place where  
278 the keeping of a vehicle stationary is dangerous to traffic, and the  
279 keeping of any vehicle stationary contrary to the directions of such  
280 signs shall be a violation of this section. No vehicle shall be permitted

281 to remain stationary upon the traveled portion of any highway within  
282 fifty feet of the point where another vehicle, which had previously  
283 stopped, continues to remain stationary on the opposite side of the  
284 traveled portion of the same highway. No vehicle shall be permitted to  
285 remain stationary within the limits of a public highway in such a  
286 manner as to constitute a traffic hazard or obstruct the free movement  
287 of traffic thereon, provided a vehicle which has become disabled to  
288 such an extent that it is impossible or impracticable to remove it may  
289 be permitted to so remain for a reasonable time for the purpose of  
290 making repairs thereto or of obtaining sufficient assistance to remove  
291 it. Nothing in this section shall be construed to apply to emergency  
292 vehicles and to maintenance vehicles displaying flashing lights or to  
293 prohibit a vehicle from stopping, or being held stationary by any  
294 officer, in an emergency to avoid accident or to give a right-of-way to  
295 any vehicle or pedestrian as provided in this chapter, or from stopping  
296 on any highway within the limits of an incorporated city, town or  
297 borough where the parking of vehicles is regulated by local  
298 ordinances. Violation of any provision of this section shall be an  
299 infraction.

300 Sec. 10. Subsection (b) of section 19a-342 of the 2018 supplement to  
301 the general statutes is repealed and the following is substituted in lieu  
302 thereof (*Effective October 1, 2018*):

303 (b) (1) Notwithstanding the provisions of section 31-40q, no person  
304 shall smoke: (A) In any building or portion of a building, platform at a  
305 rail station, rapid transit station or bus shelter owned and operated or  
306 leased and operated by the state or any political subdivision thereof;  
307 (B) in any area of a health care institution; (C) in any area of a retail  
308 food store; (D) in any restaurant; (E) in any area of an establishment  
309 with a permit issued for the sale of alcoholic liquor pursuant to section  
310 30-20a, 30-21, 30-21b, 30-22, 30-22c, 30-28, 30-28a, 30-33a, 30-33b, 30-  
311 35a, 30-37a, 30-37e or 30-37f, in any area of an establishment with a  
312 permit for the sale of alcoholic liquor pursuant to section 30-23 issued  
313 after May 1, 2003, and, on and after April 1, 2004, in any area of an  
314 establishment with a permit issued for the sale of alcoholic liquor

315 pursuant to section 30-22a or 30-26 or the bar area of a bowling  
316 establishment holding a permit pursuant to subsection (a) of section  
317 30-37c; (F) within a school building while school is in session or  
318 student activities are being conducted; (G) in any passenger elevator,  
319 provided no person shall be arrested for violating this subsection  
320 unless there is posted in such elevator a sign which indicates that  
321 smoking is prohibited by state law; (H) in any dormitory in any public  
322 or private institution of higher education; or (I) on and after April 1,  
323 2004, in any area of a dog race track or a facility equipped with screens  
324 for the simulcasting of off-track betting race programs or jai alai  
325 games. For purposes of this subsection, "restaurant" means space, in a  
326 suitable and permanent building, kept, used, maintained, advertised  
327 and held out to the public to be a place where meals are regularly  
328 served to the public.

329 (2) This section shall not apply to (A) correctional facilities; (B)  
330 designated smoking areas in psychiatric facilities; (C) public housing  
331 projects, as defined in subsection (b) of section 21a-278a; (D) any  
332 classroom where demonstration smoking is taking place as part of a  
333 medical or scientific experiment or lesson; (E) smoking rooms  
334 provided by employers for employees, pursuant to section 31-40q; (F)  
335 notwithstanding the provisions of subparagraph (E) of subdivision (1)  
336 of this subsection, the outdoor portion of the premises of any permittee  
337 listed in subparagraph (E) of subdivision (1) of this subsection,  
338 provided, in the case of any seating area maintained for the service of  
339 food, at least seventy-five per cent of the outdoor seating capacity is an  
340 area in which smoking is prohibited and which is clearly designated  
341 with written signage as a nonsmoking area, except that any temporary  
342 seating area established for special events and not used on a regular  
343 basis shall not be subject to the smoking prohibition or signage  
344 requirements of this subparagraph; (G) any medical research site  
345 where smoking is integral to the research being conducted; or (H) any  
346 tobacco bar, provided no tobacco bar shall expand in size or change its  
347 location from its size or location as of December 31, 2002. For purposes  
348 of this subdivision, "outdoor" means an area which has no roof or

349 other ceiling enclosure, "tobacco bar" means an establishment with a  
350 permit for the sale of alcoholic liquor to consumers issued pursuant to  
351 chapter 545 that, in the calendar year ending December 31, 2002,  
352 generated ten per cent or more of its total annual gross income from  
353 the on-site sale of tobacco products and the rental of on-site humidors,  
354 and "tobacco product" means any substance that contains tobacco,  
355 including, but not limited to, cigarettes, cigars, pipe tobacco or  
356 chewing tobacco.

357 Sec. 11. Section 46a-68 of the general statutes is repealed and the  
358 following is substituted in lieu thereof (*Effective October 1, 2018*):

359 (a) [Each] Except as provided in subsection (h) of this section, each  
360 state agency, department, board and commission with twenty-five, or  
361 more, full-time employees shall develop and implement, in  
362 cooperation with the Commission on Human Rights and  
363 Opportunities, an affirmative action plan that commits the agency,  
364 department, board or commission to a program of affirmative action in  
365 all aspects of personnel and administration. Such plan shall be  
366 developed pursuant to regulations adopted by the Commission on  
367 Human Rights and Opportunities in accordance with chapter 54 to  
368 ensure that affirmative action is undertaken as required by state and  
369 federal law to provide equal employment opportunities and to comply  
370 with all responsibilities under the provisions of sections 4-61u to 4-  
371 61w, inclusive, sections 46a-54 to 46a-64, inclusive, section 46a-64c and  
372 sections 46a-70 to 46a-78, inclusive. The executive head of each such  
373 agency, department, board or commission shall be directly responsible  
374 for the development, filing and implementation of such affirmative  
375 action plan. The Metropolitan District of Hartford County shall be  
376 deemed to be a state agency for purposes of this section and sections  
377 4a-60, 4a-60a and 4a-60g.

378 (b) (1) Each state agency, department, board or commission shall  
379 designate a full-time or part-time equal employment opportunity  
380 officer. If such equal employment opportunity officer is an employee  
381 of the agency, department, board or commission, the executive head of

382 the agency, department, board or commission shall be directly  
383 responsible for the supervision of the officer.

384 (2) The Commission on Human Rights and Opportunities shall  
385 provide training and technical assistance to equal employment  
386 opportunity officers in plan development and implementation.

387 (3) The Commission on Human Rights and Opportunities and the  
388 Commission on Women, Children and Seniors shall provide training  
389 concerning state and federal discrimination laws and techniques for  
390 conducting investigations of discrimination complaints to persons  
391 designated by state agencies, departments, boards or commissions as  
392 equal employment opportunity officers and persons designated by the  
393 Attorney General or the Attorney General's designee to represent such  
394 agencies, departments, boards or commissions pursuant to subdivision  
395 (5) of this subsection. On or after October 1, 2011, such training shall be  
396 provided for a minimum of five hours during the first year of service  
397 or designation, and a minimum of three hours every two years  
398 thereafter.

399 (4) (A) Each person designated by a state agency, department, board  
400 or commission as an equal employment opportunity officer shall (i) be  
401 responsible for mitigating any discriminatory conduct within the  
402 agency, department, board or commission, (ii) investigate all  
403 complaints of discrimination made against the state agency,  
404 department, board or commission, except if any such complaint has  
405 been filed with the Commission on Human Rights and Opportunities  
406 or the Equal Employment Opportunity Commission, the state agency,  
407 department, board or commission may rely upon the process of the  
408 applicable commission, as applicable, in lieu of such investigation, and  
409 (iii) report all findings and recommendations upon the conclusion of  
410 an investigation to the commissioner or director of the state agency,  
411 department, board or commission for proper action.

412 (B) Notwithstanding the provisions of subparagraphs (A)(i), (A)(ii)  
413 and (A)(iii) of this subdivision, if a discrimination complaint is made

414 against the executive head of a state agency or department, any  
415 member of a state board or commission or any equal employment  
416 opportunity officer alleging that the executive head, member or officer  
417 directly or personally engaged in discriminatory conduct, or if a  
418 complaint of discrimination is made by the executive head of a state  
419 agency, any member of a state board or commission or any equal  
420 employment opportunity officer, the complaint shall be referred to the  
421 Commission on Human Rights and Opportunities for review and, if  
422 appropriate, investigation by the Department of Administrative  
423 Services, except if any such complaint has been filed with the Equal  
424 Employment Opportunity Commission or the Commission on Human  
425 Rights and Opportunities, the Commission on Human Rights and  
426 Opportunities or Department of Administrative Services may rely  
427 upon the process of the applicable commission in lieu of such  
428 investigation. If the discrimination complaint is made by or against the  
429 executive head, any member or the equal employment opportunity  
430 officer of the Commission on Human Rights and Opportunities  
431 alleging that the executive head, member or officer directly or  
432 personally engaged in discriminatory conduct, the commission shall  
433 refer the complaint to the Department of Administrative Services for  
434 review and, if appropriate, investigation. If the complaint is by or  
435 against the executive head or equal employment opportunity officer of  
436 the Department of Administrative Services, the complaint shall be  
437 referred to the Commission on Human Rights and Opportunities for  
438 review and, if appropriate, investigation. Each person who conducts  
439 an investigation pursuant to this subparagraph shall report all findings  
440 and recommendations upon the conclusion of such investigation to the  
441 appointing authority of the individual who was the subject of the  
442 complaint for proper action. The provisions of this subparagraph shall  
443 apply to any such complaint pending on or after July 5, 2007.

444 (5) Each person designated by a state agency, department, board or  
445 commission as an equal employment opportunity officer, and each  
446 person designated by the Attorney General or the Attorney General's  
447 designee to represent an agency pursuant to subdivision (6) of this

448 subsection, shall complete training provided by the Commission on  
449 Human Rights and Opportunities and the Commission on Women,  
450 Children and Seniors pursuant to subdivision (3) of this subsection.

451 (6) No person designated by a state agency, department, board or  
452 commission as an equal employment opportunity officer shall  
453 represent such agency, department, board or commission before the  
454 Commission on Human Rights and Opportunities or the Equal  
455 Employment Opportunity Commission concerning a discrimination  
456 complaint. If a discrimination complaint is filed with the Commission  
457 on Human Rights and Opportunities or the Equal Employment  
458 Opportunity Commission against a state agency, department, board or  
459 commission, the Attorney General, or the Attorney General's designee,  
460 other than the equal employment opportunity officer for such agency,  
461 department, board or commission, shall represent the state agency,  
462 department, board or commission before the Commission on Human  
463 Rights and Opportunities or the Equal Employment Opportunity  
464 Commission. In the case of a discrimination complaint filed against the  
465 Metropolitan District of Hartford County, the Attorney General, or the  
466 Attorney General's designee, shall not represent such district before  
467 the Commission on Human Rights and Opportunities or the Equal  
468 Employment Opportunity Commission.

469 (c) [Each] Except as provided in subsection (h) of this section, each  
470 state agency, department, board and commission that employs two  
471 hundred fifty or more full-time employees shall file an affirmative  
472 action plan developed in accordance with subsection (a) of this section,  
473 with the Commission on Human Rights and Opportunities,  
474 semiannually, except that any state agency, department, board or  
475 commission which has an affirmative action plan approved by the  
476 commission may be permitted to file its plan on an annual basis in a  
477 manner prescribed by the commission and any state agency,  
478 department, board or commission that employs twenty-five or more  
479 employees but fewer than two hundred fifty full-time employees shall  
480 file its affirmative action plan biennially, unless the commission  
481 disapproves the most recent submission of the plan, in which case the

482 commission may require the resubmission of such plan by a time  
483 chosen by the commission, until the plan is approved. All affirmative  
484 action plans shall be filed electronically, if practicable.

485 (d) The Commission on Human Rights and Opportunities shall  
486 review and formally approve, conditionally approve or disapprove the  
487 content of such affirmative action plans within ninety days of the  
488 submission of each plan to the commission. If the commissioners, by a  
489 majority vote of those present and voting, fail to approve,  
490 conditionally approve or disapprove a plan within such period, the  
491 plan shall be deemed to be approved. Any plan that is filed more than  
492 ninety days after the date such plan is due to be filed in accordance  
493 with the schedule established pursuant to subsection [(g)] (i) of this  
494 section shall be deemed disapproved.

495 (e) The Commissioner of Administrative Services and the Secretary  
496 of the Office of Policy and Management shall cooperate with the  
497 Commission on Human Rights and Opportunities to insure that the  
498 State Personnel Act and personnel regulations are administered, and  
499 that the process of collective bargaining is conducted by all parties in a  
500 manner consistent with the affirmative action responsibilities of the  
501 state.

502 (f) The Commission on Human Rights and Opportunities shall  
503 monitor the activity of such plans within each state agency,  
504 department, board and commission and report to the Governor and  
505 the General Assembly on or before April first of each year concerning  
506 the results of such plans.

507 (g) The Commission on Human Rights and Opportunities shall  
508 adopt regulations, in accordance with chapter 54, to carry out the  
509 requirements of this section. The executive director shall establish a  
510 schedule for semiannual, annual and biennial filing of plans.

511 (h) Any state agency, department, board or commission that is  
512 required to maintain a federal affirmative action or equal employment  
513 opportunity plan or report may submit such federal plan or report to



514 the Commission on Human Rights and Opportunities in lieu of the  
 515 affirmative action plan required pursuant to subsection (a) or (c) of this  
 516 section. Upon receipt of such federal plan or report, such plan or  
 517 report shall be deemed approved by the commission for the duration  
 518 that such plan or report is in compliance with the requirements of the  
 519 federal agency responsible for monitoring the compliance of such state  
 520 agency, department, board or commission.

521 (i) The executive director of the Commission on Human Rights and  
 522 Opportunities shall establish a schedule for the filing of each plan or  
 523 report submitted pursuant to subsection (h) of this section, taking into  
 524 account the frequency such plan or report is required to be submitted  
 525 to a federal agency, provided no state agency, department, board or  
 526 commission submitting a plan or report that is in compliance with the  
 527 requirements of the federal agency responsible for monitoring the  
 528 compliance of such state agency, department, board or commission  
 529 shall be required to file more frequently than such agency, department,  
 530 board or commission would otherwise be required to file a state  
 531 affirmative action plan.

532 Sec. 12. Section 13b-35 of the general statutes is repealed. (*Effective*  
 533 *October 1, 2018*)

|   |                        |                  |
|---|------------------------|------------------|
| This act shall take effect as follows and shall amend the following sections: |                        |                  |
| Section 1   | <i>from passage</i>    | 13a-175j         |
| Sec. 2  | <i>October 1, 2018</i> | 13b-17(b)        |
| Sec. 3  | <i>from passage</i>    | 13b-34(a)        |
| Sec. 4  | <i>October 1, 2018</i> | 13b-36           |
| Sec. 5  | <i>July 1, 2018</i>    | 13b-80           |
| Sec. 6  | <i>from passage</i>    | 13b-102(b)       |
| Sec. 7  | <i>from passage</i>    | 13b-109          |
| Sec. 8  | <i>October 1, 2018</i> | 14-250           |
| Sec. 9  | <i>from passage</i>    | 14-251           |
| Sec. 10   | <i>October 1, 2018</i> | 19a-342(b)       |
| Sec. 11   | <i>October 1, 2018</i> | 46a-68           |
| Sec. 12   | <i>October 1, 2018</i> | Repealer section |

**Statement of Purpose:**

To make technical changes and incorporate recommendations from the Department of Transportation.

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